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Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, September 3, 2008 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane Wilhelm,	Deputy Town Clerk
Dawn Thomas,	Town Attorney

ABSENT:

Barbara Grattan,	Town Clerk
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Supervisor Cardinale: "Okay, you want to make sure our tape is on, our CD. Thank you. Are we set? Thank you."

Okay, I'd like to begin the meeting as always with the Pledge of Allegiance. So Warren is going to help us to and lead us in the Pledge of Allegiance."

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

Supervisor Cardinale: "Okay. We have a special treat to start the day. Harriet Haas who has been with us before is going to treat us to two patriotic songs to lead off the session and then we're going to get down to business. So I am going to ask you to come forward Harriet and take a position that feels comfortable and belt it out."

Harriet Haas: "Can everybody hear me? The mike is on then. Well, hello everybody, welcome to the meeting and I think we have to hope very hard for our country."

(At this time, Harriet Haas sang songs)

Supervisor Cardinale: "Okay. Could the town clerk offer the minutes of the last meeting for approval, please?"

Councilman Dunleavy: "I make a motion we offer the August 21st meeting for approval."

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

Supervisor Cardinale: "Moved and seconded. May we have a vote on the approval of the minutes of the August 21st meeting?"

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

Councilman Dunleavy: "Also, I would like to move the August 19th meeting minutes for approval, too."

Supervisor Cardinale: "Okay. Why don't we vote for both the August 19th and August 21st meetings?"

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

Diane Wilhelm: "Okay, minutes approved."

Supervisor Cardinale: "Okay. Special thanks to Harriet for her moving rendition. All right. Would you give us, please, the Reports, Applications, Special Events and Correspondence?"

REPORTS:

Receiver of Taxes	Utility collections report total - \$407,790.04
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APPLICATIONS:

Special event	Peconic Bay Medical Center polar bear plunge, December 6, 2008
Riverhead Foundation for Marine Research & Preservation	5K run/walk, Oct. 18, 2008

CORRESPONDENCE:

Robert Kozakiewicz	re special permit of Larry's Lighthouse Marina, Inc.
Sinreich & Kosakoff LLP	re Beacon Wireless Mgmt, LLC Vincent J. Messina SCTM# 0600-118.00-04.00-08.001
Amato & Associates, PC	re special permit New York

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Steven H. Mark

SMSA Limited Partnership
d/b/a Verizon Wireless
SCTM# 0600-075-3.00-3.007

Martin Sendlewski AIA

re property at 209 East Main
Street, Riverhead

Reeves Park Residents

re 6 letters from residents
regarding commercial
development corner of Sound
Avenue and Park Road,
Riverhead

Diane Wilhelm: "And I did get a few additional more.

There was a letter-- "

Supervisor Cardinale: "They asked me to have it read."

Diane Wilhelm: "We had a request to read a letter from
Colleen O'Brien so I will read that.

I had looked forward to serving as a volunteer in one or more
of our town committees. It is my belief that the participation of
our citizens as volunteers in town government is vital to its
success and even more important given our town's fiscal crisis and
limited resources.

However, in light of the petty partisan bickering that seems to
have overtaken committee assignments, and public display of
disrespect to another volunteer, I am compelled to request that you
withdraw my name from further consideration.

Although we have not necessarily seen eye to eye on all issues,
I wish you luck in the challenge of working with a board that,
unfortunately, seems to be comprised of certain individuals of
limited skills and ability as well as availability and an apparent
inability to accept criticism.

And it's signed Colleen M. O'Brien."

Supervisor Cardinale: "Thank you. Is there any other
committee report or announcement anybody wants to make?"

Councilman Dunleavy: "Yeah, can I say-- "

Supervisor Cardinale: "Sure."

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Councilman Dunleavy: "I want to say something on two things. For the Reeves Park people who are here, if-- you can stay, but the town board has voted to appeal that decision that was made."

(At this time, there was applause)

Councilman Dunleavy: "It's-- and it was due to the fact that once this was rezoned, the rezoning process may not have been done correctly in the Cardinale administration at that time.

R&K should have been appealed-- R&K should have been appealed when that decision came down, but that wasn't-- we have other lawsuits that are in the same category so we have to get an Appeals court decision on whether this can happen the way it did happen or that it couldn't happen and the zoning was null and void.

So we have to send it to an Appeals court to let them give the final determination. So that's what we're doing. So if anyone wants to stay around and talk you can, it's a beautiful afternoon. If you want to go home, you can do that, too.

The other-- I've got another-- the other thing I wanted to talk about is things that are brought up in executive sessions should not be aired in the paper. Last week there was a letter to the editor in the local paper that our supervisor put-- and he says that we have to work together.

Well, we do have to work together but we have to work together in harmony and I don't talk publicly against the supervisor. He shouldn't talk publicly against his town board.

Things were said in executive session about this volunteer. He sometimes got up and walked out and didn't want to listen to us. He's his boss, he should have brought him in here and spoke to us. The problem is communications. This board has to have communications and we have to all start talking to each other and that's all I want to say."

Supervisor Cardinale: "Thank you, John, for joining Barbara and I, although belatedly-- "

Councilman Dunleavy: "I said it was the whole town board."

Supervisor Cardinale: "Well, I believe we have only three indications of a desire to appeal."

Councilman Dunleavy: "Well, really I don't think that should be made public."

(Inaudible comments)

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Councilman Dunleavy: "This is an executive decision that is made by- if three people vote for it, it's a town board decision. If five people vote for it, it's a town board decision. It's a town board decision."

Supervisor Cardinale: "Private voting went out with the (inaudible), John. We don't do that in America. We vote publicly and we give our reasons and that's the way American democracy works. You don't vote in private and give the results. And if you don't understand that, you don't belong on this board."

Councilman Dunleavy: "Well then every executive session is going to be a public session because that's where we vote on all these things and nothing is given in public after we vote on these things."

Supervisor Cardinale: "There should be no votes in executive session. In fact, having votes in executive session is not proper as our town attorney will tell us. You have to keep a record of every vote that is taken in executive session. That's why we don't do votes in executive session."

Councilwoman Blass: "And I think maybe a clarification by the town attorney at this point is very important. That there was no vote taken that was not, you know, that was in executive session because that is contrary to our- "

Councilman Dunleavy: "Well, we take votes on- if we want to negotiate, if we want to appeal. This is the first time anything like this is out in public. That's all I'm saying."

Supervisor Cardinale: "That is not accurate. We have in the past discussed our actions in regard to whether we appeal actions from the lower courts. I think you have your facts incorrectly. But I don't want to- I want to go on, we have an extensive schedule.

But we- if we have a vote- "

Councilwoman Blass: "Make sure that we do not conduct a private vote- was not- "

Supervisor Cardinale: "We did not do a private vote."

Dawn Thomas: "That's not what was done. The board's determination was to move forward- I'm sorry."

The determination was made to continue to pursue the defense of the litigation. It would have required a different action of the board had the board determined not to continue. But that's not the

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way it's been decided. It's moving forward the way it has been moving forward in the past-- continue to defend. It's not a vote."

Councilwoman Blass: "So it would have taken a vote to-- "

Councilman Wooten: "There would have been no vote."

Supervisor Cardinale: "Right. The action-- if we want to abandon the action, you would have to vote publicly. If you want to continue the action, it continues.

I would like to get back to the agenda. We have a lengthy one. We have a number of public hearings and I'd like to begin the public hearings and the first one is scheduled for-- let's see-- the first public hearing is scheduled for 2:05. It's 2:20, we can begin in. I'll give anybody an opportunity to leave if they would like and I thank you all for coming.

At the end of the session, we will have the opportunity for public comment for anyone who wishes to make public comment. Thank you.

Public hearing opened: 2:22 p.m.

Supervisor Cardinale: "Okay. Thank you for coming and the first hearing is for the consideration of a local law to amend Chapter 108 Article XII supplementary use regulations regarding off street parking.

It is a minor change, simply to indicate that the applicable board, whether it's town or planning or otherwise, would-- that the minimum requirements stated may be reduced by written application not necessarily to the town board but to the board that should take that application."

Dawn Thomas: "It's housekeeping."

Supervisor Cardinale: "Yes, it's in effect as the town attorney, Dawn Thomas, is saying, a housekeeping matter.

Is there anyone that has any concern or would like to address this publicly, please come up-- 2:22 the hearing is open. I see no great groundswell to protest. I'll leave it open for 10 days as I usually do to a week from Friday which will be the-- let's see, today is what, the 3rd-- Friday will be the 13th, right. Friday, the 13th at 4:30 p.m. Oh, Friday, the 12th at 4:30-- that's right because today is Wednesday. We're having this a little late, this meeting.

So, Friday, the 12th, 4:30, if you have any late blooming comment. That's the 2:05 hearing."

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Public hearing closed: 2:24 p.m.
Left open for 10 days to September 12,
2008 at 4:30 p.m. for written comment

Public hearing opened: 2:25 p.m.

Supervisor Cardinale: "The 2:10 hearing is for the consideration of a local law to amend Chapter 108 Article XXVI on site plan review. And it assures that the Riverhead police department or code enforcement officials shall enforce all parking regulations within parking areas of approved site plans, which will allow us to not have to put that in every single subdivision that is approved. It's gone to public hearing or is about to go to public hearing for consideration of passage.

It is now 2:25, the hearing is open. Would anyone like to comment on inclusion of the language that the Riverhead police department and code enforcement officials as set forth in the town code shall enforce parking regulations within parking areas in approved site plans of the town?

Again, no groundswell so I'll leave this open for 10 days for written comment to the 12th at 4:30 p.m. And close, it is now 2:26."

Public hearing closed: 2:26 p.m.
Left open for 10 days to September 12,
2008 at 4:30 p.m. for written comment

Public hearings opened: 2:26 p.m.

Supervisor Cardinale: "And open, it is now 2:26— okay, the next two can be done, I'm told should be done together. The first is the 2:15 hearing which deletes the rather meager provision for handicapped access ramps that we have in our code, and the second seeks to replace it with Chapter 53 improvements for the disabled and elderly which allows work to be done regarding handicapped access without expense to the applicant and variances to be granted up to I think about seven feet for sideyard and backyard without requirement of application, and allows new homes which have certain universal access requirements in the plans, a deduction of about \$300.00 in your building permit. This is in an effort to— as the purpose clause says, it is in an effort to construct homes that are more universally accessible for disabled.

Yes?"

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Councilwoman Blass: "Mr. Supervisor, I don't know if everyone had a chance to check their email, but we did receive a very compelling statement from Miss Eva J. Roberts who I thought was going to be here but she did offer some suggestions and comments— oh, she is. I'm sorry. I just wanted to acknowledge your comments for the record and I was going to give them to the town clerk. Thank you."

Supervisor Cardinale: "Okay, those comments will be part of the record."

Would you make sure we all got that?"

Councilwoman Blass: "She may be coming up— "

Supervisor Cardinale: "We're now open for public comment. It's 2:27 and would you please come up? Your first comment— this is on the two— the deletion and the inclusion."

Judy Panullo: "Is this on? Okay. Good afternoon. My name is Judy Panullo and I'm the executive director of the Community Council, a 75 year old social service agency. And one of our many projects is called accessible Long Island."

And back in January we came and spoke to Deputy Supervisor Welsh about the issue of accessibility and I am delighted to be here today in support of the town of Riverhead's local law enacting Chapter 53 entitled Improvements for the Disabled and Elderly.

If this legislation passes, it will expedite permits for accessibility improvements and exempt the need for permits from the zoning board of appeals and variance requirements.

If someone becomes disabled whether permanently or temporarily and they need to have a ramp outside of their home to allow them access, it could be— I know in many towns it is, a long process to be placed on a waiting list on the agenda for the zoning board of appeals.

And should this person have to be carried in and out of their house and should there be a fire or another emergency, this is a recipe for disaster.

And it is for this reason that accessible Long Island strongly supports this legislation and commends the town board for their innovative legislation that also gives incentives for people and builders using universal design features.

Universal design features for those who don't know, there's four that we are promoting at the— that the accessible Long Island

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is promoting. One is a stepless entry. Any way— anywhere into a home, whether it's the front door, the side, the garage, the back door, it doesn't matter. The second one is a bedroom on the first floor and the third one is 36 inch wide doorways and the fourth one is a bathroom or a half bath on the main floor.

The bedroom could be now perhaps a dining room or an office that could later be used as a bedroom.

Now according to the 2000 census, in the town of Riverhead alone, there are 3100 veterans, over 5300 people with disabilities and 8,000 seniors and baby boomers. And according to the Riverhead town clerk, the population numbers have increased since 2000 by almost 20% we were told since the census was taken.

So we're looking at a very large population that can be affected by this piece of legislation.

People are now living longer, some with lifelong disabilities; others may develop limitations later on in life. Yet we as a society have been unaware of the problems this may present. And given the scope of people affected by this number, it's vital that we address the need of creating environments that will enhance the participation in community life.

Aging in place and remaining in one's own home and community contributes to the well being of individuals, supports family and civic life, reduces financial burden, and allows individuals to maintain their independence to the greatest extent possible.

And had this legislation been on the books in all towns on Long Island and had the veteran mentioned in today's paper lived in the town of Riverhead built his home to universal design specification, it wouldn't have been necessary to spend \$100,000 to improve his home.

