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Minutes of a Town Board meeting held by the Town Board of the Town of Riverhead at Congregational Church, Wading River, New York, on Tuesday, September 7, 2004, at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman
George Bartunek,	Councilman

Also Present:

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

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "If I could have Rolf in the first row, if you could lead us in the Pledge of allegiance."

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

Supervisor Cardinale: "Thank you. I'd like to, Barbara, could you - well, I guess what I'd like to do first is offer the minutes - or have the minutes offered for the August 17th Board meeting and the Special Board meeting of August 31st. One of the Council people, would you move that, please?"

Councilman Densieski: "So moved."

Supervisor Cardinale: "Okay. Moved by Ed; second?"

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Seconded by George. Can we have a vote, please, Barbara?"

Barbara Grattan: "Sure."

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

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Supervisor Cardinale: "And, can we have the Reports, please, Barbara?"

REPORTS:

Town Clerk	Monthly report for August, 2004. Total collected was \$10,845.61
Sewer District	Discharge monitoring report for July
Juvenile Aid Bureau	Monthly report for July

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications, please."

APPLICATIONS:

Special events	Riverhead Elks Lodge - lawn mower races October 3 rd and November 14 th , 12:30 to 5:30 p.m.
	Riverhead Elks Lodge - ABATE Poker run, September 12 th - 11 to 6:00 p.m.
	VerDerBer's Landscape Nursery Inc., various dates in Sept. and October, 9 am to 6 pm
Site Plans	Kromer Route 25 LLC - door Location
	Laundry Palace - laundromat
	Art Sites LLC - renovations
	Walgreens at Wading River
	Kamal Singh, MD -
professional	office

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Jul-Bet Enterprises - two
story office/warehouse

Horizon at Jamesport -
proposed office/retail center

Special Permit

Jet Repair & Towing - use
property for a vehicle repair
and vehicle towing business

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence, please."

CORRESPONDENCE:

Petition	Total to date: 1144 names in support of municipal signs in English only
Petition	69 names requesting the im- provement of the management of the Wading River Sound front
Petition	51 names opposing commercial development at the inter- section of Park Road and Sound Avenue
Mark Houraney	Regarding town board meeting of September 7, 2004
Mark Heppner	Requesting leave of absence
Georgette Keller	Regarding the paving of Sixth Street, South Jamesport
Marie Andrews	Regarding the zoning change of property located north of Sound Avenue and Hulse Road, Wading River

Landing

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Barbara Grattan: "That concludes Reports-- I mean Correspondence."

Supervisor Cardinale: "Thank you, Barbara. Is there any announcements or committee reports from the Council members?"

If not, we're right on time at 7:05 to open the first public hearing, Roanoke Landing lateral water main."

Public Hearing opened: 7:05 p.m.

Public Hearing - Roanoke Landing lateral water main.

Supervisor Cardinale: "Is there a representative here? Would you come up, please? Dennis, how are you?"

Dennis Kelleher: "Good evening. My name is Dennis Kelleher, from H2M. We are the consulting engineers for the Riverhead Water District.

The reason for this public hearing tonight is that the owners of a proposed 32 lot subdivision has petitioned the Town Board to extend public water to service the subdivision. The subdivision known as Roanoke Landing is located north of Sound Avenue, just west of Dolphin Way and east of Roanoke Avenue.

As shown on the map on the board over there, it's a long, skinny piece. Highlighted in yellow is the subdivision. The proposed subdivision is already within the Riverhead Water District boundaries.

In order to provide water to the site, approximately 4100 linear feet of water main will need to be installed.

On the map, highlighted in pink is the proposed water main that needs to be installed. We will propose to tie into the existing water main that is located on Sound Avenue and Waterview Court. The existing water main is highlighted in blue on the map.

The estimated water use for the proposed subdivision is 9,600 gallons per day on an average day with a maximum or peak summer use of 28,800 gallons per day. We estimate the cost of installing water service to the proposed subdivision at \$222,000 which includes construction cost, design, inspection and contingencies.

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In addition, the developer will need to pay key money in the amount of \$2,500 per proposed unit for a total of the 32 units of \$80,000.

It should be noted that there will be no cost to the residents of the Riverhead Water District to implement this project.

Just one other comment. Due to the elevation difference on the subject property, there are several lots which will require booster pumps to make sure that the homes have proper water pressure. It's a little difficult to see but there is a- the pieces- the lots that- approximately half the lots that are located on the northern part of the property will need a booster pump to make sure they have sufficient pressure.

Thank you very much."

Supervisor Cardinale: "Thank you, Dennis. Is there any comment from any member of the public in regard to this Roanoke Landing lateral water main extension? Mr. Kasperovich, did you have-
- "

William Kasperovich: "Is there anybody else? I'd rather they go first."

Supervisor Cardinale: "If there is no other comment, Mr. Kasperovich, would you please comment?"

William Kasperovich: "My name is Kasperovich. I live here in Wading River and once again I have to make comment that this sort of public hearing I haven't seen the likes of this drawing or sketch or whatever you might want to call it, until this moment. Now how could you considerably expect an intelligent response from the public when they didn't see what is going to be done?"

Supervisor Cardinale: "Yes, you've raised this point before."

William Kasperovich: "Now, sitting 20 feet away from it, I can tell you that's a very poor layout."

Supervisor Cardinale: "Could you tell us why?"

William Kasperovich: "In order to get treated water uniformly and adequately, it has to circulate in a system in a circuit. This has one big dead end. And that is a (inaudible) layout."

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Now it might be convenient for the developer, it might be convenient for the people that want to live there, but for maintaining a water supply by the town which the town would be taking care of the water after it's been built, it's just no good. We have to maintain the boosters, we have to see that they run, we have to run in an emergency when they fail, and so there's a maintenance that follows this layout for the rest of our lives. And, but the fact that it's not part of the circuit, I say it shouldn't be approved.

You have- if there's obstruction or some objection to tying into the circuit, you certainly have the public domain to tie in in order to get so many additional homes.

Now, who is to say this is up to the Town Board? But I think in light of the fact that we have technical people on the payroll, we have people that are knowledgeable in the area, and this type of engineering has got to be brought to the forefront and not accepted."

Supervisor Cardinale: "Thank you for your comment. Is there any concluding comment from Mr. Kelleher?"

Dennis Kelleher: "Yes, just a couple comments. First, the gentleman made an excellent point. You do not like to have what we call long dead end runs where the water would not circulate and if you look at the drawing, we are actually looping the system to prevent a long dead end.

We are tying into an existing water main on Sound Avenue and on the southern part of the map, and to the top portion as I mentioned before we'll be tying into the existing main on Waterview. So water will flow through the complex and we will not have a long dead end. That's item number one.

Item number two, the booster pumps that I had talked about. These are individual booster pumps that will be installed in I think it's about 14 homes. These booster pumps will not be the responsibility of the Riverhead Water District. This will be part of the water system in the- that the homeowner will need to maintain and if there is a maintenance problem with the booster pumps, the homeowner themselves will have to replace it just like any other plumbing fixture in the home."

Supervisor Cardinale: "Thank you very much."

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William Kasperovich: "I have to have opportunity to reply to that."

Supervisor Cardinale: "Sure. If we could address just those two points, I'd appreciate it. And, you know, Mr. Kasperovich is an engineer himself and perhaps the two engineers after the concluding comments, that Bill could talk it through and make sure we get it right."

William Kasperovich: "I live on a circuit that doesn't have adequate- excuse me. William Kasperovich from Wading River. I live on the lateral that has poor circulation and I have to tolerate periodically a surge of chlorine. That is to say, when you turn the bathroom faucet on you have to jump back from the smell of the chlorine. Now, this is because the circulation is not good in the water mains. It is not good in that it doesn't cover the entire layout.

Now, this is made to order for such a situation and it shouldn't be. Now, I haven't perused this drawing in detail but I figure- I don't think that's the only comment I could make that it's not a good layout. Good in the sense that after the construction work is done, we have to live with it for the rest of our lives.

And you cannot get a homeowner or anybody outside of the Building Department and the Water Department and the Water Department personnel or their delegates to have anything to do with the water system. You cannot have an outside person be involved, be a part of the water distribution system.

They- I don't know what law would prohibit them from cutting in but that would mean I could come into a line and maintain things to improve my water. No, I'm not permitted to. But here you're saying in a new layout you're allowing it. And I say no way."

Supervisor Cardinale: "Thank you for your comments and, again, you and Dennis could speak maybe afterwards. That would be helpful. I'll leave this hearing open for one week 'til the 14th in case you would like to submit anything in writing. And I'm going to move onto the next hearing."

Public Hearing left open to 9/14/04
for written comment

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Supervisor Cardinale: "There's a hearing at 7:10. Before we take that hearing, it being 7:16, I'd like to reopen- well not reopen, actually it remained open. But there is a hearing still open, it will be closed after this meeting, on the domestic registry registration that is proposed. I'd like to take comment on that, if anyone wishes to comment in regard to domestic registry. Wally- Rev. Scofield."

Rev. Scofield: "I'm Rev. Wally Scofield, Pastor First Congregational Church. I live in Riverhead. I haven't been much of a presenter to the Board over the time I've been a minister in Riverhead but I've listened to various arguments being presented to you about the domestic partner registration. It's caused me some concern.

Much of the rhetoric around this issue comes from a religious point of view. With great eloquence, one quoted holy scripture as a defense against domestic partnership. Everyone including that presenter is entitled to an opinion, even when their biblical exiguous is considered faulty by most biblical scholars.

This (inaudible) is not about theology and what the bible might say about an issue. Let's be real about the bible. It has been used in our nation's history to enforce the laws of slavery which we as a people have determined by just acts of a government to be wrong.

The bible has been used to defend non-voting status of women, which was overturned by our government in an amendment to the constitution.

On any moral and human issue the bible defends both sides. But you are not elected to defend any theological stance or any religious position. I believe you are elected to administer rightly the laws of the town, the state and country.

The issue of domestic partnership is about justice for all, not just for some. There are reasons people cannot get married or decide not to get married or are barred by the laws of the land in getting married.

My mother, as an elderly widow, fell in love but wasn't able to marry because both my mother and her boy friend were on limited

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social security allotments. They were dependent on those allotments to make ends meet. If my mother married, she would have had to surrender about half of my father's social security benefits and then they would not have been able to maintain their home.

My mother and my stepfather deserve the benefits of a married life which includes visitations and CCU's in hospitals, medical insurance benefits and countless other entitlements afforded married couples.

This issue is one of justice for all and justice we are told is blind. But we hear from Board members that they will not be blind on this issue. That to me is an abrogation of a Board member's sworn duty.

I would ask this Board to affirm the domestic partnership registration as a sound act of fair treatment of all people within the township of Riverhead. I'm here as the minister of the First Congregational Church of Riverhead, an open and affirming church which represents a still other side to this issue.

I thank you for your time and diligence on this issue. Remember duty comes often with a price that overcomes one's personal morality limits with the crown of elected justice. Often the greater good of a society is enhanced when the same society works for the good of the few.

Thank you."

Supervisor Cardinale: "Thank you. Is there any other comment on this for our consideration? Yes, sir. Yes, sir."

Nicholas DePierro: "Nicholas DePierro, from Wading River. I think government should keep its hands off of this. I think that any organization that anybody is employed at, they should have the choice as to whether they want to recognize a domestic partnership registry or not or any other subsidiary of government.

But I don't think the town of Riverhead as a governing body should have any say whatsoever. I don't think they should just blanket- make a blanket policy. I think it should be up to each individual employer and they do have those- they do have employers that have domestic partnership registries."

Supervisor Cardinale: "Thank you. If there are no further

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comments on this, I would like to move to the second public hearing scheduled for tonight and close the domestic registry hearing at 7:22."

Public Hearing closed: 7:22 p.m

Public Hearing opened: 7:22 p.m.

Supervisor Cardinale: "7:22, we have a 7:10 hearing called Designation of Landmarks, Suffolk Theater, Gandalf House, Howell House Suffolk, three locations that have been offered for landmark designation by the Town of Riverhead. And do we have a representative here? Richard, Richard Wines, would you come forward?"

Richard Wines: "I'm Richard Wines and this is Peter Lucas and we're both members of the town's Landmarks Preservation Commission and we're very pleased to be here tonight and we propose three new landmarks for consideration by the Town Board.

The first is Riverhead's jewel of a theater, the 1933 Suffolk downtown that many of us went to as a kid and maybe propose to have a new life and some future use. First of all, I want to thank all the members of the Town Board who unanimously signed the nomination form for the Suffolk Theater to become a landmark. And I think this is a great step in the right direction. And thank you very much, all of you.

The second landmark that's being proposed tonight is the Howell House on East Main Street. This is a 1929 colonial revival building, it happens to belong to a grandson of the builder and the grandson of the original owner on his maternal and fraternal sides. And it's a marvelous example of the Georgian and Colonial revival houses that permeated Riverhead in the 1920's and early 1930's and we hope a lot more of these will also be preserved by their owners and be designated landmarks.

Peter, do you want to say anything about our third landmark?"

Peter Lucas: "Sure. The third landmark is called the Gandalf House, although that is a new name. It was- sorry, excuse me. Peter Lucas, Main Road, Aquebogue.

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The Gandalf House, it's a new name. The present owners have been there for 25 years and they love (inaudible), so Gandalf House, (inaudible), so it's a whole routine. The house was built in 1873, Italian style and Second Empire style and if you go past it on Main Road, it's the big pink house on Main Road in Laurel. Everybody knows the pink house with the decorations out on the post.

And, I, too, thank you very much for accepting this application for designation because it's another jewel and there are many houses around it that need to be brought into this new crown. Thank you."

Supervisor Cardinale: "Thank you."

Richard Wines: "I want to say just one more thing."

Supervisor Cardinale: "Yes."

Richard Wines: "And this brings to- assuming the Town Board approves these three nominations, we'll have 43 officially designated landmarks in the town of Riverhead, which is wonderful. There are a little over 800 historic buildings left to go. So, this is why the Landmarks Preservation Commission is pushing to- for the designation of several historical districts where we can do large numbers of buildings at the same time.

And the first ones we're working on are in Jamesport, South Jamesport in that area and in downtown Riverhead and these districts will convey on their property owners the same tax benefits and other benefits that the individual landmarks will receive. So I just want to keep to it and we will be back with more plans of these in the very near future. And thank you."

Supervisor Cardinale: "Thank you, Richard. Is there any other comment in regard to this? Yes, sir, in the middle, right there."

John Peck: "My name is John Peck and I'm from Jamesport. I'm just curious to know how you designate these 800 other buildings as potential landmarks and after you decide which ones that should be, how do you work with the owners or the people that are living in those houses to determine whether, in fact, they want to even participate in this?"

Supervisor Cardinale: "Richard, could you comment? I know- "

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John Peck: "Because I live in Jamesport and I know that happens to be- "

Richard Wines: "Great. Pleased to meet you. And let me say first of all the 800 and something additional buildings, they were- this was part of a survey done in the mid '70's by the Society for the Preservation of Long Island Antiquities and they identified and certified that these are historic buildings.

Unfortunately, there are not as many now as there were back in the 1970's when they did the survey because we lost quite a few in the ensuing years. So that's how they were initially identified and clearly we will continue to identify new ones that meet various criteria, both in age and historic character.

Secondly, for designation of individual landmarks, so far the town's policy has been only to designate landmarks where the owner, for instance the Town Board in the case of the Suffolk Theater, has come forward and or Mr. Moore (phonetic) has come forward and asked us to- voluntarily basically come forward and say, I'd love to have my building designated permanently and preserved as an official town landmark.

For historic districts, we-- naturally we will be holding public information meetings and then public hearings to determine the wishes of the people who live in those areas and certainly we would never want to move forward with a designation of any landmark or historic district without strong support from the residents of that building or that area. So thank you for the question; it's a great question."

John Peck: "That answers my question. Thank you."

Supervisor Cardinale: "Yes, you have a comment, Sal?"

Sal Mastropolo: "Sal Mastropolo, Calverton. Can you explain the impact on the tax base by making these places landmarks? For example, the Suffolk Theater. That becomes a landmark. What's the impact on the taxes?"

Supervisor Cardinale: "Yeah, Rich, would you explain that (inaudible), and what the effect is?"

Richard Wines: "Yeah, sure. That's a great question, too. Basically the only thing that's being designated of the Suffolk Theater is the facade of the theater. We would love to be able to

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designate the interior but the town code doesn't give us that power.

Now, the designation of the exterior as a town landmark, will have absolutely no impact on town taxes or any other- in any way that I can think of. The one thing it does do is allow a private owner, as it does any income producing property in the town, to get federal income tax credits against 20% of the cost for exterior renovations of that theater. So it's a benefit to the owner. For the town, the only thing it would probably do is increase the value of the theater which in the future might increase the taxes. Thanks for the question."

Supervisor Cardinale: "Thank you. Any other comment in regard to this matter, the designation of Suffolk Theater, the Gandalf House and Howell House as town landmarks? If not, it being 7:30, we will end that public hearing and close it and move onto the next."

Richard Wines: "George had asked me to say just one more thing."

Supervisor Cardinale: "Yes."

Richard Wines: "And that is we are planning on having a public information meeting in Jamesport on, I believe it's the 26th, is it, 4:00 in the afternoon at the Hawkins House for members of the community who are interested in finding more about the benefits of designating parts of their community as a landmark district. Thanks."

Supervisor Cardinale: "Thank you."

Public Hearing closed: 7:30 p.m.

Public Hearing opened: 7:31 p.m.

Supervisor Cardinale: "The hearing scheduled for 7:15, the third of the evening, is the consideration of a local law to amend Chapter 108 entitled Zoning (signs) of the Riverhead Town Code.