This proposed law, the universal design legislation, goes far beyond advocating for a specific group of people. It goes to the very heart of how society can use new information, products, technology and design in the creation of accessible environments that provides access for all people.

The Suffolk Community Council accessible Long Island applauds the town board and sincerely thank you for bringing to the table this very important piece of legislation that will help so many people in the town of Riverhead.

Thank you for the opportunity to address this body."

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Supervisor Cardinale: "Thank you. Is there any other comment on the 2:15 or 2:20 hearing regarding handicapped access? Yes, please come up."

Eva Roberts: "Hello, I'm Eva Roberts and I have submitted comments in writing but I also wanted to present them here so that they're on the minds of everyone."

To town supervisor Cardinale, Counselors Blass, Wooten, Dunleavy and Buckley.

I also by the way want to thank Judy Penullo for coming. I have attended meetings, the network on women with disabilities, and I'm really glad. I think we're all in favor-- unfortunately it's not true but I think most people are in favor of increasing access for us to live. I see a lot of white hairs in the room. We want to be able to stay at home and not have to go to a nursing home just because we can't get in the front door. Okay?

But let me just say I'm a Riverhead resident, a taxpayer, a registered voter, and I'm beginning an enterprise called the Roberts and Vazquez Life Empowerment and Advocacy Project.

My mother was a human and civil rights advocate and disability rights change agent up until her death at age 70 in April of last year. She had MS since she was 14 and at times she was limited to living in a hospital bed whether it be in a hospital or our living room. Whether-- she at times used crutches, hip braces, wheelchairs before they became motorized chairs, and it's because of her that I'm here.

It's because of her that I am aware of the need for changes in how homes are built so that people with mobility impairment can have equal access, both to their homes and to others.

She was executive director with a disability advocacy organization which she founded and ran and it was because of her that access was made in other areas like public transportation, public buildings.

But there were many doors which were not accessible to her. Those doors which she could not enter were doors that led to the homes of friends and potential friends, professional affiliates who gathered for holidays and camaraderie and often the homes of family members including myself for much of my life until recently where I now have a home that is universally accessible.

Imagine not being able to get into your daughter's apartment or the little party people from work decided to throw on Friday night or the get together that some professional acquaintances decided to

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hold in their own house. Imagine not being able to get into the family, you know, holiday event.

Imagine that after invited, you invited someone to your home you weren't able to reciprocate because there was not a stepless entrance, the door was not wide enough or there was no accessible bathroom.

The toll is great, I would imagine socially and emotionally because of the lost hours, days and years of not being able to visit friends and potential friends.

The toll is also professional because opportunities to connect through networking are missed by those with mobility impairments. Those whose homes were not accessible in my mother's lifetime including my own, because of this, I lost out on many opportunities to spend time with my own mother.

Now I'm glad the town of Riverhead is taking this step to encourage and facilitate the creation of universally accessible homes.

I want to recommend the following changes:

For one, please don't refer to the local law as improvements for disabled and elderly. Why? As a child of a person that was involved deeply with disability advocacy, I know that, I've heard that so many times. What we're talking about here is using people first language when referring to people with disabilities.

People first puts the person first. Please change the language. I urge this town board here to change the language to say improvements for people with disabilities and people who are elderly.

Make this change in other sections.

There was a couple of other points which is in writing. I don't think I need to go over those details, but wherever it says disabled or the disabled, put it people with disabilities. And you can apply that- I don't know how elderly people feel but you'd rather not just be an elderly, you might want to be a person who is elderly. I'm fast approaching that.

Okay. Part of the reason for this is that too often people see the disability first and then the person. Using people first language would help to change that tendency.

Now as far as where in the document it speaks to legislative intent, and I think June Penullo mentioned this which wasn't

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particularly included. It's not just those of us who are aging although that might strike our hearts a little closer to home but again there are people that right now have disabilities that may be thwarted by the amount of money and time to be on a waiting list to make the changes in their own home.

So I think I would like to see that added that as far as the legislative intent, that it indicate that this is also for people that have existing mobility impairment- .

Okay, the other point I bring up is I see that this application of the- there's a fee, removing \$300.00 from the fee which, you know, I'm all for yes, yes accessibility. But it's my understanding, in fact, that for larger corporations, like say Home Depot decided to create a ramp someplace, they don't really need our \$300.00 to do it. You know, smaller businesses might. So I'm just, you know, let's not hold back but how much is it costing us and how much is that an incentive. I'm not sure.

I also wanted to bring to people's attention that there is a disabled access credit that's available to small businesses and I think that would be something, you know, for more people to be aware of. I'm imagining that there are small business owners in this room and, you know, with the town. I think that's very important, you can get a deduction up to I think it is- it's quite- I have the website here which is through the irs.gov, you can get that information.

Also, I think in #3 I recommend that it include in that section those with accessory apartments in two family homes where if there's changes being made.

The other- another, this is a major point. The people first language is a major point and this is a major point. Yes, to be accessible, a stepless entrance can be anywhere. I think it's important in the language of this that it emphasize that is preferable for the stepless entrance to be the main entrance or front door.

The reason for this is if you make another entrance accessible, then whomever has a mobility impairment is now using a separate entrance which further segregates the person with a mobility impairment whether it be the resident homeowner, family member or visitor.

Historically a separate entrance has been required for those who are considered to be of lower status. A point, which by the way, was not lost on my mother who was also a freedom rider in the south and fought against racial segregation. My mother and many others with mobility impairments don't favor using a separate

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entrance even though it may be for some the only option due to structural or financial reasons.

Which is why I say don't put it as the only but put it in a language that the town prefers not having people segregated. All your friends are going in one door, you're going around the back to the back door.

Also, the doors. I noticed Judy Penullo Suffolk Community Council Accessible Long Island mentioned the 36 inches. In there it says a 32 inch clear passage. I'm recommending you change that to at least 36 inches wide to allow for a 34 inch clear opening. One source for this is the Practicable Guide to Universal Home Design by Iowa Program for Assistive Technology.

Part of the reason I believe for this is that many people use motorized chairs. They tend to be wider and unless you want to have people knocking down your door trying to squeeze in through the smaller openings, I really recommend the language be changed to include 36 inches.

Also, when it mentions the bathroom, I think the language is that the person is able to get into the doorway or in through the bathroom. Well, it's great to get in but sometimes the bathroom is so small, you get in, you can't get to the toilet, you can't turn around to open the door. I know this from, you know, mom trying to go places and you get in and you can't turn around.

There is a turning radius which according to that same guide which, you know, people could look at others, but that one said at least a 30 by 40 inch radius and a space around the fixtures, a 60 by 60 is ideal.

Also the same changes I'm recommending to 4 a, b, and c which is where the preferred stepless entrance be the front or main entrance, 36 inch doorway and specify minimum turning radius in the bathroom.

And my other concern is I think it might be good to mention there are people who I know have used this fraudulently, you know, in other towns where they, oh, this is a family member. We need to be able to have this place accessible. And they've really done it because they wanted to build a deck and then they had the ramp going up to the deck and now they have the deck and somehow that's, you know, not really the intention.

So thank you very much."

Supervisor Cardinale: "Thank you."

Eva Roberts: "And- "

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Supervisor Cardinale: "Appreciate your comments and we will consider them. Thank you.

Is there any other comment that anyone would like to make on these two hearings in regard to the subject under discussion? If there is, come up. If there is now, we will leave this open as well to September 12th, 4:30 p.m., for any written comment that you'd like to drop off at the clerk's office regarding these hearings."

Public hearings closed: 2:42 p.m.
Left open for 10 days to September 12,
2008 at 4:30 p.m. for written comment

Supervisor Cardinale: "The next several hearings relate to similar changes but I think we should probably hear them separately because there are language differences although small.

Public hearing opened: 2:43 p.m.

Supervisor Cardinale: "The first is at 2:25. It's now 2:42 so we can begin. It is in regard to cluster development and additional subdivision requirements concerning same.

The law that is being addressed is residence A cluster development, 80-RA80 which is two acre residential properties in which cluster development is proposed or mandated.

Is there anyone that would like to make a comment on this proposed language change? It's been a result of communication between the planning department and the planning board and the town board. Yes. Please come up, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. Did you give any consideration to having a minimum lot size where you do cluster development and purchase of development rights?"

Supervisor Cardinale: "Yes. We did. There's nothing in the proposed law that addresses that issue but and I'd like you to elaborate a little bit because I spoke with Prudenti who was helpful on this.

If you have a hundred acre subdivision and you have a 70 acre open space of farm cluster, you've got 30 acres left. This is presumably let's say we're going to have 40 lots, two acre zoning, that would be 30 lots- 40 lots on 30 acres. That's what would happen. You find that a bad idea or something?"

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Sal Mastropolo: "Well, yeah. Because now if they buy development rights at the same time to increase their yield, okay, now they've doubled- "

Supervisor Cardinale: "They can't do that."

Sal Mastropolo: "Yes, they can."

Supervisor Cardinale: "Development rights on APZ property, (inaudible). That is not possible."

Sal Mastropolo: "This is A80."

Supervisor Cardinale: "Okay. For the 80, the residentials you're worried about."

Sal Mastropolo: "Yes."

Supervisor Cardinale: "So if the residentials is a receiving zone, you could go down- instead of 40 lots on 30 acres you could in theory have 80 on 30."

Sal Mastropolo: "Eighty on 30 acres. Now you take 20% away for your infrastructure- "

Supervisor Cardinale: "Yeah, we already did that."

Sal Mastropolo: "-- for sump and everything. Okay?"

Supervisor Cardinale: "So you think that's too small

Sal Mastropolo: "Well, yeah, because I have that situation behind me right now. Okay? It's 27 acres, they split it up into 25 lots, two lots are 13 acres total, right, which left 14 acres for 23 lots. And they wind up with quarter to one-third acre lots.

So my suggestion when you brought this up the last time was that there should be a minimum lot size when you combine cluster development with purchase of development rights, okay, so that you don't have these very, very small building lots."

Supervisor Cardinale: "Can we receive on a 40 lot? Okay, so in theory you could have R40, right, and if you cluster 100 acres let's say, you would cluster on 30 what would be 80 lots even with your roads out, and if you took lots in on transfer you could do- you could go up to 160? That's really heavy."

Sal Mastropolo: "I think you doubled it twice."

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Supervisor Cardinale: "I doubled it to 80, you're right. I doubled it twice. Thirty acres and 80 lots. That's not good. We will look at that. Thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Appreciate it. Okay, any other comment on this? Okay, the- this hearing is at 2:45 closed, it was opened at 2:42."

Public hearing closed: 2:45 p.m.
Left open for 10 days to September 12,
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Supervisor Cardinale: "The 2:30 hearing is opened."

Public hearing opened: 2:45 p.m.

Supervisor Cardinale: "The 2:30 hearing is similar, but addresses the APZ zone and addresses it with similar, sometimes identical, but somewhat amended language at the end. So we have to have a separate hearing for it."

Is there any comment on this 2:30 agricultural zoning use district ordinance language change in the APZ zone? Yes."

Sal Mastropolo: "Sal Mastropolo, Calverton, again."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "For the purpose of this public hearing, if you can wind up in the same situation in the APZ with receiving, there should be a stipulation that you can't have- "

Supervisor Cardinale: "This one you can't receive. The other one you can so that point is not relevant here."

Sal Mastropolo: "Okay, I just wanted to make sure."

Supervisor Cardinale: "But there may be other relevant points. I think one of the things that we wanted to make sure of is that we got a 70% cluster of good farmland or open space whenever possible so that if we're cutting up which we prefer not to do at all in the APZ, if we're cutting, you know, houses into the farm belt areas, that we at least protect 70 acres for farming or open space. This is part of the intention of this."

Sal Mastropolo: "Okay. So am I to understand that in the APZ if you had 100 acres what's the- "

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Supervisor Cardinale: "A hundred acres, figure- "

Sal Mastropolo: "-- the yield is what?"

Supervisor Cardinale: "-- you are going to have 40 lots in two acre zoning and so you have to put those 40 on 30 acres. That would be the worse case scenario."

Sal Mastropolo: "Okay. So 30 acres- that's after you take out to 20% for infrastructure?"

Supervisor Cardinale: "Well, no. Actually you are still going- that's how you got 40 lots."

Sal Mastropolo: "Now you have 40 houses on 24 acres."

Supervisor Cardinale: "But you still have to cut your roads in there."

Sal Mastropolo: "That's right."

Supervisor Cardinale: "So it might actually end up half acre lots or two thirds of an acre- two thirds to three quarters is the rule."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Okay. Any comment? If there isn't- incidentally I'm leaving each of these hearings open as with all hearings 10 days for written comment. But go ahead and come up and make some verbal comment."

Eva Roberts: "This is not the one I was prepared to speak about but I do have a comment about (inaudible)."

A tremendous amount of money- I believe it's federal dollars, is going into things like Section 8 apartments which is critically needed due to the lack of affordable housing. And I think size lot translates into that because the smaller lot you have, sensibly the more people can be put on there and it can cost less.

So I realize then when we're talking about the lack of affordable housing I understand, however, that you want to have you know a lot of space around your home. I don't want skyscrapers next to me or 10 foot high apartments or anything- you know, 10 floor high apartments, but if you- my point is I think this is where you know if we legislate and we make it so that the lots have to be larger just not specifically around Calverton lot, but I think about in terms of Riverhead, the county, the state, the federal. The smaller the lot the less in my opinion affordable housing.