This is a long waited revision of the sign code in effect in the town and we are here to take public- it was filed some 10 or more days ago with the Town Clerk and we are here to take any public comment concerning the new sign code that is proposed.

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Certainly there's agreement that it needed to be revised and we want your advice as to whether this revision is appropriate. So if there's anyone that wishes to comment, would you please come forward. We are opening the hearing at 7:31. Yes, Mr. Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. Not having read this proposal and not knowing exactly what it says, I do know that there is a need for some sign control and inspection continually throughout the year.

There have been few signs that I have brought to the attention of the authorities and got treated like I was a trouble maker, that I was complaining about things that were quite all right and yet to me if I come to an intersection and I can't see enough by obstruction of signs, I say that should be a violation of- from all directions. Signs should not obstruct vehicular traffic and yet we have tolerated it and have done nothing about it for quite a while now, by that I mean a couple years.

We had at one time an individual employee that took care of nothing but signs and things were better and he might have looked at new signs and signs that were put up without authorization and signs how it affected traffic. That person no longer exists in Riverhead and the explanation of letting her go was that the work would be distributed amongst the Council people and the Highway Department.

Well, that didn't do the trick. Now we have to put our foot down that we do not tolerate this and obstruction of vision for moving traffic no matter what the sign says unless it's a highway sign authorized by the DOT and it makes sense to control traffic.

Now, once, again, we come up to a situation where there was no way for me to know this public hearing was going to come up on the floor, otherwise I would have read it. But signs have been a thorn in my side after several near mishaps on intersections."

Supervisor Cardinale: "Actually, there is a posting at least 10 days in advance of the hearing date in the newspaper and the sign code is available at the Clerk's office for at least 10 days (inaudible) the (inaudible) code which we are going to deal with a little further on. But we have to advertise it at least 10 days in advance. We have to have it on file so you can look at it. So if you have nothing- if you're in town hall, you might want to check at the Clerk's office to see what- "

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Barbara Grattan: "I have a copy here, too, Phil, an extra copy."

Supervisor Cardinale: "Yeah. Okay. She'll be glad to give you an extra copy as well."

Barbara Grattan: "I have a copy here."

Supervisor Cardinale: "Thank you."

Councilman Bartunek: "Mr. Kasperovich, can I make a suggestion? I would like to suggest that the meeting- hearing open on this- "

Supervisor Cardinale: "Sure."

Councilman Bartunek: "-- because I had some comments from a sign maker in town also- "

Supervisor Cardinale: "Okay."

Councilman Bartunek: "-- if you want to make a copy of the code and review it."

Supervisor Cardinale: "Yeah. I'm going to leave this open as I normally do (inaudible) for 10 days for further written comment.

So is there any other comment verbally this evening on the sign code? If not, it is an important piece of legislation, particularly for the commercial community. I would suggest that you take a look at it.

I'm going to leave this hearing open until September 17th at 5:00 p.m. for any written comment you may wish to make on the language of the statute which is- which is some 15 pages.

Yes, Sal, did you have a comment you wish to make? Yeah, please come up."

Sal Mastropolo: "Sal Mastropolo, Calverton. Looking at the what went in the paper, okay, when we posted it- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- and we put a rather extensive list of

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definitions. And I just offer a comment that the definitions should have the max dimensions of each of the signs in them."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Okay? That way you're talking about a sign, let's say it's an agricultural sign. You go to the definition and it should state right there, max dimensions 4 by 6. You know, banner or bulletin board. Each of them should have the max dimensions in the definitions."

Supervisor Cardinale: "Yes, thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Pete, you have a comment?"

Peter Danowski: "My usual question about ordinances. I'll get up to the microphone. My guess what it is. I just suggest again, Pete Danowski, with regard to all ordinances that get adopted, especially this one, that you have a savings clause of the statute to cover in pending applications.

As you know, sometimes the process takes two, three or four, maybe longer, months, to get a permit, in this case a sign permit. And if somebody's been through the Architectural Review Board, the process at the end of the day, you may have adopted the ordinance that says the building permit cannot issue for the sign. So."

Supervisor Cardinale: "Thank you. Yeah, I've noted that as well. Okay, I'm leaving this open for 10 days until the 17th of September at 5:00 p.m."

(Inaudible remark from the audience)

Supervisor Cardinale: "Oh sure, before I do so, however, and before I close the verbal session, there's one more comment. If you could come over there and place it on the record."

Tom DiNicola: "Sorry I'm late. I couldn't find this place. My name is Tom DiNicola. I'm the owner of Kitty Academy in Riverhead over on Kroemer Avenue. I came to visit this- the town meeting the first time you guys took over, the first meeting over in Riverhead.

I applied for an off premise sign permit to go on a diagonal to the Applebee's over on Kroemer and 58."

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Supervisor Cardinale: "58. Right."

Tom DiNicola: "And one was up many years ago and I took over the business about 15 months ago and we've been trying to rehabilitate the place. We put hundreds of thousands of dollars into it and, you know, the business is at about 60% capacity. Now I know that-- I'm getting to the point. I know that-- "

Supervisor Cardinale: "You're quick compared to some others."

Tom DiNicola: "Well, I'm trying to be very fast because I know that you want to move on. This is a day care center and it's a big one. It's 12,000 square feet. It can take almost 180 kids. I only have about 90 to 110 kids. It should be filled and there should be a wait list and I can't for the life of me figure why it's not.

My wife and I took over this place about 15 months ago. The only thing I can think of is possibly that we need an off premise sign because we're off the beaten path. I- with Leroy Barnes, I placed the application, did the hundred fee and, you know, I'm coming into a lot of red tape, you know.

It's like, well, you know, if you want a second sign it's got to be like a foot by two foot. Nobody can see that from the road, and I put in a design for a nice big one about the size of the one I have on the other side of the road, which is what-- Kroemer and Main Street- 25, and what I was told is (1) you can't have a second off premise; (2) if you do want a second off premise, it can only be like a foot by two feet which nobody can read; and, (3) because this is a day care center and it requires people to call and telephone and make a tour and make an appointment for a tour, the phone number is critical. And that's three things that I need. I need the phone number. I need a big sign and I need it to be placed in that area.

I know there's a 15 foot easement. You know, I had the printer, the sign guy Alley Cat (phonetic) who's doing it and he's done it before, he says he's done things with Riverhead. He's got the fonts just right. It's very tastefully done.

And, you know, we're a struggling business in Riverhead. We came to this town trying to make some money, trying to do good and it's a child day care center. I mean we've got six weeks up to school age.

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And what I'm asking the town is to help me on this one, to make an exception or whatever zoning- whatever ordinance you're going to do- I actually, I apologize, I didn't read what you're proposing to do, what changes you propose to make. But I really need this to get put up right away.

And there's a lot of red tape. I got another 20 page document called the Requirements for Filing Zoning Board Appeals application. I mean there's so much red tape. I mean this isn't a porno shop or a liquor store. This is a child day care center. No pun intended, you know. We're just trying to survive here

And, you know, I just speeded just to get here, you know. You know, it's a lot of work. There's over 30 people employed and, you know, this business, you know, I put a lot of money into it myself and this business will survive because of my pocket. But on its own, without 70, 80% capacity, without this sign, without my pocket the business could fail. But because of my pocket, the business is still there.

How much hundreds of thousands of dollars I've got to put into this business and in your town, you know? I guess what I'm really trying to say is to sum it up is, you know, I need this off premise sign. The rules- I need the rules to be relaxed a little so I can survive.

And, you know, I went through all the steps, I did all the applications, and now they're telling me I've got to do another application, I've got to see the Board of Appeals, I've got to go to the Architectural Review Board, I mean, my application is perfect. It's very pretty, it's nice, you know. I feel like I'm throwing my money away. I feel like I threw a hundred dollars away.

I just- I mean we spoke once before- "

Supervisor Cardinale: "Yes."

Tim DiNicola: "-- off sign. You said, you know- "

Supervisor Cardinale: "We did speak (inaudible) meeting. One of the reasons this sign ordinance is before the public is because we're dissatisfied with both the contents of the sign ordinance as it exists, the fact that the administration of the sign ordinance is inconsistent with the existing statute, and we're trying to think it through to do a better job, and it could be helpful.

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And that I would take a hard look at- I have a copy of it here and get it to you if you wish it tomorrow. Take a hard look at what we do with off premises signs and we'll discuss whether it's realistic in view of business considerations.

The other thing- maybe someone else knows, I don't. If you- is there a escape valve mechanism within this ordinance in case- as there would be with the Zoning Board of Appeals for variances from whatever the rules are?"

(Unidentified): "Yes."

Tim DiNicola: "What I'm looking for is a waiver. I'm looking for an exception to be made and it's an undue hardship. The business is off the beaten path and it really- it really needs- it needs the signage. People need to know we're there. And Safety Swim is moving right next door to us so that should be a big draw as well. I don't know if anybody knows. Safety Swim."