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Thank you."

Supervisor Cardinale: "Thank you. You want to say something?"

Councilwoman Blass: "Mr. Supervisor, again, I want to acknowledge that we received a letter from the Long Island Farm Bureau specific to these amendments on the cluster ordinance and I think that the clerk should clock it in as part of the record. Thank you."

Supervisor Cardinale: "Thank you. Any other comment on the 2:30 hearing? If there is not, it is now 2:50 and I'm going to close this hearing and leave it open until— as I have all the hearings, until the 12th at 4:30."

Public hearing closed: 2:50 p.m.
Left open for 10 days to September 12,
2008 at 4:30 p.m. for written comment

Public hearing opened: 2:50 p.m.

Supervisor Cardinale: "The 2:35 hearing addresses the general cluster development section of our law similarly to the two last hearings and we have to have a public hearing on each change in each ordinance so we call for public comment, if any, on that public— on that ordinance. This is the cluster development ordinance Article XIX. If there's comment, please come up. Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "If this is requirement to procedures for approval by the planning board, there should be some kind of a statement in there that addresses the minimum lot size."

Supervisor Cardinale: "This might be the one, yeah. Okay, thank you."

(Some inaudible comment)

Supervisor Cardinale: "Yeah, right. And any of these comments we will discuss with the planning board and the chair who has also been communicating with us about these changes. Because we don't want to— since this is an area— we do not do subdivisions this town board. They have the more practical expertise because they do it on a day to day basis. Okay. Yes."

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Larry Oxman: "Larry Oxman. How's the health department working out with this? Because, again, when you have undersized lots, if you recall a couple of years ago they were considering farm land not to— how shall I phrase it? In other words, they were considering that's too active and they were still allocating flow based on the farmland.

So I think that if the property that was not being used residentially was pure open space and not farmland, they didn't have a problem with it. But I believe that they had a strong issue that if it was going to be farmed and then you were going to cluster, that in their mind it was kind of like double dipping.

Has anything been resolved with that? I don't know if Rick Hanley knows but that's a concern."

Supervisor Cardinale: "No. But it's certainly worth looking into because the inter-play between our zoning laws and the health department can't be overlooked. Yeah."

Larry Oxman: "And you might talk to the farm bureau because there are real questions whether that property that is currently being farmed, whether it can be continued and that certainly wasn't the intent to extinguish farmland."

Supervisor Cardinale: "Right. You remember— we have been communicating with Joe Gergela on this. We've had correspondence and we have some in the file now. The— one interesting— you'll remember however, cluster development allows all of the yield that the zoning permits as you well know on the 30 acres.

So as you point out, that 70 acres in traditional clustering would not be farmland at all, it would be open space. And therefore no problem would be resulting to the developer in developing the 40 units on the 30 acres because that's open space forever open.

When the nitrogen load of farming is factored in, I don't think it impacts at these levels. But I will check it."

Larry Oxman: "Actually in going back traditionally, it was often left up to the developer how that remaining property would be used. In Southampton it was very often used agriculturally, also in Riverhead. And then it wasn't too long ago that that determination from the health department came out questioning whether that could be continued to be used as farmland."

Supervisor Cardinale: "It would take a call so we'll make a call. That's all it will take."

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Larry Oxman: "Thank you."

Supervisor Cardinale: "I think at our levels, you know with two acre, one acre zoning, it doesn't factor in. But if you get lower than that it does. But I'll check it."

Larry Oxman: "You don't want to shoot yourself in the foot, that's all."

Supervisor Cardinale: "Okay. Thank you. And we're not changing density here, we're just changing the cluster rules."

Any other comment? If not, I'd like to close the 2:35 hearing, is that what I just did- yeah, the 2:35 hearing on cluster development, leave it open for written comment until the 12th at 4:30. That completes our four hearings in regard to cluster development changes."

Public hearing closed: 2:55 p.m.
Left open for 10 days until September 12,
2008 at 4:30 p.m. for written comment

Public hearing opened: 2:55 p.m.

Supervisor Cardinale: "And we now have a final hearing- no, we don't. This is our final hearing, 2:40, and this addresses the same issue as to Residence B-80 zoning use district and the cluster change is that we already discussed in the previous ones as regards- as regard the residence- the residence A-80 APZ, the cluster in general and now we're addressing the last one which is B-80. Is this the receiving 80 or is the other one the receiving 80? Okay, this is the non-receiving 80 zone. Go ahead, Sal, did you want to say- "

Sal Mastropolo: "I wasn't sure what the difference was between- "

Supervisor Cardinale: "B is the non-receiving zone and A is the receiving zone."

Sal Mastropolo: "Okay. So you don't have the situation where they can buy development- "

Supervisor Cardinale: "That's correct. Thank you."

Any other comment other than those which we received that are helpful and we will utilize.

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If there is not, I'm leaving this open until 4:30 on the 12th of September and that concludes the cluster of- of cluster hearings from 2:25 to 2:40."

Public hearing closed: 2:55 p.m.
Left open for 10 days to September 12,
2008 at 4:30 p.m. for written comment

Public hearing opened: 2:55 p.m.

Supervisor Cardinale: "The last hearing is the 2:45 hearing which is another very straightforward one. That 2:45 hearing considers a supplementary use regulation Article XIII regarding yard sales and adds what should have been presumed but we can presume nothing in this day and age. That you can't sell- when you get a yard sale permit, that's great, but you shouldn't sell firearms, rifles or shotgun at the yard sale.

So if anyone wants to speak to that issue on the second amendment or other grounds, please come on up.

I believe that actually happened recently.

It is perfectly - it is 2:55, we're opening the 2:45 hearing. We're opening it for- continuing to open until I am about to close it which is now and leaving it open for written comment until 4:30 on the 12th of September."

Public hearing closed: 2:55 p.m.
Left open for 10 days to September 12,
2008 at 4:30 p.m. for written comment

Supervisor Cardinale: "That concludes our public hearings. We have a number of resolutions to consider from 745 to 781. We also are going to consider- "

(Some inaudible discussion)

Supervisor Cardinale: "Okay. We're going to consider the- everything we have on the table, nothing more I'm told. I want to make sure that it's out there for comment. We have a tabled resolution regarding bonding on the sewer district for the Howell Avenue pump station which we will consider taking off the table, and the ones that are listed in your program.

So is there anybody that wants to comment? Go ahead, Sal."

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Sal Mastropolo: "749. Just a quick question."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Is the town considering having a public auction on those items?"

Supervisor Cardinale: "Yeah. I-- we asked that question at the work session. We would except many of them are not likely to result in any bid or not existent."

In other words, they have in fact been discarded but we are officially acknowledging-- "

Sal Mastropolo: "The reason I asked the question is there's quite a bit of equipment in there-- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- like weedwhackers, chainsaws, etc."

Supervisor Cardinale: "Yeah, I think Mr. Wooten made the same comment at work session."

Sal Mastropolo: "767."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I notice that you waived the fee."

Supervisor Cardinale: "767. Let me take a look."

Sal Mastropolo: "That's Abbess Farms, the USA Music Festival."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Is the town going to ask for an accounting of revenues and expenses and to see what the proceeds are and to make sure that they all go to charity?"

Supervisor Cardinale: "Yeah, would you ask-- this is a not for profit, correct? Other than verifying that the entity receiving the Chapter 90 permission is a not for profit, do we do anything further?"

(Inaudible comment)

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Supervisor Cardinale: "Okay. We do have a verification that Long Island Cares which is I guess a food program, is receiving the proceeds. But we will not know what the proceeds are, how much they received, and that's true of all of these not for profits that we waive. You know there's been a big debate about these fees."

Sal Mastropolo: "Okay, I asked the question. Number 772."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "There's no lease fee and my concern is that you may be setting a bad precedent."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay. I would think you should- there should have been some kind of a lease fee for the use of the public property particularly in light of the fact that that land will probably be used for the better part of a year and a half, two years. I mean I understand there's 30 day notice to terminate, but I would think that since it's public property there should have been some kind of a fee."

Supervisor Cardinale: "Yeah, I understand the point. I'm just so joyful that anything's happening."

Sal Mastropolo: "Yeah, I know, but we shouldn't lose sight of the fact that- "

Supervisor Cardinale: "I was going to pay him to do something. Go ahead. I understand the point."

Sal Mastropolo: "Okay. And 779. I watched the work session and I was under the impression that the decision was made that given the current economic situation, okay, that we weren't going to pursue a new town hall and that we weren't going to look at exchanging properties and now all of a sudden there's a resolution."

Supervisor Cardinale: "There will be a- I'm sure a discussion on this. Stay tuned."

This resolution I think I personally will support but I believe there will be a language change resolution. That's exactly the question I'm going to raise.

The two properties that the fire district has were of interest in regard to a town hall. If you're not going to do a town hall, then why would you consider evaluating those two properties, evaluating the one we have and doing an exchange that was for fair value. If they are willing to sell the two properties for the one

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we have, I'm perfectly willing to do an even exchange. I thought that was a great deal."

Sal Mastropolo: "Yeah, but I thought there was some discussion at the work session that the auto dealership was interested in that and we would just put it up for sale and get the best possible price."

Supervisor Cardinale: "Well, we would-- that is another issue, you're absolutely right. Even as to our own property, there are at least two bidders indicating interest."

Sal Mastropolo: "Does this preclude--if this resolution passes, does that preclude us from selling to one of the two auto dealerships?"

Supervisor Cardinale: "No. Because if you look at the language it simply authorizes the negotiation. But if the negotiation is successful it would be because we would be exchanging instead of bidding it out to the market."

Sal Mastropolo: "So then-- "

Supervisor Cardinale: "So it's early but the two points you made, one, why would we would be interested in the property if we're not going to use-- we can only use one and we can only use it for town hall so we should only be interested in one and we should be interested in none if three people don't want a town hall.

And the second point you make is also I think saves us discussion later, that if you exchange you'll have to cut off the cash guy who might be a better offer."

Sal Mastropolo: "Right. That's right. All right, I get it."

Supervisor Cardinale: "Any other comment?"

Jennifer Sendlewski: "Jennifer Sendlewski, Riverhead Business Alliance administrative assistant.

I have a correspondence is regards to Resolution 778 for parking.

Supervisor Cardinale and Town Board Members:

Although the Riverhead Business Alliance supports the town's efforts in working with the county to assure the opening of new court facilities in Riverhead, we continue to take exception to the use of Riverhead parking district spaces as part of said plan.

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The spaces are within the boundary of the Riverhead parking district whose members are taxed for the use of said spaces.

We have attached a copy of a 1/4 mile radius map which indicates additional areas where parking could be added to satisfy the immediate needs of the county until currently planned major development projects within the area are developed.

And I'd like to present a copy."

Supervisor Cardinale: "Thank you. Okay, thank you, and any other comment on the resolutions?"

Patrick Fedun: "Yeah, Resolution 778."

Supervisor Cardinale: "Yes."

Patrick Fedun: "Item #9, that's the lease, correct?"

Supervisor Cardinale: "Item #9 is in the second phase for 2009. Yes."

Patrick Fedun: "When does that lease take effect? If it going to be— I mean is it going to be two years before these leases gets initiated?"

Supervisor Cardinale: "As close as— you and I— during the work session you raised that issue. We have a letter from the town of— which is alluded to at the front end there, where is it— yeah, in the Be It Resolved, that by June 30, '09, we're going to do this first phase if four courtrooms are open.

There's a letter that we received from the county there was an allusion to earlier but not in the final version which said that they would open four more of the nine to be opened by June of '09. I think that's in the annex building. And then five more by June of '10. We need your lot according to this plan for June of '10.

I would like to get it as close to when I need it as possible but that will be a subject I'm sure of negotiation between you as the— and the town."

Patrick Fedun: "Right. But I'm not going to be holding it for two years."

Supervisor Cardinale: "Well, then we understand that and depending upon how attractive your terms are, we might take it earlier or we might look elsewhere."

Patrick Fedun: "Okay. So 777."

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Supervisor Cardinale: "777 you say? Yes, go right ahead."

Patrick Fedun: "Whereas- "

Supervisor Cardinale: "777, yes."

Patrick Fedun: "I think it should say instead of acquisition, it should be striked and license should be striked (inaudible)."

Supervisor Cardinale: "Okay. On the second- third- fourth Whereas, right?"

Patrick Fedun: "Fourth."

Supervisor Cardinale: "Right."

Patrick Fedun: "They're not acquisitions, they're leases."

Supervisor Cardinale: "Okay, lease- I think that acquisition language you're wondering about, we don't intend to acquire any property but if we had a good enough deal like on yours, we might and so that's why that's in there."

Patrick Fedun: "Well, that would be part of the lease. So if it can be striked- it can be part of the lease also. It doesn't have to be on the resolution, it could be written in the lease."

Supervisor Cardinale: "No, that's the point. That's the point. I think what the intention is, is that we might acquire other- let's say you're really difficult on the negotiation and you say I'm not going to give you a good deal. I might say good and I'll go buy a property nearby rather than lease your property, so we're keeping the option of acquisition open as well. That's the idea."

Patrick Fedun: "All right. Got you. Thanks."

Supervisor Cardinale: "Thank you. Any other comment on the resolutions, please come forward. Yes, Marty."

Martin Sendlewski: "Martin Sendlewski, Riverhead. I'm hoping the town board will give me an opportunity to ask a question about there is a resolution we had talked about last week at the work session which is not on the agenda and I was hoping unless I have to wait until after the resolutions are completed, I'll do so but I was hoping that there would be a chance to resolve the issue of the- "

Supervisor Cardinale: "Yeah, I understand the issue."

Martin Sendlewski: "Should I wait and come up afterwards?"

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Supervisor Cardinale: "Well, I don't think it's going to impact the resolution that we're passing but I'd like to discuss that with you. We did get a report from our attorney as I promised I would get. I think she discussed it with you."

Martin Sendlewski: "I met with her. Correct. Correct. And what happened was the way the local law is written, I had a copy of it and she found case law that superseded it saying that you could not extend the site plan. And I agreed with that."

What I had said at the meeting last week is if that was the case, I would submit an amendment to the site plan so that I can maintain my approval. I did go through the effort to do that and if my site plan is not amended, I will lose my approval.

Now I had gotten my approval a year and a half before Apollo came to Riverhead and I've been working with the town and giving the town every accommodation in that you've expressed interest in the property which is fine. I just don't want to lose my approval because then I lose a lot of value which as you know would not affect your negotiations. As I said, I would still sell it to the town at a lesser price."

Supervisor Cardinale: "I understand your concerns. I think your site plan which cannot be extended again under the law- "

Martin Sendlewski: "Correct."

Supervisor Cardinale: "-- is on the 7th is over as I recall."

Martin Sendlewski: "That's correct."

Supervisor Cardinale: "And you would be vulnerable between that date and the date that we approve the amendment, assuming it's approved, and that's what you'd like to discuss. Right?"

Martin Sendlewski: "Well, if I can get the site plan amendment approved then I have- if the approval lapses, then I no longer have an approval. I've got to start from square one. So if the approval lapses, I'm out of luck."

Supervisor Cardinale: "You can't amend if the approval lapses."

Martin Sendlewski: "Correct. So I really want to amend my site plan. There is one simple change to the site plan. Everything else on the previous approval remains completely unchanged. The only thing I'm doing is moving the building two foot eastward on the property which will allow me, by the way that was the only wall of

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the building that was actually going to be built on the property line.

By moving it instead of having a flush footing, I can offset my footings below grade and not encroach on the town's property and not have to get into an easement agreement and built the building without any encroachment and save some cost on my footings."

Supervisor Cardinale: "I understand."

Martin Sendlewski: "So it's a valid request. It's limited to moving a building two feet. The town board has the authority to review and approve site plans in the downtown area and I think in good faith since we've been discussing this.

Back in the days when Chris Kent was here, I was at a meeting, as a matter of fact, John asked me to come up and we discussed this property and that was a couple of years ago. We discussed it in May and the town board said look, by September we'll either come to an agreement or we'll extend your site plan. Unfortunately we found out that cannot legally be done."

Supervisor Cardinale: "Right. And that's why you hadn't put the amendment- "

Martin Sendlewski: "Right. And a site plan amendment can legally be done. I paid the fee, the application's there. I really would like to get this done. If not, I'm going to lose a substantial interest in my property and there's really no reason for that to happen."

Supervisor Cardinale: "Okay. I understand the situation. I don't yet have a review from Hanley. How surprising is that? And what is the date today?"

Martin Sendlewski: "I understand you may have a special town board meeting for a couple items this week still. Is that true?"

Supervisor Cardinale: "If we do it would be Friday because Thursday we have conflicts. I understand the situation. I have not talked to you personally. I know you've talked to members of the board."

Martin Sendlewski: "I mean, there's really- when you say the review and approval I understand for anybody to say, all right, well, we have to review it with planning, we're moving the building two feet, doesn't seem like a lot to review right there. Move a building two feet, you're done. I don't know what else has to be reviewed. I think in good faith since- "

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Supervisor Cardinale: "Well, I have to get the memo from him for starters."

Martin Sendlewski: "Right. I think in good faith since— well, actually the town board can review an approved site plan. So you don't have to rely on planning and other items if you deem that it's not necessary and in this case, it really isn't."

I mean it's something that we've been discussing for a number of years. It's directly being related to Apollo because the only reason we hadn't pulled out a building permit and started was because of the Apollo project which continues to get extensions."

Supervisor Cardinale: "Which, of course, you could— one of your other options would be to do that."

Councilwoman Blass: "Which is my question. Wouldn't it allow you an additional 18 months if you just went and pulled the building permit today?"

Martin Sendlewski: "No. That's not the way site plans work. From what I understand from Mr. Hanley is that you have three years on a site plan and until you start work on the property. That's my understanding."

Councilwoman Blass: "I just conferred with the town attorney who has indicated and unfortunately she just left. But if you were to pull your building permit today, you would have 18 months on that building permit. And I would think by— within 18 months, we would have resolved all these other issues with respect to the— "

Martin Sendlewski: "Right. However, the building— "

(Unidentified): "Point or order, Mr. Supervisor. Ninety percent of the people here are here to speak about Reeves Park and this gentleman is not on the resolutions. So he just jumped the line."

Supervisor Cardinale: "Yeah, thank you."

(Unidentified): "So why don't we have him wait until everybody else in line says what they have to say?"

Martin Sendlewski: "I asked for permission to. I didn't just jump the line."

Supervisor Cardinale: "You did, in fairness to you, okay, so this is going to go on a little bit. I think you're right. Let's discuss it further and verify that legal point. Thank you."

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Thank you for reminding us that we're getting off of the topic. Okay, we're now ready to consider the resolutions and get some comments on all sorts of matters. Would you call the Resolutions, please, starting with 745?"

Resolution #745

Councilwoman Blass: "745 is a budget adjustment in connection with the business improvement district. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #746

Councilman Dunleavy: "Budget adjustment information technology department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #747

Councilman Wooten: "Budget adjustment for the general fund. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #748

Councilman Buckley: "2008 Grangebelle Park north spillway capital project budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #749

Councilwoman Blass: "Authorization to discard fixed assets. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilwoman Blass: "I have to abstain on this resolution. My son was involved on the inventory."

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

Resolution #750

Councilman Dunleavy: "I'd like to table this resolution. The approved stipulation of agreement."

Supervisor Cardinale: "Which one is that, John?"

Councilman Dunleavy: "750."

Supervisor Cardinale: "Okay, very good. I think that's wise. You want to second it anyone?"

Councilman Wooten: "I'll second."

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

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

Resolution #751

Councilman Wooten: "Accepts the resignation of a payroll supervisor, Debrea Sorenson. So moved."

Councilman Buckley: "Seconded."

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

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

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Councilman Dunleavy: "Yes, and I want to tell her she did a great job and we're going to miss her."

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

Councilwoman Blass: "Yes. And I want to wish her well."

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

Supervisor Cardinale: "Yes. Debra worked for us for 16 years and we thank her for her service. I vote yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #752

Councilman Buckley: "Appoints a payroll supervisor. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Dunleavy: "Yes. She's been doing this job temporarily and we're going to appoint her permanently now. So I vote yes."

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

Resolution #753

Councilwoman Blass: "Accepts the retirement of a police officer John Matlak, Jr. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "Yes. He put 20 years in and he was hurt just before he was about to retire, so I wish him luck. He's better now but I wish him luck and good luck."

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

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Supervisor Cardinale: "Yes. And I thank John for his service."

Diane Wilhelm: "The resolution is adopted."

Resolution #754

Councilman Dunleavy: "Amends 2008 salary resolution. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #755

Supervisor Cardinale: "Okay, this is a companion, John, I think to the other one."

Councilman Wooten: "Move to table."

Councilman Buckley: "I second it."

Supervisor Cardinale: "Moved by Wooten, seconded by Buckley. May we have a vote to table?"

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

Resolution #756

Councilman Buckley: "Authorizes the town clerk to publish and post a help wanted advertisement for a civil engineer. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Buckley."

Councilman Buckley: "I'm going to vote no on it. I think we should off on hiring any new individuals until we can sit down and study the budget further.

So I vote no."

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

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Councilman Dunleavy: "I vote yes and if anyone out there is a civil engineer, we need the help. Our engineering department is really overworked."

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

Supervisor Cardinale: "Yeah. I applaud the sentiment Tim mentioned. However, in this instance I think we've been looking for this position since last year. I would accept this but otherwise I do agree with what he said.

I vote yes to seek this engineer."

Diane Wilhelm: "The resolution is adopted."

Resolution #757

Councilwoman Blass: "Authorizes the town clerk to publish and post a help wanted ad for an automotive equipment operator. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Buckley, no; Dunleavy."

Councilman Dunleavy: "Yes. Our highway department really needs these people. I vote yes."

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

Supervisor Cardinale: "I believe this is a-- the two positions that were funded for October but not for the full year. It does present serious problems which I imagine is why Tim voted as he did. I love (inaudible), he's doing a great job but I'm concerned about financing these into next year so I'm not going to vote for this. I vote no."

Diane Wilhelm: "The resolution is adopted."

Supervisor Cardinale: "It's adopted despite my intent. It happens a lot. You've got to keep count here."

Resolution #758

Councilman Dunleavy: "Appoints an executive director of the Youth Bureau. Again, this person has been doing it provisional."

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She finally passed the test, she's doing a great job. So I vote yes."

Councilman Wooten: "How about you move it?"

Councilman Dunleavy: "I moved it. He seconded."

Councilman Wooten: "He moved it, I seconded it."

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

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

Resolution #759

Councilman Wooten: "Authorizes the town of Riverhead to secure a pool structure and land at the premises known as 29 Rabbit Run, Riverhead, New York, SCTM #0600-084.00-02-034.04 pursuant to Riverhead town code Chapter 54. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #760

Councilman Buckley: "Approves the attendance at Empire Zone Conference. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #761

Councilwoman Blass: "This accepts security of Rugby Recreational Group LLC (Baiting Hollows Country Club residential subdivision) water key money. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #762

Councilman Dunleavy: "Accepts security of Rugby Recreational Group LLC (Baiting Hollow Country Club residential subdivision), construction/extension of lateral water main. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #763

Councilman Wooten: "I'm sorry. Adopts a local law to amend Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Section 101-20 additional parking regulations. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #764

Councilman Buckley: "Adopts a local law for the addition of Sections 52-22 through 52-27 inclusive to Chapter 52 entitled building construction, green building construction and certification regarding new town owned buildings and facilities of the Riverhead town code.

Barbara, you should have probably introduced this."

Councilwoman Blass: "That's okay."

Councilman Buckley: "So moved."

Councilwoman Blass: "Seconded."

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

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The Vote: "Wooten, good start, yes; Buckley, yes; Dunleavy."

Councilman Dunleavy: "Yes. I want to thank Barbara for working on this."

Councilwoman Blass: "You're welcome."

Councilman Dunleavy: "We're finally going to start getting green. I vote yes."

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

Councilwoman Blass: "Some of us have been green for a while. Yes."

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

Resolution #765

Councilwoman Blass: "Oh, that's me. Sorry."

Authorizes town clerk to publish and post public notice to consider a local law amending the code of the town of Riverhead by amending Chapter 108 zoning to include a new Article VII entitled wind energy systems for agricultural uses. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "Yes. This is a good start for our wind energy and again I have to thank Barbara for working on this one also."

Councilwoman Blass: "You're welcome."

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

Resolution #766

Councilman Dunleavy: "Approves Chapter 90 application of Darkside Productions Inc. for a haunted house. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #767

Councilman Wooten "Approves the Chapter 90 application of Marie Tooker - Abbess Farm USA Music Festival 2008. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #768

Councilman Buckley: "Approves Chapter 90 application of Fink's Country Farm. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #769

Councilwoman Blass: "Ratifies the execution of a submission grant agreement between the town of Riverhead and the New York State Environmental Facilities Corporation for operation and maintenance funding for the pumpout facilities. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #770

Councilman Dunleavy: "Ratifies the authorization for the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code, planned recreation park (PRP) district. So moved."

Councilman Wooten: "I'll second it."

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

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

Resolution #771

Councilman Wooten: "Authorizes the supervisor to execute agreement with the Riverhead Central School District for the administration of grant funds with the New York State Division of Criminal Services. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #772

Councilman Buckley: "Authorizes the supervisor to execute a construction staging area license agreement with NF Management, Inc. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #773

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice for a public hearing regarding an alleged unsafe building located at 994-1008 East Main Street, Riverhead, Suffolk County, New York, tax map No. 0600-106-4-5 pursuant to Chapter 54 of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #774

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Councilman Dunleavy: "Resolution subject to permissive referendum authorizing the purchase of a parcel of property located at 1295 Pulaski Street, Riverhead, purported owner Riverhead Building Supply Corp. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #775

Councilman Wooten: "Authorize the supervisor to execute an agreement with the Eaton Electrical Corporation regarding maintenance of the UPS Power Module System in the police department/justice court building. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #776

Councilman Buckley: "Authorizes the supervisor to execute an agreement with Air Mark Air Conditioning Corporation to maintain heating, ventilation and air conditioning systems at the Riverhead town east lawn building. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #777

Councilwoman Blass: "Authorizing the supervisor to enter into negotiations with owners of properties described as SCTM# 0600-128-1-13 and 0600-128-5-10. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #778

Councilman Dunleavy: "Authorizes the adoption of a parking plan to serve Suffolk County Supreme Court. So moved."