Supervisor Cardinale: "There is some adjustment, Mr. Bartunek was just pointing out, in the definitional purpose section who are hardship cases. We'll take a look at it. We'll try to do what we can to assist you with the best interests of the town. So thank you for coming."

Tim DiNicola: "Thank you."

Supervisor Cardinale: "Larry and then Mr. Kasperovich."

William Kasperovich: "I think that you allowed this speaker to go off the subject, beyond the subject. I think you should allow a rebuttal."

Supervisor Cardinale: "Wait a minute. First of all, the speaker was precisely on the subject. He's speaking about a sign ordinance and what it does in regard to off premises signs which are in the ordinance. So he was on subject and actually quite straightforward. But if you want to speak again, why not? But I'd like Mr. Oxman to speak first."

Larry Oxman: "Good evening. Larry Oxman, commercial real estate broker with offices located at 1747 Old Country Road, Riverhead."

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I'm glad that the town is going over and re-mapping their sign ordinances. The gentleman that just spoke although he may be presenting a hardship, I think that there are a lot of people that would also have hardships. One only has to drive the strip of Montauk Highway by Mastic, Shirley to see signs that represent hardships. It's a visual confrontation. It's quite ugly.

On my way here, I was actually thinking about signs because basically I passed other broker signs that don't conform to the current code and the town is filled with them. Occasionally the Building Department will go out and collect them or chop them down, but they seem to grow back.

I on the other hand having an office in Riverhead and familiar with the code, adhere to the code. It actually puts me at a disadvantage. I'm constantly thinking well, if the other guy is doing it, maybe I should also.

So I would suggest that enforcement is just as important as having a good code. And if- at one point, Southampton town had literally a person that that was all they were assigned to do, was to go around and collect signs or make sure that they were in conformance with the code. Maybe Riverhead will consider the same.

Last but not least, I did suggest a couple weeks ago that one go to Westhampton Beach to take a look at their code for their signage for real estate signs. It's very becoming. They're small signs, one per house, everyone gets the idea that home is for sale. There's no question about it. And, again, it's quite attractive. All of the signs are the same size, the same lettering, the same color, and one per house.

Thank you."

Supervisor Cardinale: "Thank you. Bill, did you have a comment?"

William Kasperovich: "William Kasperovich from Wading River. As I'm getting older, my memory is not what it used to be. But I remember very clearly the number of hours and the number of people that came up here and discussed the location of this building to be built and the problems and the considerations that should be resolved or pro or con but tremendous amount of study was made to let this building be built.

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Now a man comes along and buys the place and says it's a hardship. Well, the town and all the officials and many citizens put a lot of time and study into allowing this building to be built and somebody buys it over, they buy the problems with it. That is not to me a hardship.

And when a man is talking about signs on the road and he introduces a phone number to distract the driver, I cannot listen to him any further."

Supervisor Cardinale: "Thank you, Bill. Any other comment on the sign code as proposed? As I indicated earlier, if not, I will keep it open in any event for verbal- for written comment until 5:00 p.m. September 17th at which time we'll close it."

Public Hearing left open until
September 17, 2004 for written comment

Public Hearing opened: 7:46 p.m.

Supervisor Cardinale: "We can move onto the next hearing which is scheduled for 7:20 for consideration of a local law to amend Chapter 101 entitled Vehicles and Traffic 101.3 Stop & Yield intersections, and it has to do with the intersection of Church Lane and Philips Lane and a stop sign at the location on Philips Lane.

I believe we're adding a stop sign and taking away a yield sign.

Is there- this is in Aquebogue. Is there any comment on the wisdom of making this yield sign a stop sign, I would be glad to hear that comment. Actually it's 7:48.

If there is no comment, I will simply close the hearing at 7:47 and will proceed to the next hearing."

Public Hearing closed: 7:47 p.m.

Public Hearing opened: 7:48 p.m.

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Supervisor Cardinale: "Which is to start at 7:30 and it is for an extension 80 to the Water District - Traditional Links.

I have a feeling Mr. Kelleher wants to address us. Yes, Dennis."

Dennis Kelleher: "I'm Dennis Kelleher from H2M. We're the engineers for the Riverhead Water District.

The purpose of this hearing is to discuss the proposed extension of the Riverhead Water District. This is different than the earlier hearing that we held where the subject property that we're talking about is not fully in the Riverhead Water District and to provide water to the site, we have to have a formal public hearing and if the Town Board approves it, then we need to have a formal request to the New York State Department of Conservation to extend Riverhead Water District boundaries.

The subject piece of property is known as Friar's Head Golf Club, also known as Traditional Links LLC. It's located north of Sound Avenue between Osborne Avenue and Horton Avenue. The owner has petitioned the Riverhead Water District to the golf course for potable water use only. It will not be used for irrigation. They will continue to use an on site well for irrigation of the golf course.

There are several proposed buildings, including a clubhouse, a golf house, a training facility and a maintenance facility that will be looking for water for drinking and other purposes.

Part of the property, part of the golf course property, is already within the Water District as shown on the map. A little tough to see, but highlighted in yellow is the entire golf course property. Highlighted in pink is the area that is not part of- not within the Riverhead Water District boundaries. So as you can see, there is approximately 50- excuse me, 500 feet north of Sound Avenue that is already within the Riverhead Water District. And the same thing on the west side of the Riverhead Water District where we have one of our storage tanks that is already in the District.

So what we're asking at this point is to the area highlighted in pink to bring that in as part of the Riverhead Water District boundary.

In order to provide water to the buildings in question, the

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District has agreed to allow the owner to install a private water service, approximately 4,000 feet from the existing 12 inch main on Sound Avenue and bring it really almost to the northernmost part of the property where they're talking about constructing the clubhouse. It's highlighted, it looks like in green from this distance running along the eastern side of the property.

The Water District will require that this long service be constructed to Riverhead Water District standards, meaning it will be cement lined (inaudible) iron pipe. We will master meter the service which would be one large meter and we would require that the appropriate back flow prevention device be installed on the line really towards Sound Avenue to prevent and contamination of the water coming from the golf course into the Riverhead Water District distribution system.

We are also giving the owner permission to install a second water feed to the property if he feels it's necessary. I have that dashed in in green going towards the what we call our Riverhead Water District elevation, excuse me, our water tank storage site.

If he does the calculations and feels for flow and pressure reasons that he needs a second feed, he can install the feed.

We estimate the water use of the- for the property, the four buildings in question, to be 8,450 gallons per day with a peak of 25,300 gallons per day for a maximum day. Noting that the Riverhead Water District is currently constructing a new supply well 11-2 at Plant 11 located in Calverton and we will be talking about constructing additional wells in the future, the District will have sufficient capacity to supply water to this site.

Since the water service will remain private, not owned and operated by the Riverhead Water District, there will be no cost to the Riverhead Water District and the developer will not have to put up any funds with the town to construct this water system.

However, the developer will need to pay the key money fee, again, estimated at \$2,500 per equivalent single family home based on water use and we have calculated that to be equivalent to 28 single family homes. Therefore, the developer will need to pay a key money cost of \$70,000 to the Riverhead Water District.

Thank you."

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Supervisor Cardinale: "Thank you. Yes, you have a question? Dennis, we have a question of you from the Board."

Councilwoman Blass: "You listed the uses that would be serviced by this extension but you didn't indicate any residential. Does that mean- "

Dennis Kelleher: "That is correct."

Councilwoman Blass: "-- - in the current extension, the area that is slated for intended future residential homes?"

Dennis Kelleher: "The owners of the golf course have, I heard, long term, and I don't know what the definition of long term proposal to build some residential units on the property. That is not part of this project and we are not giving them permission to hook up to the Riverhead Water District at this time."

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They will have to come back to the Riverhead Water District at point in time that they are requesting water service. But they will be brought into the Riverhead Water District but just like the previous public hearing that we had where the property was already in the Riverhead Water District, they will have to come back to the Town Board and ask permission to hook up-- the proposed residential units for us to provide water service."

Councilwoman Blass: "But that would affect the infrastructure that you're bringing here at this time?"

Dennis Kelleher: "Actually that's one reason we requested that the water service be an eight inch pipe and it be constructed to Riverhead Water District standards. Because down the road, we may request that the developer give us ownership of that main."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Any other comment in regard to this extension 80 to the Water District, Traditional Links? Mr. Kasperovich, do you have comment?"

William Kasperovich: "Yes."

Supervisor Cardinale: "Please come up."

William Kasperovich: "William Kasperovich from Wading River. I have a professional engineer's license for the last 50 years and I've been into a lot of piping, designs and installations east of the Mississippi.

First I've got to object to not being able to peruse through this drawing before tonight. Second, where the hell is the owner? Where the hell is the man whose name has got to be in the record in Miss Grattan's office that we can refer to the fact that this is what he requested and this is what he wants? We have to go secondhand to the consulting engineer.

Now, is he doing whatever the owner asks for or is he looking after Riverhead's interest only? We are the ones that are paying his fees and it sounds like he is interested in what the owner wants."

Supervisor Cardinale: "Actually, Bill, one of the principals I believe is in the room, Mr. Talmage. You are here representing the developer?"