Councilman Wooten: "Seconded."

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

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

Councilman Dunleavy: "No. And the reason why is we're taking taxpayers parking lot away from them for a half a day, the Griffing Avenue parking lot, and so I have to vote no. We shouldn't penalize our taxpayers."

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

Resolution #779

Councilman Wooten: "Authorize the town attorney to enter into negotiations with the Riverhead Fire District. I just have one question on this."

Supervisor Cardinale: "Yes."

Councilman Wooten: "The second now therefore— actually the first now therefore it says drafting and agreement to affect the even exchange of town owned property. I don't think we can legally do that. Town code says it has to be fair market value."

Supervisor Cardinale: "I think you're right."

Councilman Wooten: "Strike the word even. At least we could have negotiations and maybe start— so I'd like to amend it, just to take the word even out of that particular paragraph and move it as amended."

Councilman Buckley: "Seconded."

Supervisor Cardinale: "Moved and seconded. I just want to— before we vote to delete the even, I think you're right when I think about it. The fire district and the town must get their value."

The problem that I perceive is this. And I have no emotional reaction to this thing. If— we were interested in Second and we

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were interested in Ostrander which are good property. We even got an appraisal on one for purposes of a town hall.

If we're not going to do a town hall, why would we want to evaluate the three properties at some expense, that's our property in there too. And then negotiate to purchase them for fair value which by definition isn't a deal, we get fair value, they get fair value, because we won't have any use for them.

Furthermore if we agree to exchange them and Garsten who's hot to trot for his parking on the piece on 58 is willing to pay more than fair value, we're giving up that fair value— that more than fair value potential for the taxpayer. That's why I had even. But, you're right, it doesn't work because they can't do it and we can't do it.

So the question is should we— I guess I'll shut up now. Let's pass that— "

Councilman Wooten: "Well, I don't think this resolution precludes any sort of (inaudible)."

Supervisor Cardinale: "No. It just says negotiate."

Councilman Dunleavy: "Can I say something on this discussion?"

Supervisor Cardinale: "Yes, please."

Councilman Dunleavy: "The ambulance district is looking for and they need a larger facility. They want us to build them a new facility. That facility will cost five or six million dollars. If we can get this property for two or three million dollars and give the Second Street firehouse to the ambulance people, I think we'd be saving the taxpayers a lot of money and instead of building a new facility and then we would be getting another piece of property also.

So I think this is why we should look into this because it will save— possibly save the taxpayer money."

Supervisor Cardinale: "Okay, thank you, John. All right. Would you call the vote, please, on the amendment? Why don't we consider it amended and why don't we move it to vote on it as amend

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

Supervisor Cardinale: "I'm going to abstain but I understand the reasoning of the board that we're just authorizing a negotiation. Anything can happen. So I'm not opposed but I have my reservations and I abstain."

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Diane Wilhelm: "The resolution is adopted."

Resolution #780

Councilman Buckley: "Is just a budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Dunleavy: "I see it's a budget adoption. 29
Rabbit Run. What is this?"

Supervisor Cardinale: "This is when we receive a pool
situation and it is much more money than we'd likely to get it back
from the guy's taxes when we secure the place. Okay?"

I talked to Rothaar because I was confused, too."

Councilman Dunleavy: "All right. I vote yes."

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

Resolution #781

Councilwoman Blass: "Motion to pay bills."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Motion to pay
bills. Vote please."

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

Supervisor Cardinale: "Okay, there is one matter that you
wanted to take off the table, I think. Or is there two? There's
two that go together. It's 562 and what's the other--"

Why don't we move to untable 562 and 563. Can I have a motion,
please?"

Councilman Wooten: "So moved."

Councilman Dunleavy: "And seconded."

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Supervisor Cardinale: "Moved and seconded to take them off the table."

Diane Wilhelm: "So it's Wooten and Dunleavy."

The Vote: "Wooten, yes; Buckley, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution are taken off the table."

Supervisor Cardinale: "Okay, now, if somebody could move 562 and then we'll subsequently 563 after we vote."

Councilman Wooten: "I move Resolution 562 to increase the improvement of the facilities of the Riverhead Sewer District in the town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

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

Diane Wilhelm: "Resolution #563 to untable."

Supervisor Cardinale: "No, we already untabled it. Now we've got to vote."

Diane Wilhelm: "Oh, that one was untabled."

Supervisor Cardinale: "By the same vote, yes. We put them in both."

Diane Wilhelm: "Okay. So now we're doing- "

Supervisor Cardinale: "The actual vote on the untabled resolution. Someone will offer it."

Councilman Wooten: "It's a resolution- I move resolution authorizing the issuance of \$3,600,000 bonds for the town of Riverhead, Suffolk County, to pay the cost of the increase and improvement of the facilities of the Riverhead sewer district for the town of Riverhead, Suffolk County, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

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Councilman Dunleavy: "Yes. This is only for the commercial sewer district. No resident will be paying for this bond. I vote yes."

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

Supervisor Cardinale: "Okay. That concludes our resolution business. I'd like to open the meeting for comment on any matter that you'd like to address with the board, preferably one we have some control over. Come on up."

Eric Beiker: "Good afternoon. Eric Beiker (phonetic), 110 Park Road. First of all, I'd like to address the Reeves Park issue, Sound Avenue commercial development.

Going on for four years now, this has gone and taken place and gone through oversights many different agreements, many different conversations. It is nice to see that even though the composition of the board has changed over these years, that a principal part of municipal government which constitutes consistency and action has taken place.

And on behalf of Roanoke Landing residents, which encompasses many different places other than Reeves Park, I would like to thank each and every one of the board members for going ahead with the appeal. I think you've taken a great action here. I think it's something you needed to do. I'm glad you did it. I'm very happy with today's decision by the entire board. So thank you very much on behalf of the entire group.

I would also like to mention that regardless of the outcome of this appeal, the zoning of this area needs to be changed. This was the main goal of this entire process. It needs to take place, it needs to get finalized.

Over the next couple of weeks, we as a group of Roanoke residents, will be appointing an advocate on our behalf. We'd like to offer our information, the material that we have, to the advocate and we'd like to offer the advocate to the town board and to the town attorney as they prepare their appeal, finalize their appeal, and go forth in approving the zoning. So as that advocate becomes available to you and we appoint him, we'll make it known to the town board.

So thank you very much again. We appreciate your decision and your vote to appeal."

Supervisor Cardinale: "Thank you."

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Mike Foley: "Good afternoon. My name is Mike Foley and I'm a Reeves Park owner and a summer resident. I've been here for over 50 years.

About 11:00 this morning, I had a lot more information in front of me to discuss and to divulge to the public and to the people that might be watching at home.

At about 12:00 that changed. I got an email correspondence forwarded to me that I'll read.

Dear Resident:

I would like to acknowledge and thank you for your letter. As you may or may not know, I have steadfastly supported since my election in 2004 the preservation of the historic Sound Avenue corridor.

I continue to do everything I can to make sure that this historic corridor avoids commercialization. I fully support the appeal of Judge Burke's decision regarding Roanoke and Sound Avenue. Our legal department agrees the decision is unsupported by law and ought to be appealed.

I am attempting to convince my fellow board members to continue the effort and not abandon the appeal. I am hopeful that I will be successful in convincing the recalcitrant board members.

I am happy to report that just a moment ago my legal department advised me that a third member of the board, John Dunleavy, has advised that he supports the continuation of this appeal.

Thank you for your efforts in protecting the Sound Avenue historical corridor.

Best regards, Phil Cardinale, Town Supervisor.

This was a very pleasant surprise going into a very confrontational meeting. And, John, I'm very happy that you decided to side with Phil and Barbara who have steadfastly supported this community.

Since it was brought to their attention in overwhelming numbers in personal appearances and in petition form, that nobody on the north shore wants a strip mall on Sound Avenue. Nobody.

I'm curious as to why at the 11th hour you sided with the community but I don't want to really get into that. If you want to, I'd love to hear your reasons why you changed.

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But the more important thing I think that has to be divulged here today was your attitude that this was something where three votes was enough. Nobody had to divulge how they voted, that you could go back in that room and not give the people that have the right to either elect you again or throw you out of your office what your opinion is.

That is critical information in the vote deciding process and all of it should be transparent. This vote and every other vote coming up on town business. Every vote should be transparent.

But I thank you for changing your mind.

But I have a couple comments on Councilman Wooten and Councilman Buckley. There's only two things that I'm aware of right now that I'm willing to discuss involving both of your failure to get involved in this signing."

Councilman Wooten: "One is knowledge."

Mike Foley: "And let me just refer to the record."

Councilman Wooten: "You have no idea how I've been involved in this— it's not one. But go ahead."

Mike Foley: "Sure. Let me— seeing that you spoke, Councilman Wooten, let me start with you."

Councilman Wooten: "Okay."

Mike Foley: "The News Review quoted you after the meeting on August 19th as stating: Councilman Jim Wooten said in an interview after the meeting that he doesn't want to appeal the court ruling simply to delay the applicant."

Councilman Wooten: "I said that's the only reason, if that was the only reason to appeal."

Mike Foley: "Good. So let me— "

Councilman Wooten: "I wanted to research— first off, you know, I didn't vote today because I didn't have to, it went through."

Mike Foley: "That's nonsense. That's nonsense. Point or order, Mr. Supervisor, let me finish my statement and then Councilman Wooten can respond to me. I'm not done with him yet."

Councilman Wooten: "That's fine."

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Mike Foley: "You will say as you said here that you don't want to appeal the court ruling simply to delay the applicant. Have you considered if you read the memorandum decision that the line on the last page, and I'll quote it, which is hereby limited in its application to the petitioner's premises, that there are four parcels of land. This was one of those parcels that was overturned. A prior case decided by the same judge ruled in favor of the community. And now that person as a result of this Supreme Court decision has the right to take his to the Appellate.

The two people that have not sued yet because of this decision have a vested interest in suing.

So what are you interested in doing? Are you interested in appealing one decision or defending three others?

Now I'll hear your answer."

Councilman Wooten: "My answer is this. What I wanted- in fact, I was the one that got the 30 day extension so I could investigate all- you have four years of this, I have four months of this.

I didn't have a copy of the judge's decision. I wanted a copy of the original intent of the master plan. I wanted a copy of the adopted copy of the master plan. I wanted a copy of Resolution 1089. I've been in the last two weeks investigating this.

I'm not so sure that you and I are on the wrong- we're probably on the same page with the whole thing. But the fact that when John- I talked to John today and when John said we were going prefect the appeal, the only time we had to take a calculated vote is if we're going to do something other than what we normally do in the norm.

If we were not going to prefect this appeal, yes, then we would have to take a vote and a vote. But now that it's going to appeal and following procedure, I didn't make my decision known.

I was going to make my decision known Friday, but from what I've read and what I've researched and I've talked to Tim Gannon today, the very reporter that you quoted, and he knew that the only reason this appeal- the only reason for us to appeal was to delay the inevitable, I wanted some control- or control what might go up there and now have him have carte blanche to do what he wants up there.

So I was trying to protect the area, too, maybe not in the way you thought so but I think you and I are on the same page."

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Mike Foley: "Well, Councilman, if that's the case, I would ask you to sign the same document supporting this appeal as Councilman Cardinale, Councilman Blass- "

Councilmaan Wooten: "There is nothing to sign."

Mike Foley: "Well, then I would appreciate it if you would let the public here- we have an appeal that has the authorization from a majority of the town council- "

Councilman Wooten: "That's all you need."

Mike Foley: "-- to bring this appeal to the court of competent jurisdiction that hopefully will overturn."

Councilman Wooten: "That's exactly where it- "

Mike Foley: "Right now, Councilman Wooten, you're in the court of public opinion. There's 50 people in here that are listening to you dodge the point- "

Councilman Wooten: "I didn't dodge anything."

Mike Foley: "-- and there are hundreds of people- "

Councilman Wooten: "There are some people here- "

Mike Foley: "Point of order, Mr. Supervisor. Don't let him interrupt me. You can talk when I'm done talking. So I'll finish what I'm saying here.

You're in a court of public appeal right now. You're in the court of public appeal of the people here that are hearing what you're saying and seeing what you are not doing. It is not acceptable to me. I'm speaking for myself, I'm not speaking for anybody else in this room. You'll hear from them when you're up for election. But right now I'm speaking for myself.

This is something that should be five votes in the affirmative. I don't care if it's a yeah, I don't care if it's a signature, but as far as I'm concerned, for you to say no vote, as far as I'm concerned, is a (inaudible) approval of the contractors trying to put a strip mall in the front of my community. And that's the way I'm looking at it.

You've got one way that you can change that and I trust a lot of people in this room and a lot of people on television. And that's for you to say you know something, this should be appealed. I'm not voting in favor on the contractor. I'm not even voting in favor of the community.

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I'm saying that let a court of competent jurisdiction go over the diverse opinions of the same judge. Either he's bi-polar because he ruled for us once and against us another time or the second guy had a better attorney. And that's fine. We'll go into the reasons, the three reasons why this case was overturned and we'll, hopefully, help that.

But right now the only thing we're looking out of you and the only thing we're looking out of Councilman Buckley is for you to say this deserves an appeal to the Appellate Division. And for you to sit back and not weigh in on this puts the load on them and the onus on you.

So that's my opinion on you Councilman Wooten. And if you want to respond before I address Councilman Buckley, feel free right now."

Councilman Wooten: "That's fine. All right, I'll respond to this real quickly. There have been people from Reeves Park that have been in my office this past two weeks, since Jamesport. And I have spoken to them and they know exactly how I feel.

And I know a lot of people in Reeves Park, in fact, I lived in Reeves Park, so— for a short time in the '90's, so I know. I didn't make an outwardly decision or put my name on anything but I was researching it. I can tell you that you and I are probably on the same page. I saw a lot of inconsistencies with the master plan. I saw a lot of deviations that made no sense to me when headings weren't changed but yet substantive stuff was changed in the body of it.

But irregardless of that, as of today we're going forward with the appeal and that's— normally would happen in executive session would have went anyway. It wouldn't have been an individual thing.

So I'll leave it at that. The people— I appreciate the people who did come to my office and sit down and speak to me one on one and they know exactly the way I feel and I think they concur with me too."

Mike Foley: "Well, I want you to know, Councilman Wooten, that I don't concur. If you don't put your affirmative on that, as far as I'm concerned, you're still part of the problem--"

Councilman Wooten: "I wasn't doing it until I researched it though, sir. Okay?"

Mike Foley: "Sure."

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Councilman Wooten: "Thank you."

Mike Foley: "Let me go for a second to Councilman Buckley. One of my neighbors, about a week ago sent you a case that came to our understanding or attention about 10 minutes after I started to look into this.

And it was a case, a court case that happened about 10 years ago that went directly to the character of the developer on the south- on the northwest side of our Park Road and Sound Avenue. This neighbor sent you a 10 page court case for your perusal so that you could come to your own conclusions without anybody giving you an executive summary.

Your response to him was very quick. That is way too many words. Now let me get this right. Something that could give you enough information to make an informed decision was too many words for you to do. What are you elected for? What are you here for?

Now let's just go into the decision had you taken the time to look at it. Okay? And I'm not going to read the 10 pages. I won't bore everybody in this room. I'll get to my executive summary that maybe you should have considered before you sat there and didn't put your signature on this paper.

Page 1 - it is United States of America, Appellee, versus Arthur Middlestat and John Johnson, Defendants and Appellates. I'll give you a very brief summary.

Defendant- and by the way, I've got copies of the entire case. Anybody that would like a copy of this, just raise your hand and my wife will deliver it to you. I took the time to make copies if you want to read it. But I'll give you the executive summary.

Defendant John Johnson served as the consulting engineer for two Long Island communities and abused his influence with local government on zoning and planning matters by engaging in real estate projects there, using partners to conceal his participation.

On the background. The charges in this case all arise from Johnson's position in the 1980's as a consulting engineer to the town of Southampton and to the village of Westhampton Beach, both in New York State.

In that role, Johnson made reports and recommendations regarding the construction of public works projects and the creation of land subdivisions, preparing contract specifications and review bids for public improvement contracts, conducting inspections to ensure satisfactory completion of public contracts, and generally provided advice on a range of public engineering matters.

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Johnson's position gave him the opportunity which he exploited to misappropriate information and to influence planning boards improperly in respect to projects in which he had a secret interest.

Let me continue verbatim to these court documents.

The transactions involved slightly different sets of confederates including Middlestat (inaudible) and Edward Brody (phonetic) who testified at trial under the grant of immunity.

Now let me ask the three of you retired law enforcement officers. What conclusion do you reach when somebody is granted immunity to roll on somebody? What's he done? Has he done something wrong? I think so. But, again, that's just my opinion.

Let me get back to the text. In the early '80's Johnson and Brody conceived a plan to build a sports facility in Southampton that would accommodate ice skating, basketball and a circus. Brody introduced Johnson to Arthur Middlestat, a landscape architect in the firm of Ward Associates (phonetic) whom Brody had known for decades.

After several meetings, Middlestat joined the venture with Brody and Johnson. These three agreed that Brody would front for the— front as a developer, that the ownership interest in Johnson and Middlestat would be concealed so that Johnson would locate a suitable parcel of land and facilitate matters that came before the town planning board and that Middlestat would produce architectural drawings and make presentations to the town, holding himself out as an impartial expert recommending approval.

Does that sound familiar? It sounds familiar to me because that's just what's going on on Sound and Park Avenue now.

Now, let's just find out after this came into the light of day because it wasn't stuck in any executive decision so nobody else could see what was going on. Let's see exactly what came out of this.

You should be thankful I'm turning the pages and not reading them.

The end of my executive summary, Councilman Buckley.

Following a four week jury trial, Middlestat was convicted on the conspiracy count and on the tax counts and was sentenced to six months of imprisonment, two years of supervised release, a \$10,000 fine and a \$200.00 special assessment. Johnson was convicted on the conspiracy account, substantive counts concerning Hampton Park 2 and 3, and 10-12 Glover's Lane, counts 4 through 8 and 10 and the

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partnership tax counts 14 through 16 and was sentenced to 21 months of imprisonment, two years of supervised release, a \$10,000 fine, and a \$600.00 special assessment. That's the guy that's got control over the northwest part of my community, Brody.

Now some here can say he's not interested in a strip mall, he's interested in houses. I don't trust him as long as I can throw him. In my opinion, in conformance with (inaudible) because I understand the law too. And I understand what I can and can't say as a citizen for somebody who is now threatening to put a strip mall in my neighborhood. That's who we're dealing with.

And just before I get out of here. Let me just say one other thing about Mr. Brody. When we were here in 2004 changing a four to one decision for a strip mall of this town board to a four to one in favor of no strip mall, Brody sat right in aisle two when I was up here. And when it looked like it was going down, when we were getting indications from the town board that they were listening to the people in this community, and all the people on the north shore, this ain't just Reeves Park, look north on Sound Avenue, every community is behind us. If you don't know it now, you'll know it by the next election. Okay?

And I said to Brody, you know something? It don't look like it's going your way. So on behalf of the community, I'm a small businessman, you're a businessman. You're entitled to make a profit on this land. Why don't I give you my business card and see if we can work something out for the land? He said, I don't want your business card. And then I think and you can go back to the tape.

I said, Brody, this deal is dead, (inaudible), do you understand (inaudible)? Dead. Got a little laughter and on the way out I held that door, held that door open for people that were leaving. And a few people said hi and a few people walked by. The first guy that walked by without saying hi was Mr. Brody. The second person that walked by was Mrs. Brody and in front of witnesses, she said to me you don't want a mall here? What do you think about low income housing? And I said without any instance of thought, I'd rather have low income housing than you for a next door neighbor.

So that's where we are. This is the guy right now that's telling the board he's got to build two acre zoning, he might want a variance for this, he might want a variance for that.

If you had not put this into the Appellate Division, he could put a strip mall up there without you saying a word. We stopped him today, we're going to be here to stop him tomorrow. And we're going to be watching you, Councilman Wooten, and you, Councilman Buckley, to make sure that you either fall on the right side of this issue

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and you side with the people that elect you or we're going to throw your asses out on the next election.

Thank you."

Supervisor Cardinale: "All right. Is there any other comment on the matters before us? Come up, please."

Dorothy O'Hare: "I need two seconds."

Supervisor Cardinale: "Okay. Okay, go ahead, please."

Dorothy O'Hare: "Dorothy O'Hare from Reeves Park. At the meeting in Jamesport, I begged this board to appeal the judge's decision granting this CR zoning for EMB. Since then I've done a lot of reading and research and I have come to the conclusion that really you don't have any other choice but to unanimously appeal this. There are simply too many inconsistencies and at least one big error.

I have to assume that as elected officials of Riverhead, you're very familiar with the master plan. You have to know that all through it, it stresses to keep Sound Avenue rural, that it's not only scenic but it's an economic asset. It goes so far to say that the success of the wineries depend on keeping Sound Avenue rural.

Sound Avenue is the only corridor that under present Riverhead law, not the master plan, that has been singled out by Riverhead with an ordinance that any residential development within 200 feet of Sound Avenue must go through the architectural review board.

Okay. The master planners then wanted to change this to read all development within 250 feet. I don't know if that's been done. That was their recommendation. They forecast that Riverhead is the next logical spot for office development and keeping Sound Avenue rural and scenic will bring this about.

At the last work session, I heard that a nine story office building is going-- is planned for Main Street. So let's hope that that's the start of a trend.

You all know that the July, 2002 draft called for the eliminating of CR all along Sound Avenue. The other four properties on that page were all changed to residential. I checked the map myself.

Then in November, 2003, when the master plan was adopted, that version came out with a recommendation that CR be kept just in Roanoke. Now I've heard that originally the housing development of the master plan called for 5,000 plus houses north of Sound Avenue

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and that's why maybe I don't know, I wasn't there, but maybe they thought that those stores were necessary. But that was changed. That was changed to only 500. But the CR designation for Roanoke was never taken out. Now that was, let's see, it was never taken out.

How can you allow Sound Avenue to be ruined because of a mistake? And that's what happened. They adjusted it one way, there was a change, and they didn't get rid of it.

The citizens advisory committee didn't know anything about this change to put CR back in Roanoke. Why are there no minutes or recordings of allowing CR in that spot? I haven't looked myself but other people have and they can't find anything.

This is a copy of the site plan for EMB. It is a preliminary plan. The amended plan is in the town clerk's office but they don't permit it to leave the office so you kind of have to work with that.

The only difference is that buildings one and three have been split so that you can walk between them. All right. Now, that's important, that split. Because that split follows the master plan 2003 version of this CR ordinance. However, this site plan was introduced I think it was three days before the master plan was adopted.

So where do you go? Do you use the new CR ordinance requirements or do you use the old ones? And they're very different. The new one says you can't have dry cleaners. The old one says you can and I'll get to that later.

Here's the part where I feel that you have no choice. Judge Burke has deemed that plan approved. The EMB site plan as of which draft? Which one? This is an aside. My husband was chairman of the planning board, chairman of the board of adjustment for 12 years. I was a planning board secretary for two years and a secretary for the environmental commission for eight years. I have never ever seen a judge declare a site plan approved. Never. Remanded for further work, yes. Never, never approved. I don't think he can do that. There's no way.

If you look at this plan, it's a horror, an absolute horror. There's no way for a fire engine to get in the back of that, those buildings, one, two and three. How do you get equipment, ladders, whatever, in the front of building two? That's the big building. There's trees, landscaping and a patio in the way. There's no way that any responsible planning board would allow anything like this.

The site is in groundwater management zone three which is a deep recharge area of sandy soil where containments as well as

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rainwater quickly reach the aquifer which is only 90 feet below this site. I counted and they're on that plan, 44 septic tanks and pools on this site alone. The allowable flow according to the health department rules, is 2,488 gallons a day. This plan is so dense that they will discharge 2,484 gallons to start. How can you monitor this so closely to ensure that they don't go over their allotment? You only have a margin of four gallons a day.

The environmental impact statement assessment form for ENB prepared by Riverhead's environmental planner, Joseph Hall, gives the information that there is an underlying sole source aquifer. You ruin that, you drink bottled water. I mean it's as simple as that. Sorry.

Local shallow wells in the area and runoff from sanitary runoff and- as well as storm water leading to his designation of a potentially large impact. This impact can be mitigated by a project change. But the judge approved the site plan. So who is going to change this monstrosity. He also gave a large impact designation for traffic.

In addition Resolution 674, 7/20/04, and I'll just read the one paragraph.

Whereas the planning department has specifically found that significant adverse environmental impacts include impacts to land, water and public health, transportation and growth in community character and that the development may be in conflict with the designation of Sound Avenue as a scenic and historic corridor by the state, Suffolk County and the town of Riverhead.

(Inaudible) carbo (inaudible) and dioxide leached through this zone and contaminated Reeves Park water supply in 1984. And that came from the potato fields and the sod farms. We had to connect to Riverhead's water supply and pay for district 23 over a 20 year period.

To add insult to injury, this whole mess hooks up to district 23 and they get their water, their pure water, before we do. I'm sorry. That sticks in my craw, it absolutely does.

Another thing. Can you assure us that we'll have no water pressure problems after this thing goes in?

If this doesn't convince this board to render a unanimous vote to appeal, then you're not looking out for the welfare of the residents that you have sworn to do.

Lastly, in Judge Burke's 2006 decision, he wrote that the master plan states one of its purposes is to reduce the potential

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for commercial sprawl outside downtown Riverhead— downtown and Route 58. And then specifically to eliminate commercial zoning in several areas including Roanoke and replace it with agricultural or residential zoning.

That's what 1089 did. That's exactly what 1089 did. And then he granted the town's motion to dismiss. His 2007 decision stated that the change to residential was inconsistent with the 2003 master plan version since there was no valid justification was discernible from the record.

Now, same judge, a year apart, direct opposite decisions. You have to go to appeal. It just has to be done.

If one doctor said to you that you needed open heart surgery and the second doctor said no you didn't, would you leave it at that? No. You'd go to a third.

The parallel is that Sound Avenue is the heart of Riverhead. Please do what's right and not what may be politically expected of you. Thank you."

Supervisor Cardinale: "Thank you Dorothy. And we are of course going to appeal but your analogy would be even more complete if the same doctor told you you did and you didn't need it. You'd really go to a third doctor, but go ahead, please."