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Dennis Kelleher: "No, I'm representing the Riverhead Water District."

Supervisor Cardinale: "Okay. There's your answer. That's where his allegiance lie."

William Kasperovich: "Why doesn't the Town require the owner, the man who owns this, to make the request so that it's in the Town records that it's he that wants this done not the recommendation of the consulting engineer?"

Supervisor Cardinale: "Okay. I can get that answer for you, Bill, but I don't want to interrupt you. If you have any other questions, why don't you (inaudible), and then Mr. Kelleher will answer."

William Kasperovich: "This is not a first type situation. We have been led by the nose by H2M many times and I've been up here many times to object to their proposal and their layout. Now, isn't there anybody in the Town administration that has to oversee that our consultant is not favoring the owner or using the whatever alternatives are possible in favor of the owner, not the Town?"

Now, there are many aspects of- you talk about 20 odd million gallons of water a day. That's a sizeable amount of water. When we are anticipating- when presentation is made that we're anticipating to put in another tank, that's a big piece of change. Now, their request is made for something that doesn't exist or hasn't been approved and is yet to be accepted within the District and yet the premise is that this is fact or so it's presented here at the microphone.

And there should be some individual in the Town that is on top of the consultant to see that he is- the money we are spending for him is to our good and we- if we are lacking such an individual we can certainly hire one. But H2M is not the last word in water supply and distribution.

And I'm not downgrading this gentleman. He gets paid a salary, he does what he is told from his office. But I have the strong sense that he is being influenced by the owner. And whatever powers the owner has with the Water District, I don't know. But we don't have anybody that we could say, hey, we elected you, you should be taking care of this. Or we hired you to look after this and that's what you're paid for. No. We are introducing an individual speaking for the owner and we have not sight of the owner.

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We cannot go back to like the children's school- we can't go back to the records to say this was brought up and this was shown and this was researched and presented."

Supervisor Cardinale: "Thank you, Bill. Dennis, before we have further comment, I'd like you to come forward. I'd also like to know something very timely here. Actually, Bill, you make a good point. Your central premise of potential for conflict of interest and I want to point out to the people who are here today, the next hearing, or two hearings down, we have the code of ethics.

In section 18.4 section J we talk about that very issue of consultants and if you're working for the Town, what are the rules for simultaneously representing interests of developers. And it is a good point. It's much too complex to get into this evening with everything else we have to do but, Dennis, there were some specific questions. But it is part of the new ethics code and I think that's the thing.

The owner of this piece of property is who? Do you know?"

Dennis Kelleher: "I don't know. I get- "

Supervisor Cardinale: "The application to the- "

Dennis Kelleher: "-- the way the packet works is I get a set of plans from the Riverhead Water District. Okay? He receives them from the engineer from the applicant. So I never even deal with the applicants themselves.

We then look at what's being proposed as far as the buildings are concerned. We decide what's in the best interests for the Riverhead Water District on how to provide water to this site and how it will benefit the entire Riverhead Water District community.

We then- after we draft that out, we have a meeting with Superintendent Pendzick and Richard Ehlers, the attorney for the Riverhead Water District, and we decide whether we're doing the proper thing for the Riverhead Water District."

Supervisor Cardinale: "You indicated, however, that this would all be at the expense of the owner of the property, did you not?"

Dennis Kelleher: "We made- in this case, we made a decision, we being Superintendent Pendzick and myself, that we did not want to put a Riverhead Water District line 4,000 feet into their property

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that we will not have control of."

Supervisor Cardinale: "Well, that's important."

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "So that judgment was made in your capacity properly as the representative of the Town not to do that and they indicated they would do it at their own expense and that's the present plan. Is that not correct?"

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "So your review of it made clear that we weren't going to do this unless the developer paid, not the Town?"

Dennis Kelleher: "Correct."

Supervisor Cardinale: "Okay."

Dennis Kelleher: "And if Superintendent Pendzick said we did want to own that pipe, that was what my report would say. But a decision was made by the Riverhead Water District to keep it as a private line to be paid for by the developer."

Supervisor Cardinale: "Gary, do you have any elaboration of that you wanted to make?"

Gary Pendzick: "Gary Pendzick, Superintendent of Riverhead Water.

First off, just for the record, H2M works for the Riverhead Water District, not for a developer or anyone else. They protect us. Over the last 40 some odd years, they've created through their engineering the kind of water mains that have water mained this entire area, all of Wading River, Jamesport. They look not only for the needs of Riverhead now but for the future, the sizing of the pipe, the type of material. And we've been very successful and so have they in our name.

To get along with respect to whether or not we accept certain pieces of pipe, I have a job as Superintendent to look at a project to see whether or not it's beneficial to the Water District as a whole. In other words, does it (inaudible), does it serve a benefit, does it increase fire flows, does it give better water quality to the not only the citizens in a proposed subdivision but in the

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surrounding neighborhoods.

If it's a long dead end and Bill will tell you, he's brought it up many times, it serves no purpose to the District, I won't accept it and that's what we've done here. We have many other examples of this throughout Riverhead.

If it was a neighborhood that gave us a loop, that increased the fire flows in this particular neighborhood or gave us better pressures up and down the north coast of Riverhead, then that's the way we would be going. This has been the goal of the Riverhead Water District for decades.

And it's worked very well. I don't mind saying it so I mean it's not just in this neighborhood in Wading River, but throughout the entire township. We probably expanded faster than any other township in the last 20, 25 years. No one's been faster than we have.

One of the reasons is that the foresight that we've used with respect to engineering the pipe so that it can be built upon afterwards, so that it can be extended and gone on.

Yes, in many- in some instances we do have some streets that are dead ends. There just is no practical way to get away from some of them. Sometimes even from the most perfect practical engineering point of view, you can't get away from it. It's just not feasible. But in every instance where we've had the opportunity, we've done just that."

Supervisor Cardinale: "On the other hand, Gary and Dennis, when you're before us on for example as you were earlier, Roanoke Landing lateral water main and we will be in a moment on Kelbridge Meadows Development lateral water main and Hounds Gate, who are you representing in those instances?"

Gary Pendzick: "He's representing the Riverhead Water District in all of those instances."

Supervisor Cardinale: "Now those are situations, however, in which the developer is seeking a lateral extension into his development. But don't you- doesn't the money come from the developers?"

Gary Pendzick: "Yes, all of them."

Supervisor Cardinale: "So, one could ask the question that Mr.

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Kasperovich is asking because- in fact, the Ethics Code asks that very question, except as provided in such and such. To avoid potential conflicts of interest, the Town consultant shall not appear on behalf of any other client before the Town or any agency therefor during the period of service to the Town by the consultant.

The Town shall specify the restriction in any written contract entered into between the Town and the consultant and (inaudible) will not affect the enforcement of this section.

Then we have a series of exceptions which will probably (inaudible) you out at certain instances. But that's really- that is an issue because it's unclear at times, you know, who's best interest is being represented."

Gary Pendzick: "Our procedure has been for some time that a developer who wishes to have either a lateral or an extension of the District to serve whatever purpose, whether it be homes, businesses, senior condominium development, that that developer in order to do business with us, must supply us or give us the money in order to proceed with the engineering, map and design and a public hearing like tonight."

Supervisor Cardinale: "And that's just the point. But they're doing the engineering for the developer as well."

Gary Pendzick: "But what I'm trying to say is that once the Water District receives the money, it then takes it and cuts a purchase order to H2M to do that work. Now that may or may not- it works for us with respect to the fact that they are working directly for the Water District and not for the developer."

Supervisor Cardinale: "Well, yeah, I understand that. That's an interesting way of distancing yourselves. But you don't have a rotating list that you go to. You go to the same- because he knows the business so well because he's represented the District for so long, you go just to that one H2M, and as a result, the question Mr. Kasperovich raises is perhaps not valid but it's certainly understandable that he would raise it."

Gary Pendzick: "I see what you're saying. If you'd certainly gone out to bid in the past, H2M has always taken the field in that respect."

Supervisor Cardinale: "All right. I understand. Okay. We're on a side issue but- and this young lady has been standing. Do you

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want to comment in regard to this public hearing?"

William Kasperovich: "You told me you asked (inaudible)."

Supervisor Cardinale: "Yeah, Dennis, Barbara has a question after this young lady finished."

Anna Zururwinski: "Thank you very- can you hear me?"

Supervisor Cardinale: "Yes."

Anna Zururwinski: "All right. Thank you very much for calling me a young lady. My name is Anna Zururwinski (phonetic). Those days are gone by and I'm from Wading River and eight or nine years ago, I had stood before the Town Supervisor on behalf of my Great Rock community and the reason was we had no water pressure and I know he remembers that. It was a trickle. And, of course, that was dangerous as well as absolutely (inaudible)."

Supervisor Cardinale: "Excuse me a second. Bill and Gary, maybe you could go in the back or right over here. You're disrupting the speaker."

Anna Zururwinski: "That's okay."

Supervisor Cardinale: "Maybe you can talk- "

William Kasperovich: "If my question is valid or not valid. I don't think it's for your judgment to say."

Supervisor Cardinale: "Well, it's valid. So I'm listening. I said valid, not invalid."

Anna Zururwinski: "That's okay."

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

Anna Zururwinski: "So I have two concerns. One, the impact of the water pressure and the quality of the water on the surrounding neighborhood which I believe Commissioner Pendzick and forgive me for calling you Dennis. I don't know your last name."

Dennis Kelleher: "Dennis is fine."

Anna Zururwinski: "And Dennis briefly and very well explained it. However, my concern still based on my experience eight years ago is that hearing that they're going to use so many thousands of

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gallons a day, a day, and it seems to be much more than any household would use, that there has to be some kind of an environmental impact and an impact on pressure.

So all I'm asking is that you take a very hard look on this, all agencies, because you have to look down the road. It has happened in my neighborhood and I know it has happened in other neighborhoods where it was not looked on and the other concern I have is about finances. Yes, I hear that it is quote a private well, but it's still our water.

And, yes, I heard that they would pay so much but in proportion to what a homeowner pays, it doesn't seem like it is equal, that proportion is not the same to what the homeowner pays for use of the water. At least, you know, I'm trying to do it in my head.

All I'm asking is that, please make sure that the Town of Riverhead gets some financial reward from this because we have, based on the experience of having all of these stores on Route 58, all of these new companies, and all of a sudden you read about they have a tax abatement on this and they have a federal abatement on this and it seems like the Town of Riverhead is left holding an empty bag.

So all I'm asking is for you to look at two things, the quality of the water as far as our neighbor- neighboring sites are concerned, the pressure, and also that we get what we deserve as far as money is concerned."

Supervisor Cardinale: "Thank you for your comments. Barbara has a question."

Dennis Kelleher: "Let me respond to that because it's an important issue. When any project like this comes up to make sure that the people of the Riverhead Water District are not subsidizing any new project.

Actually the Riverhead Water District took a bold step about 15 years ago I think it was when they created what I've termed twice this evening, key money. What is a key money fee? Sometimes I don't take the time to explain what it is and it's important to know.

When Riverhead started to develop a lot of residential units were being developed starting 15 years ago, we wanted to make sure that we had enough water for the community, the people who already lived here. All of a sudden we had to build a new well and we had to build another elevated storage tank. They cost a lot of money to

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build. And we didn't think that the people already living in Riverhead who paid for the first well that went in, should have to pay again. So we created this key money fee which is calculated if we had to build a new well tomorrow, how much would it cost and out of that- on that per gallon basis or what we used was a single family home.

A single family home uses an average of 300 gallons per day. For us to provide that 300 gallons per day to that home, how much of that new well- what would be the cost of that. And it calculated to approximately \$2,500. So that's why we've been using \$2,500. So as I said before, this unit- this project, for example, the developer would have to pay \$70,000.

That \$70,000 goes into the Riverhead Water District reserve account for when we talk about drilling a new well or building a new elevated tank, to make sure that we have sufficient pressure, to make sure that we have a high quality water for everybody in the community. So these new developments don't steal the water so we have problems down the road. And we've collected probably over \$10 million dollars over the last several years to build all the new wells and storage tanks that we've constructed."

Supervisor Cardinale: "Thank you. And, Barbara, you have a follow up?"

Councilwoman Blass: "Just a quick question. Mr. Kasperovich raised a point that maybe we can address (inaudible). Is it possible that when the Town Board passes a resolution advertising for these public hearings, that at that time a map can be available in the Clerk's office or is that something that becomes difficult to- "

Dennis Kelleher: "Actually, when we complete the report, we send it to the Town and a copy goes to the Clerk's office and then the public hearing is scheduled. So the reports are done. The problem is they don't always get put up on the hallway, but what's- "

Barbara Grattan: "That's true, because it is in there."

Dennis Kelleher: "Correct."

Councilwoman Blass: "It's in there, okay."

Dennis Kelleher: "Copies of the report- "

Councilwoman Blass: "That's part of that and- "

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Barbara Grattan: "Usually what they do is put the maps up in the hallway that day of the public hearing."

Supervisor Cardinale: "But (inaudible) Clerk's office ten days before. Correct?"

Dennis Kelleher: "At least. Actually the first public hearing today was delivered to the Town back in July."

Supervisor Cardinale: "So it's, you know- I understand."

Dennis Kelleher: "But he's correct. It doesn't always get put up but copies are always available at the Town Clerk's office."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "I'm sure he can go in and get it and put it on the table knowing Bill."

Yes, Bill Talmage. John Wells, please. This could be one of the principals of the applying owner."

Bill Talmage: "I just- I'm Bill Talmage from Baiting Hollow. I just wanted to go on the record as a representative of Traditional Links. In case there's anybody in the Town of Riverhead who didn't live through the whole thing and know I was involved in this and Bill Kasperovich has known me for 20 years, if he's around here I just want him to know my phone number is in the book. He can call me any time."

Supervisor Cardinale: "You may want to reconsider."

Bill Talmage: "I would like to point out that H2M is not our consultant on this. Not only that, but H2M has never worked for me or anybody else that's connected to this project to my knowledge. Our engineering firm is actually based in Westchester."

I can't see anything where the town is giving us any kind of a break on this. Basically said, you have to build this to specs as if we were taking it but we won't take it and you have to pay for everything. So, and that's just part of the cost of doing business for us.

So I don't see that we're getting any abatements or breaks as far as the rate we're paying for the water. As far as I know, we're paying the same rate as everybody else.

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Bill said we were going to have a flow of 20 million gallons a day. I think he meant 25,000 gallons a day. That's quite a difference. But I don't- "

Supervisor Cardinale: "A few zeros."

Bill Talmage: "As to your questions of houses. The way it's contemplated, if there were a residential component of this project at some point in the future, that is a separate entrance. The majority of that would be fed from a separate road, separate entrance. This hookup is for the clubhouse and the facilities that go with it. And that's all there is to that."

There were also two water tests done by an engineering company that came down and it was supervised by the Water District where we had to open hydrants and check flows and they did it twice, once several years ago and they did it again recently because they said, well, maybe there's been enough growth so they had to go back and recheck the whole thing and so they did it again just to make sure that exactly what the lady was speaking about they were concerned about, that there be enough flows. And it passed both times that there would be because there was a 12 inch main out there.

So, basically, that's it. I just want to put a face on this thing for anybody that has any questions and I'd be glad to talk to anybody about this. Thanks."

Supervisor Cardinale: "Thank you. And is there another comment, please? Certainly a spirited water main extension."

Debbie Sellers: "Debbie Sellers, Reeves Park. Just a quick question on clarification of future use, the way that things have been developing out here on the north fork. Having lived through the time of non-potable water when we were in Reeves Park and we could not drink any of the water. What is the projection with all of the building, with all of the commercial, with all of the houses? Where will we be 20, 25, 30 years from now with our water if we keep going at this rate?"

I went through with relatives in Monterey, California who went through this 20 years ago and they're struggling. We haven't had a drought but there are some major problems out there and I just don't know where we are thinking about that for our long term. So I pose that as a question."

Supervisor Cardinale: "Dennis."

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Councilman Densieski: "I asked Gary that same question not too long ago and Gary basically responded that Riverhead will never have a shortage of water. We have a very healthy supply and the limit of development on the land that's already been taken off the building rights, we will never run out. So that was his reply. I asked the same question."

Dennis Kelleher: "Actually, I think that's a two part question. One is a water quality issue and the other is the water quantity."

As far as quantity, how much water we have. What we do several times a year we take a look at the growth that occurs in the Riverhead Water District and we compare it to the what we call our well capacity, our pumpage capacity of pulling water out of the ground. There is plenty of water beneath Riverhead to provide our needs for the next 100, 200 years. That's not a problem.

However, we have to make sure we have enough wells and pumps to pump it out. And that's why we do come back in front of the Town Board on a routine basis. We came back about six months ago. We looked for a well, #11-2. We will be coming back to the Board later this year looking for additional wells. We always need to be sure because if the Board gives me the go ahead tomorrow to design and construct another well, it will be at least two years before we get the first drop of water out of that well. So we need to be always looking two years down the road. So that's the water quantity issue.

Water quality is a different thing. Actually Riverhead Water District has been very fortunate that we have no contamination in our wells compared to other parts of Long Island where we do see industrial contaminants in the water.

And we can design and install treatment systems that will remove any type of contamination that could be in the water. But, you know, knock on wood, we've been very fortunate in Riverhead not to do it. The water coming out of the ground meets all federal, state and local drinking water standards."

Supervisor Cardinale: "Thank you, Dennis. If there any other comment on this, I'll take it. Otherwise, I'd like to close this hearing at 8:21."

Public Hearing closed: 8:21 p.m.

Public Hearing opened: 8:22 p.m.

Supervisor Cardinale: "And move onto the next hearing which is scheduled for 7:35, the consideration of a local law to amend Chapter 108 Article XIII Supplementary Use Regulations.