Matt Hattoff: "Hi, Phil. Matt Hattoff, Riverhead. A lot of friends from Reeves Park here. I support them all, I support the board in their decision to appeal the court decision.

I have a question about our public safety dispatchers. Are they still working for Riverhead town come January?"

Supervisor Cardinale: "I— they are now working now for the Riverhead town and that's one of the items that you well know is under discussion. Ann Marie Prudenti is working with the county in regard to that and I think you understand that the county is supposed to be— we have learned that the county is prepared to provide dispatcher services to the town."

Matt Hattoff: "And who pays for that?"

Supervisor Cardinale: "The county."

Matt Hattoff: "The county pays for it and we get billed from the county every year."

Supervisor Cardinale: "No. That's the kicker, Matt."

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Matt Hattoff: "We don't pay the county any money at all all year long?"

Supervisor Cardinale: "No. This is from a budget that we're paying taxes for already. It's called the 15 fund. That's why we're exploring that option because it appears and I'd asked that this be explored about a year ago. Councilman Buckley is assisting me and Ann Marie Prudenti and Dawn Thomas are assisting me.

If we're paying for the service, why are we not taking the service?"

Matt Hattoff: "When do you plan on notifying the employees? Because I've got to tell you, Phil. I hear a lot of things second and thirdhand. I talked to people one on one. You get answers, sometimes you get the truth, sometimes you don't. The best place to ask is at a board meeting."

Supervisor Cardinale: "Sure."

Matt Hattoff: "The employees have not been notified as of yet. Neither has the union been formally notified. Nobody's been notified but we're all negotiating to eliminate jobs. I'm getting calls from people in the county where their jobs, they're telling me as of January or February all of that work is going to be coming out of the county. Where are our people going and what are you doing for them?"

How about the taxpayers? Don't you think the taxpayers have a right to decide who's going to send a car, whether they- if they dial an 852 number I believe that goes to Brentwood and then it gets sent out from Brentwood to Yaphank or wherever it is. Maybe they would like people in Riverhead to dispatch Riverhead cops."

Supervisor Cardinale: "I think that if we're paying the county tax for dispatcher services for our police department and are paying almost a million dollars a year for people to do it when we already paid the county a tax for them to do it, I'd say that's a definition of governmental malpractice."

Matt Hattoff: "And you don't think that that five million dollars a year that we pay the county is not going to go up?"

Supervisor Cardinale: "I know- I wouldn't do it if it did. If it goes up- if it goes up a dime, I wouldn't do it.

The information, Matt, and- "

Matt Hattoff: "The more services you use, the more money you're going to pay."

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Supervisor Cardinale: "Not if you already paid for it."

Councilman Buckley: "This is already covered under the (inaudible)."

Matt Hattoff: "And that- we've been paying that five million dollars for how many years? How many years have we been paying it? Are you going to tell me that it's never gone up? The county has never raised- the county never raised that fee? The county- they've had to have raised that fee because everything is going up."

Supervisor Cardinale: "Let me explain- "

Matt Hattoff: "And I can't see Steve Levy saying, yeah, we'd be more than happy to do your dispatching at the current rate of five million dollars a year because we all know he's pretty cheap."

Supervisor Cardinale: "That's true. I think that- "

Matt Hattoff: "And you agree with me. You've both got (inaudible) after your name."

Councilman Wooten: "You're throwing out questions, wait for some answers."

Supervisor Cardinale: "We've got some good people and we will- when we know- we don't know if anything's going to happen at this point which is one reason why we are not discussing it with you and with the dispatchers."

If we think upon evaluation that we are actually paying in taxes to the county for a service that we are duplicating by paying out of town revenues, once we determine that and we realize that we're going to take some action or inclined to take some action, we would then, of course, speak with you. But at this point--"

Matt Hattoff: "Well, you know you're obligated to."

Supervisor Cardinale: "Yes. We're merely investigating the potential for this but I would be glad to give you whatever information I can."

In fact, you will recall, one of our problems which I don't even know the board knows but I will announce, is that our labor counsel, Mr. Zuckerman, is also labor counsel for county and we have to figure out if we cannot both use the same counsel, we're going to have to- either they or us are going to have to find different counsel.

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So that's a problem with even getting communication going with you and the dispatchers. But we certainly will do that pursuant to our contract and if I can give you some additional information, I will. As long as I can I would like to share everything with you."

Matt Hattoff: "Well, I would tend to think that really if you're going to move forward with this which I don't recommend you do, that you would at least let the taxpayers decide and at least put it for a referendum. Let them decide what they want to do.

A million dollars a year, that's all it's costing, to me is money well spent. I've seen town boards waste a lot more money. A lot of money."

Supervisor Cardinale: "I appreciate what you're saying but every million counts."

Matt Hattoff: "I don't think that million dollars is a waste of money."

Councilman Dunleavy: "Can I say something? We pay a headquarters tax and that's what it's called. And that's for everything that comes out of headquarters, the homicide squad, all those headquarters. This is part of that headquarters tax.

Does that tax go up? Yes, it does. It goes up every year."

Matt Hattoff: "Why does it go up?"

Councilman Dunleavy: "Well, because whatever- "

Matt Hattoff: "It's based on how much you use- "

Councilman Dunleavy: "No, it's not based on that. It's based on how many employees they have in headquarters, what equipment they have, how much it costs them to run headquarters. We pay for that tax and the tax goes up every year. How much it goes up every year, percentage-wise, I can't tell you. But we are paying for the communications section in headquarters. And they told us- "

Matt Hattoff: "If you increase that communications section in headquarters, you increase that usage, you're going to increase the tax."

Councilman Buckley: "We're not increasing it. When I met with the county, they had 18 vacancies that they were looking to fill. They are vacancies that are there. We are not creating them."

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Councilman Dunleavy: "But the whole county pays that tax, not just Riverhead. That tax is divided between all the 10 towns, so it's not just coming out of Riverhead, but it's coming out of the whole county of Suffolk. It's coming out of the rest of the east end towns, too.

And I don't think the county wants to see us do it because if we do it, then some other towns may start doing it, too, and that's going to-

(Inaudible comment)

Councilman Dunleavy: "Yes. We're paying it now, Matt."

Matt Hattoff: "I understand that. But I think there's a whole lot of negotiating that has to go on prior to this happening and I really believe that the employees, some of these people that have 25, 30 years in, are entitled to at least the common courtesy of a phone call and being filled in. And at least let them know that, no, we're not going to leave you hanging.

And that's how they feel because nobody says a word. You've got to find out second or third-hand. Dave called me, I even asked Richard Zuckerman about it back in the end of July. I had a meeting with him about some other business. I mentioned it, he knew nothing about it. And I'm being told this has been going on for quite some time."

Supervisor Cardinale: "Well, it's actually been covered in the newspaper including the fact that we're also looking at the police situation which isn't your union but it's another union.

Shall we announce it? We're looking at the police situation to determine whether it's a better deal for the taxpayers to consider a joiner with the county and after that we'll look at the court situation to see if that's a better deal for the taxpayer economically and socially.

That's our job, Matt, as the town board to do the best thing for the residents of the town. And we have to do that. Sometimes it goes to nothing and maybe this is one of them.

For example, I kind of agree with you that it surprises me and I'm delighted when I speak to Tim and others that have helped on this, that the county seems willing. I would have expected that they would have fought hard to avoid allowing us to take this benefit that they've denied us over the years.

Because what do you think is going to happen if we get it? Every other town out here is going to want the same thing, but at

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least we were smart enough to figure out that we might be paying for a service we're not receiving and we're exploring it.

Would you have us not explore it? Would you have us not try to save a million dollars for the public? That drives their taxes down five percent, that one thing, annually."

Matt Hattoff: "And you know what?"

Supervisor Cardinale: "If we are successful."

Matt Hattoff: "A nickel on the dollar, I'd rather pay it. I'd much rather- you're talking about a nickel on a dollar."

Supervisor Cardinale: "How about if all your people were protected with jobs? Maybe you'd feel differently as a taxpayer. And they may well be as Tim as saying. So when we think there's really anything substantive to it, I promise we will be in contact with you and with everyone else."

Matt Hattoff: "And as far as- now that you mentioned it, the police. Wasn't there an article in the paper not too long ago that they did some sort of an audit and they said that we have plenty of cops, we don't need any more?"

Supervisor Cardinale: "The criminal justice services State of New York did that audit and yes they did and the chief has indicated that he'll be presenting some evidence that he thinks they missed. So, yes, that's true. But what's your question?"

Matt Hattoff: "So if we sign the cops over to the county too, what do you think is going to happen? They're going to take that audit and say we don't have to send too many guys out there. We're okay with that, too. What do you think that's going to do to the response time for the police department?"

Supervisor Cardinale: "We won't know until we explore it and that may well be done by Dowling College free of charge to the town."

Matt Hattoff: "I tend to think that we should let the taxpayers make that decision and not a board of five."

Supervisor Cardinale: "I understand and I appreciate your point. Thank you."

Councilman Buckley: "Matt, you do bring up a concern that I agree totally with you, is that we need to sit down with our employees and tell them straight up what the deal is. We don't have

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all the facts now. I spoke with the chief, I spoke with the town attorney's office to do just that."

Matt Hattoff: "And the people you're dealing with obviously can't be trusted because there's a leak. If that's the case, then you're telling me I shouldn't have heard anything at all which means that I shouldn't have had to come here today and speak in front of all these people."

Councilman Buckley: "I don't understand."

Supervisor Cardinale: "No one has sought to keep it from being public- "

Councilman Buckley: "We didn't want to sit down with them and not have answers for them- "

Supervisor Cardinale: "Exactly. We don't have the information and we're not sure we're doing it. What we do know is we're exploring saving money for the residents of Riverhead in regard to dispatching police services and court services. That's all. We don't have anything further. We're simply exploring that and when there's something that we've decided as a board we'd like to do, you'll be the- you know, certainly you'll be the first to know."

Matt Hattoff: "You know you've got a sign out there that says putting Riverhead first."

Supervisor Cardinale: "Right."

Matt Hattoff: "This doesn't sound like you're putting Riverhead first."

Supervisor Cardinale: "To save money for the taxpayer isn't putting Riverhead first?"

Matt Hattoff: "It's not about the dollar, Phil. It's about the taxpayer. It's about Riverhead. It's not about the almighty dollar."

Supervisor Cardinale: "Well, the dollar is important to a lot of people. Please come up, Marty."

Marty Sendlewski: "I just wanted to briefly resume what I asked you about before."

You know, while the discussion was going on here tonight, I just jotted down a few notes. A lot of people asked the town board to do what they should always do which is the right thing. You,

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Phil, had said that you were joyful that anything was happening downtown with the project starting."

Supervisor Cardinale: "Yes."

Marty Sendlewski: "Somebody had talked about a need for housing. You had also talked about how a democracy works. We had somebody sing a very patriotic song, This is my Country. It was very nice. And you know what, this is my town.

I painted this mural here on the wall 32 years ago. Okay. I've been in this town all my life and a year and a half prior to Apollo coming, I had gotten my site plan approved and had held off because of Apollo.

The reason I didn't take out a permit is because the town's permit fees are exorbitant. A twelve thousand dollar permit fee and a \$45,000 bond and as you say you'd like to save the taxpayers money, so we did not do that and assuming that the town was going to buy the property, you wouldn't have to pay the additional expenses that I would pay out of pocket.

In May I was told that this would get done. There was a problem with that, I understand the problem. We've taken steps to alleviate the problem to amend the site plan which only three town board members have to do that will alleviate this problem.

I'm asking you how do we get this done or are you going to take the position that you're not going to get it done and I'm going to lose out on my approval that I have because of all of the situations that have happened downtown during the last two and a half years."

Supervisor Cardinale: "I think you make a good argument. It's come up quick though because nobody knew until just this morning from Prudenti our town attorney when we asked her to research it. I thought you could get another extension over that."

Marty Sendlewski: "I did too. And it's unfortunate. But I mean the amendment is so simple. There's nothing really to review that much, two feet- "

Supervisor Cardinale: "Basically- yeah, and it has to be- and I also didn't realize until you told me earlier that you have to have the approval in effect in order to have it extend it. We have to approve an extension according to that by the end of the week."

Marty Sendlewski: "It's for an amendment. The extension cannot be approved by law. But a site plan resolution to amend the site plan can be by a simple three vote majority.

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And you know everything that was said, you know, I've been trying to give the town every accommodation. I don't want to lose the benefit of the approval in case, who knows?

Again, when we started this discussion, Chris Kent was still here. So, you may say we're going to buy it, I lost the site plan approval and you decide no."

Supervisor Cardinale: "I think honestly we're going to buy this property so this is kind of moot, but- "

Marty Sendlewski: "Well, it's not moot because one of the things of contention- "

Supervisor Cardinale: "But I understand your concern."

Marty Sendlewski: "One of the things that was mentioned at the town work session last week is there was a discussion about possibly exchanges of properties and other things that were discussed with myself and the town. When you discussed the previous project with the fire district earlier, you talked about a fair market value exchange.

Now at that work session, it was actually mentioned by the board and it's on the record of the meeting and it's on the tape that, gee, I'd rather exchange it without your having your site plan approved because the value's less."

Supervisor Cardinale: "Right."

Marty Sendlewski: "Well, that lends itself to the fact that you're not going to approve it to drive down the value when I'm asking you to- "

Supervisor Cardinale: "But then you said don't worry, Phil, because if you extend it I'm still going to sell it to you for the 300 or whatever you said."