This amendment addresses as per the legal advertisement the placement of public utility buildings and structures and it requires special permit of the Town Board upon a finding by the Board that adequate buffers exist to minimize impacts to adjacent parcels and taking into account among other things existing and permitted uses in the surrounding community.

So it is attempting to give the Board a little bit more control over the placement of public utility buildings.

Does anyone have a comment they would like to make? This hearing is open at 8:22 and if anyone wishes to comment, we are all ears. If no one wishes to comment, we will leave this open for 10 days until September 17th, 5:00 p.m. for further written comment."

Public Hearing left open until
September 17, 2004 for written comment

Public Hearing opened: 8:23 p.m.

Supervisor Cardinale: "And move onto the next hearing. The next hearing is scheduled for 7:40 p.m. It's 8:23. This is a consideration of a code of ethics to the Town of Riverhead to replace the existing code of ethics which the Board believes to be not adequate.

It has been worked on diligently by the committees of the Board and by the town attorney. We are aware that an ethics code does not make individuals ethical but it certainly will do this if we do it right. It will make- give the public a certain- give the employees and the officers a clear sense of what is expected which doesn't exist presently and it will give the public the hope- a sense of assurance that the rules are clear and we are on notice as to the level of behavior that is acceptable.

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That being said, if anyone has a comment on this. It's a 30 page ordinance which is very, I think complete. Yes, Sid."

Sid Bail: "Sid Bail, President of the Wading River Civic Association. First of all, I'm very impressed by the document and the Board deserves a lot of credit for going well beyond what other levels of government haven't done yet. And the town attorney's office, etc. deserves a lot of credit for working on this as well.

Just- it's a 30 page document and I had a chance to look through a portion of it today and I have some quick suggestions and some of them are really just questions also.

But on page 6, it says under general prohibitions, 1-F and it's about contributions, that a person for whom the town officer, employer has received election campaigns to his or her individual campaign committee aggregating more than a thousand dollars during the (inaudible) previous campaign, that it's supposed- a conflict.

Now I know this- your campaigns don't cost as much as George Bush's and John Kerry's campaign, okay, not in that league. But I would respectfully suggest that a five hundred dollar figure would be more realistic to some than a thousand dollars.

On page 9, the News Review talked about this, that for a period of six months, I believe in the Southampton town code, you can't come before the town agency that you were a part of for 12 months. In this code, it suggests six months. Now, there must have been a rationale, of course, but I would like to see something even more aggressive than the Southampton code and making it 24 months, and almost an election cycle (inaudible).

On the second provision, it says no former town officer, employee shall at any time appear before any town agency, etc., and it goes on to say where they have pertinently participated in or substantially worked on. What's the definition of substantially worked on?

You know, I'm a Town Board follower. On certain issues, I can say well that's basically Ed's issue. You know, Ed really carried the ball of the parking lot, the Peconic issue. Or on another it's that's Rose's primary issue.

But it seems to me it's- "

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Supervisor Cardinale: "I think that's- we were thinking about, the town attorneys there and being able to (inaudible) and somebody drew (inaudible) but asked comment from his colleagues or participation, we didn't necessarily preclude the person commenting but we did want to preclude the person who created (inaudible)."

Sid Bail: "Okay. Right. Well sometimes authorship is hard to- "

Supervisor Cardinale: "Yeah, I know. I know exactly what you're saying. Yes."

Sid Bail: "-- to ascertain. All right. And one other thing, earlier there's a prohibition against disclosure information that you may have gotten as a town employee but there's an exception in Section 4. It says the prohibition on appearances and practice after leaving town employment as described in paragraph 1 and 2 above, shall not apply to positions with or representation on behalf of any local, county, state or federal agency.

Now I may be wrong in my interpretation, but this means like- I have worked for Riverhead town; now I'm working for Suffolk County. I can represent Suffolk County in front of Riverhead Town Board."

Supervisor Cardinale: "Yeah. I think- and that's-- incidentally- "

Sid Bail: "Am I still bound by non-disclosure though of any information that I had as a Riverhead- "

Supervisor Cardinale: "Yeah."

Sid Bail: "Because there's, you know, we've had instances where the county and the town go at each other."

Supervisor Cardinale: "I think- yeah- this incidentally I'd like to take authorship of all this but much of it was- the basis of this was the Southampton code, much of it."

Sid Bail: "Right."

Supervisor Cardinale: "And when we looked at that- I think they're talking about if you go from the town to the county-- "

Sid Bail: "Okay."

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Supervisor Cardinale: "-- in employment, that it would loosen it up a little bit. But if you are going from the town to a private employer- "

Sid Bail: "Supposed I go from the town to the county, would I still be bound by non-disclosure?"

Supervisor Cardinale: "You'd be bound by non-disclosure but you- I think what they're saying there is that you would not be bound by the- we would be able to appear within the six month period or whatever preclusion period was set out."

Sid Bail: "And the last comment on page 26- "

Christopher Kent: "Both of them being public employers."

Sid Bail: "And the last comment I have, on page 26, this talks about the ethics board and the review and investigations and there's a lot of responsibility put on this new ethics board. Now I assume like other boards or some other boards of the town, they have the services of the town attorney's office, like the Planning Board or ZBA, etc. Would the ethics board also have like, you know, like would a town attorney be present at all their proceedings?"

Supervisor Cardinale: "I think actually the town attorney is anticipating to be one of the members."

Sid Bail: "Right."

Supervisor Cardinale: "But you are absolutely right it does have a lot of- this board would have a lot of responsibility."

Sid Bail: "Sure."

Supervisor Cardinale: "In fact, the current board has already informed us that if they're doing all this, they're not going to do that."

Sid Bail: "Ah, it's a plot to get rid of them, huh?"

Supervisor Cardinale: "No. We wanted them to keep going but they said this is too much for them."

Sid Bail: "Okay. Thank you very much."

Supervisor Cardinale: "Yes, Rex."

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Rex Farr: "Rex Farr, Greater Calverton Civic Association. My God, I've waited a long time for this topic. It's just about 200 years over due, isn't it?"

Supervisor Cardinale: "Yeah, you've been talking- every time I spoke to you in the last eight months, you have asked me when is that coming to a public hearing."

Rex Farr: "Well, exactly. Ethics, it's the basis of democracy. It's the basis of our town here and I'm so glad that this particular Town Board has decided to address this issue."

I'd like to turn actually the microphone to my cohort, Gene Greeves, who has actually read line for line, okay, this 30 page document which I think is the basis for how we are as a town going to operate and how we as a town are going to demand and from our elected officials how they behave.

Gene, please come up here."

Gene Greeves: "I just had some general questions as I was going down as Rex alluded to. I did go through the code here after getting a copy and I tried to go through other surrounding towns so to try and bounce it off. I noticed that a lot of it seemed to reflect Southampton-- "

Supervisor Cardinale: "Correct."

Gene Greeves: "-- when I was comparing it. I did look at Southold's. It was just slightly longer than our current one."

Supervisor Cardinale: "Yeah. We thought it was short and had certain difficulties."

Gene Greeves: "So that's where I'm coming from with some of the questions as I go down the list if it doesn't become apparent. But Section 18-2 which deals with definitions. I saw that Southampton had an administrative handbook. It's not in the Riverhead town definitions."

Supervisor Cardinale: "An administrative what?"

Gene Greeves: "An administrative handbook. It indicates a booklet approved by the Town Board and distributed to administrative officers and confidential town employees detailing personnel policies

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and management or administrative responsibilities. I read that to be more of less a bluebook on, you know, what everything is about so that people know where it comes from."

Supervisor Cardinale: "And that was in the definitional section?"

Gene Greeves: "That was within the definitional section, correct."

Supervisor Cardinale: "Yeah. I'm surprised that's out. I'll check it."

Gene Greeves: "Also under the definition section, it does talk about benefit in the Riverhead proposed. And Southold specifies money, service, licenses, permits which I believe is what you're alluding to in this section. I just thought it might be prudent to list some non-inclusive examples."

Supervisor Cardinale: "Yeah."

Gene Greeves: "Just a suggestion."

Supervisor Cardinale: "Sure."

Gene Greeves: "I did make an alphabetical reference that it had some items in the definition section that were out of alphabetical order. Client or customer should be before consultant. Ethics should be before former town officer or employee, etc."

Supervisor Cardinale: "Yeah, that's right."

Gene Greeves: "18-2 Definitions, client or customer, Southold indicates a period of 12 months. I believe it's proposed 24 months. I'm not sure if there's a happy medium to be met in between there. Again, just raising the question."

Supervisor Cardinale: "Who has 12?"

Gene Greeves: "Southold."

Supervisor Cardinale: "We have 24."

Gene Greeves: "Correct. I believe Southampton has 24 as well."

Supervisor Cardinale: "Yeah. I believe it's 24. It's more

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(inaudible)."