Marty Sendlewski: "If you extended it. That's correct. Because it's not that I don't have faith in my town government but it's been a long time since we started discussing this. If I lose my approval, I lose all of my footing."

Supervisor Cardinale: "Vince, could you pull the diary on my desk? I just want to see maybe it looks to me that we're going to have a work session on Friday on some other matters."

Marty Sendlewski: "If it takes more than 15 minutes, it's a lot. Believe me, it's that simple. It's that simple."

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Supervisor Cardinale: "I understand. We have— there are concerns. It's a difficult issue frankly and I understand it but it's not that difficult."

Marty Sendlewski: "It's not that difficult. But it's an approval that I've had for years. We're just amending the building location two feet to extend it because of these extenuating circumstances."

Supervisor Cardinale: "Is that allowed incidentally? I mean if you can't extend it but you can amend it, how long is your amendment good for?"

Marty Sendlewski: "Three years. It's an amended site plan."

Supervisor Cardinale: "So in theory then the extension is meaningless because you could always do it what we're doing and you can only extend it one year but you can amend it and get another three years. It's kind of like a game."

Marty Sendlewski: "I would rather have gotten an extension because then Apollo is going to play out hopefully within the next year and then I'll know if the town doesn't buy it, then I'll build a building."

Councilwoman Blass: "But, legally you know we couldn't."

Marty Sendlewski: "I understand that. Correct."

Councilwoman Blass: "Okay."

Marty Sendlewski: "That's why I did the amendment. Because legally I know that you can do the amendment and I would like to get it done."

Supervisor Cardinale: "What I would ask the legal department, yourself, Dawn, is that is that attempt to get around the fact we can't extend by amending and then it's a new approval for three years. Is that legit? Can we do that?"

Marty Sendlewski: "Yes."

Supervisor Cardinale: "She's going to look. If that's legit, you make a reasonably good case for why not."

Councilman Wooten: "And then we would change the law right after we're done."

Marty Sendlewski: "I have many, many clients who have made changes on site during construction and we've ben instructed by

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planning, well, you've got to go back and get an amendment in order to get your CO. So it's something that's done regularly. I have many of them. I can give you tons in my file- "

Supervisor Cardinale: "That they amended in order to do what?"

Marty Sendlewski: "If they've either made a change during construction or they want to make a change, a site plan amendment is a regular thing. It's a regular function. It's an easy way for us to solve this one problem."

Supervisor Cardinale: "And it gets - but it gets good for three years this way so I don't have to see you anymore?"

Marty Sendlewski: "That's correct."

Supervisor Cardinale: "That's good. It gets more and more attractive."

Marty Sendlewski: "And you can even condition it that there's no further amendments. I really don't care."

Supervisor Cardinale: "If I do it, I want the side agreement I can still buy it for it's (inaudible) value."

Marty Sendlewski: "I will be in town Friday, but I'll be out of town tomorrow but you can call my office."

Supervisor Cardinale: "All right. Did you- he didn't come back yet. Okay. We're thinking about Friday if the board can get there, a work session. So, Larry."

Larry Oxman: "Larry Oxman, East End Commercial Real Estate. My firm represents Marty's property. I just wanted to reiterate he had a tenant in there at one point and when the lease expired my agents have approached him numerous times asking if he would rent and he's always said no because he thought that something was going to happen. Either he was going to go ahead and build or more likely that the town was going to go ahead and purchase it. So he's been really acting in good faith."

Supervisor Cardinale: "Marty, do you still work out of there?"

Marty Sendlewski: (Inaudible)

Supervisor Cardinale: "Okay. So it's empty? Does that give me like a better value?"

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Larry Oxman: "He's turned down qualified tenants. In addition, people that have looked at the property for sale, the Apollo issue seems to always come up as anyone that would be interested in that piece does their due diligence and start to understand that Apollo may or may not build behind it. There may be a garage, there may not be a garage."

Supervisor Cardinale: "That whole piece should be picked up."

Larry Oxman: "I think he's offered it to the town at a very good price, a price that I'm not able to offer it to the general public at because of the advantages to selling it to a municipality."

Supervisor Cardinale: "Throw in your commission, Larry, too? Can we— you're not paying him a commission, are you?"

Larry Oxman: "No, no. Not if he sells it to the town, I wouldn't."

Supervisor Cardinale: "Friday. Friday I have a really heavy schedule, Irene Alexander's retirement party."

Larry Oxman: "Anyhow, my point is— "

Supervisor Cardinale: "How about 10:00? Is everybody okay? We'll get your vote by mail."

Larry Oxman: "He's been acting in good faith. I hope that you do, too."

Supervisor Cardinale: "Yeah, you want to make it afterwards? Three— two?"

(Some inaudible discussion)

Supervisor Cardinale: "One o'clock, two o'clock? All right, 2:00 we're going to meet for an hour and a half. All right. Two o'clock Friday. We'll discuss it. We'll decide before the 7th. All right, 2:00 Friday."

I'm sorry. Mr. Silverman, please."

Henry Silverman: "Henry Silverman, 267 Peconic Bay Blvd., Riverhead. Once again, I'm before this board now over three years since we got a letter from the town of Riverhead that my final inspection was okay on my brand new house and we fulfilled all the requirements and— do I have your attention now?"

Supervisor Cardinale: "Go ahead."

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Henry Silverman: "So we've endured a lot and we continue to. We still are confused why the town has not sent us the CO. We played the game in court endlessly. A driveway to my property that pre-existed my ownership that we've been accused of flooding neighbor's land, etc.

Right now, there's no water there. I mean to look. The town engineer's report that we have FOILED from you. That was a memo, it was never a letter. So get over it. There is no water there. It has always been swampland. It was filled in 1964 by Suffolk County Vector Control and Department of Public Works. We have surveys of this driveway from the '60's before I ever owned it. So there's nothing there.

The boat dock on the property pre-existed my ownership of the property. The boat dock has been moved, arranged now so many times. I'm the only one that has the original survey of where it ever was and what it was.

The town should not be representing a group of your neighbors since you live on the same road down here. They should not— some of our board members and supervisor, you should not be representing these people at taxpayer money. And as a taxpayer, I'm pretty sick of it at this point.

The boat dock should be in private litigation among myself and my neighbors and the town should never, ever has stuck their hand into it and at this point you really need to get out of it.

Just recently, very recently, depositions were given. The only topic for one day was over the boat dock. Those were the questions. So it's ridiculous.

At this point, my house plans and we were accused by the town of building a different house from the plans, it ended up in all this testimony that it's 13 square feet different and my architect said that was remarkable. So give it up. It's ridiculous. At this point, it's not a good reason to be keeping us out of the house. It's 13 square feet. All right?"

Supervisor Cardinale: "That's not the figure we got. We got a figure of something like 1795 on one plan and 2600 on the other."

Henry Silverman: "Well, I've never seen those figures and I don't know how. Okay.

The house is built according to the plan. The town assessors three different times have been in there. The town building inspectors have been in there numerous times. We have tired to work this out over and over.

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The taxpayers at this point in my estimation have probably spent close to a quarter of a million dollars fighting this and I did try to FOIL the exact amount to this date, it's been months and months, but my FOIL requests have been ignored.

I would like to live in our house. The taxpayer of Riverhead except for three neighbors- I don't think anyone else really cares if we're in that house or not. It's time for us to move in and get a CO.

And I'm relating this to a little bit of the Reeves Park. I've also in this town put in a subdivision over 10 years ago for property I own on Sound Avenue. At the time it was zoned half acre zoning. I'm still waiting.

When it was turned to two acre zoning, I put in another subdivision. I'm still waiting. At this point, I'm happy to sell the town the development rights. Keep it open space. But I need to be compensated for my property.

The town did put pipes onto my property and put road runoff on the property. Back in a different- previous administration, I have a letter stating that the town, we could work out all the problems with the town flooding my property. I'm still waiting. At this point, I need my issues taken care of.

I've been ignored long enough. The Silverman family has recently back in May- I shouldn't say recently, we did apply for other things to take care of our problems. We did apply for a building permit which would be the fourth time I'm renewing the same building permit and CAC. I'm still waiting, I haven't even gotten a written response since May. Come on. It's ridiculous

We've gotten a permit to put in a fire suppression system that the state requires me to put in, that the town didn't require. At this point, I'm waiting for the inspection. All right?

How long do I have to wait for an inspection? I want to get it inspected and move on. It's not fair. All right? At this point, let's get it done.

I'm still having to report to the Riverhead town police when I come and go from my property. I have a trouble as an American citizen, a resident that, you know, no reason, I have to report to- my family, let me word it differently. My family whenever we enter the property, have to report to the Riverhead town police. Something isn't right there, as of being more esoteric, it's wrong.

What you've done to my family is absolutely wrong.

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At this point, you've hurt us. I don't think I can ever get over it but we'd like to move on. It's enough already. The taxpayers of Riverhead have not gotten their money's worth in this one. We'd like to move on and work with us. We would like to work all of my unfortunate problems. Let's work it out and get it over with.

The system has had failed us and I'd like to get over and move on. So, please, let's move on with this.

Thank you."

Supervisor Cardinale: "Thank you. I would just say for the record that we deny the accuracy of what you stated and we point out that the Supreme Court, not the town, is keeping you out of your house. And we would be glad to hear any offer that you'd like to make through our attorney, Phil Siegel, who represents us. So if you have an offer, please have your attorney make it."

Henry Silverman: "Okay. And we have. And also just to be clear, the state Supreme Court, the town did- that I cannot use, occupy or maintain our house. I know you've stated that before. But the town drew up those papers- "

Supervisor Cardinale: "But they signed them. I can't keep you out of your house and have you report to the police. That's Judge Cohalan. I didn't do it."

Henry Silverman: "But the town prompted it obviously."

Supervisor Cardinale: "We asked for it, I'm sure."

Henry Silverman: "Yes, you did."

Supervisor Cardinale: "But everything we ask for we generally don't get. In fact, we hardly ever get it. So he must have been convinced."

Henry Silverman: "Well, if that's the way you treat the citizens of Riverhead, I'm kind of disappointed. But let's move on. This is ridiculous."

Supervisor Cardinale: "I'd like to do that and I think it would be good for everybody. And incidentally our insurance company is now paying our legal bills because once you get to a certain point, congratulations, you've reached it, the insurance picks up. So I think it's in our best interest and especially your best interests to settle this so make an offer that makes sense."

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Henry Silverman: "All right and let's move on with it. But-- kind of bring it up, I would like to right now and you could magic wand, I'd like to have a temporary CO on my house and live in my house while we're fighting over a driveway and a boat dock. Because it's been unfair what you've done to us as a town and the house passed every aspect of construction. I have-- it passed the final inspection okay. There's no reason we're not in the house. And we might know the reason-- personally in my heart I know the reason and you don't want me to bring that up. Do you? And I know the real reason and-- "

Supervisor Cardinale: "If you think that's the real reason- "

Henry Silverman: "Yes, it is, Supervisor. Yes it is because I-- "

Supervisor Cardinale: "Okay. You should continue then because we're not going to settle."

Henry Silverman: "But I want to be in my house and I need to get in there. It's not right and I think some of the board members agree and it's time to move on and I would say the best gesture the board could make is grant me a temporary CO. Because at this point, I've owned the land 10 years and we started the house in 2002. This isn't fair. It's a beautiful house.

At this point it's been vandalized because I couldn't maintain it. It's been frozen, the pipes, there's a lot of damage and I blame a little of it on the corruption of someone that works in the State Supreme Court that shouldn't have happened.

So we have other issues but bottom line, I should be in my house. You get to drive home today and pass my house, Miss Blass gets to drive home and pass my house, but I don't.

Something's wrong and once again we had a very Americana thing here going on when Marty spoke and other people spoke. Something's wrong in my case and we really need to get it resolved. All right? Because people can disagree but there is right and wrong and I really feel at this point everything that has been to us has been wrong.

Thank you."

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

Sal Mastropolo: "Sal Mastropolo, Calverton. Quick question. Is anybody monitoring what's going on at the Hubbard Duck Farm?"

Supervisor Cardinale: "Oh, you mean the one in Aquebogue?"

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Sal Mastropolo: "Didn't we pass a resolution- "

Supervisor Cardinale: "We just bought Hubbard- didn't we just buy it?"

Sal Mastropolo: "You were going to buy it with the county and the current owners were going to demolish the building. Every day there's heavy equipment in there doing something because you can hear it from the golf course. I'm just wondering if anybody's going in there to see exactly what they're doing."

Supervisor Cardinale: "The building department has issued demolition permits. My building department head is here. He should be commended because it's 4:35 and he's here. I'm impressed. Leroy, you're on overtime."

Sal Mastropolo: "Okay, so somebody is monitoring what's going on."

Supervisor Cardinale: "But you don't get overtime."

Yes. A demolition permit he tells me has been issued and they are supposed to be doing inspections."

Sal Mastropolo: "And there's that much stuff going on that they would be demolishing for over a month?"

Supervisor Cardinale: "All right. Thank you, Sal."

If there's any other comment, I'll take it. If there is not, I will take my leave and thank you for all of your attendance and we look forward to seeing you at 2:00 Friday for an hour and a half of work session. Thank you."

Meeting adjourned: 4:35 p.m.