Gene Greeves: "And, again, that's not a problem. It just seems to conflict with, as Sid has mentioned and I'll mention as well later on with the revolving policy as well."

Supervisor Cardinale: "Yeah."

Gene Greeves: "18-2. I didn't know- I'm not an attorney, but I'm just- the town officer or employee. Southold goes on to specify that a member of an advisory board of the town if, but only if the advisory board has no authority to implement its recommendations or to act on behalf of the town or to restrict the authority of the town to act.

This shall not include the ethics committee. I thought that it further clarified who should not be included under this section. As far as (inaudible)."

Supervisor Cardinale: "Which section are you looking at?"

Gene Greeves: "It's still under 18-2. I didn't write the page numbers down but it's town officers so it would be "T"."

Supervisor Cardinale: "Town officer?"

Gene Greeves: "Yeah. So that would be page 5, I'm not sure."

Supervisor Cardinale: "Town- oh, the definition of town officer or employee?"

Gene Greeves: "Correct. And I was just making reference to what Southold had in their definition."

Supervisor Cardinale: "Okay."

Gene Greeves: "18-4B Subsection 1, letter F. I- actually I have to turn back on myself- "

Supervisor Cardinale: "That was the one that you thought a \$500 cap, that should be precluded from voting on something that someone who gave you \$500 during your campaign."

Gene Greeves: "Yeah. Sid had made comment to that and I wasn't sure on how- how exactly does that work? Like the \$1,000 to a contribution. Forgive me for being naive but I don't know whether that is a small amount, medium amount, large amount. I have no idea

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what the going rate is. No. I know what it's indicating but I'm saying as far (inaudible)."

Supervisor Cardinale: "In a local campaign?"

Gene Greeves: "Okay."

Supervisor Cardinale: "It's a large amount relative to what most people give you."

Gene Greeves: "Okay."

Councilwoman Blass: "What it is, it's the aggregate total over the course of that particular campaign and we are by election law, I believe, prohibited from taking anything more than that."

Gene Greeves: "Bound to that. Okay that's why I was asking the question, I was not sure. So I just wanted to make sure."

18-4B Subsection 3, it talks about recusal and it indicates the last sentence on that page 6, that recusal is not required of an elected town official so long as any relationship described above is disclosed as part of the public record and in accordance with the provision.

And I just wasn't sure if the wording and why, you know, after you are saying that you have to recuse yourself, obviously there's going to be some situations to allow for non-recusal, but I was just curious whether that was double talk or whether that's, you know, something that's legitimate and will work."

Supervisor Cardinale: "Well, I thought the same thing when I read it. I think what the theory is, is that if you disclosed it, that you are then- you don't have a conflict because it's disclosed and I have some difficulty with that concept too."

Gene Greeves: "I think that needs to be- I mean I can disclose that I'm the owner of this before. I mean, I think there needs to be just a little further clarification on that. My opinion."

Supervisor Cardinale: "Yeah. I understand what you're saying and I agree."

Gene Greeves: "Then the section that Sid was referencing which was 4-I, the revolving door, Subsection 1. Southold actually cites a period of two years, 24 months, that Sid was referring to."

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Southampton does refer to 12 months and we are citing six. I would suggest, again, in the effort of firmness that we referred to earlier with the client/customer being 24 months versus 12, that 12 months at the least be considered.

There's a section 18-6."

Supervisor Cardinale: "Yes."

Gene Greeves: "Void contracts. It's the middle of the third line that picks up such contract shall be void unless ratified by the Town Board after full disclosure of the facts and circumstances of all violations."

Supervisor Cardinale: "Yes."

Gene Greeves: "From what I was reading it to be was that somebody has been found to violate one of the previous sections of the code in connection with the contract or agreement entered into, it's void after the fact, before the fact, during the fact?"

Supervisor Cardinale: "They're saying- it's for this purpose. They're saying it's void if you voted on it and you failed to disclose what you're supposed to disclose in that section. But they're also saying, well, you know, if it turned out it was good for the town, that contract, you want to be able to ratify it in the best interests of the town after the disclosure is made. Seldom would that occur. Trust me.

But that's what it's there for."

Gene Greeves: "Okay."

Supervisor Cardinale: "Just to be able to save the contract. If letting the guy out of the contract is actually doing him a favor, not the town even though at the time we should have- one of the members should have- the person with whom we were contracted should have disclosed, what he should have disclosed as evidenced by the statute."

Gene Greeves: "Okay."

Supervisor Cardinale: "It's a savings clause to allow us to do that."

Gene Greeves: "That's a legal document so far, right, to try

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to cover everything under the sun?"

Supervisor Cardinale: "Yeah, but we really want to make this something that's someone actually will be able to read and understand. So you're helping us out."

Gene Greeves: "I'm long past that, Phil."

Supervisor Cardinale: "I know that so that's where we told you we would take it from here because he was going blind after he had read this three or four times."

Gene Greeves: "As did I, as did I mirroring them up with the other ones as well."

18-12 and I'm not getting paid at all to do this. 18-12C, the- suggesting that there should be language regarding such interest being worth less than \$10,000 being incorporated into this paragraph. Since it was previously mentioned in the definitions under Subsection- I mean Section 18-2 Outside Employers, Subsection D and E, they make reference to certain dollar amount besides percentage of interest."

Supervisor Cardinale: "Are you looking at C?"

Gene Greeves: "C. It says indicate ownership of less than 5% and there's no reference to a dollar amount. However, earlier in the definition section, 18-2 under Outside Employers Subsection D and E, it does make reference to a percentage or to a dollar amount as far as- "

Supervisor Cardinale: "I understand your point. That could be a very valuable- "

Gene Greeves: "Looking for consistency was my main point there."

Supervisor Cardinale: "Okay. So you are suggesting a dollar figure be also stated?"

Gene Greeves: "Just- yeah, within consistency. I felt it to be inconsistent with an earlier reference in the definition section."

Supervisor Cardinale: "Which was for a thousand?"

Gene Greeves: "Ten thousand."

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Supervisor Cardinale: "Ten thousand, okay."

Gene Greeves: "18-1A, this is actually the- "

Supervisor Cardinale: "I have 14."

Gene Greeves: "Yes, 14-A, everything is 18, the whole (inaudible). Disbarment. It suggests a period of six to three months. I would suggest a more- six months to three years rather, I apologize. Southold does indicate five years.

My take on it is that you have later on and I have to look and see what section it is, but you're talking about in this particular A, intentional or knowing violations. I don't think that a three-six month to three year sliding rule should necessarily apply to knowing an intentional violation. I think that it should lean towards the three and as I indicated Southold is five.

You do have an unintentional or something that was unknowingly happen. I think that's where you want to indicate some latitude that, hey, listen, it was not intentional that this happened and to allow some latitude there.

If you have somebody that intentionally and knowingly is found to violate, I'm not sure why you would have a sliding scale on something like that. (Inaudible)

18-4E, it's talking about corporations, partnerships or entities. Just suggest including language regarding majority interest because I feel this is the essence- in essence this would still be the individual when you're talking about corporation if there's a majority owner of a particular corporation."

Supervisor Cardinale: "Yeah. I understand."

Gene Greeves: "So if I'm an employee but I'm also the 90% owner, I'm not going to be held vicariously liable as the owner when I acted more or less as the owner as an employee. That's all I'm referring to there."

Supervisor Cardinale: "I understand."

Gene Greeves: "18- 22B, Subsection 11 A, B & C, it talks about approval and if I'm reading this correctly, the individual whether it be good, bad or indifferent, has jurisdiction over whether or not the rules would be published. Where did it indicate it?"

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Supervisor Cardinale: "Number 11?"

Gene Greeves: "Number 11, yeah, maybe I'm not on the right one. Yeah, published. That such person approves the form in which the advisory opinion is published. Obviously you don't want to have your name put out there in a bad situation especially when it's found to be erroneous.

Obviously you do need to have some sort of public example of just a objective situation in which this is the answer to that situation. But my question goes to why wouldn't you have the town attorney or the ethics board council possibly be charged with signing off on the form or content of how it was going to appear as an advisory opinion being published as opposed to the individual."

Supervisor Cardinale: "You're looking at 18-22 B-11. Correct?"

Gene Greeves: "Yes. A, B and C. Yes."

Supervisor Cardinale: "Have an A, B and C."

Gene Greeves: "It indicates that such person approves the form in which the advisory opinion is published."

Supervisor Cardinale: "Well, what the caption is the ethics board, the board shall have the following powers and duties and then they talk about to publish its advisory opinions, its final decision and its decision proposing- disposing of complaints. So you're suggesting- they have the right to publish their position and one instance (A) it says that they have to remove identifying information concerning persons subject to the advisory opinion."

Gene Greeves: "I have no problem with that. I read it to indicate that the individual that's being removed had some input on whether the form was going to be published or not. That was my question."

Supervisor Cardinale: "No. It would be the ethics board shall have the powers and duties. So they're talking about not the recipient of the decision but the issuer of the decision would have the right to publish it under these terms. But we will look at A, B and C and see if we can tighten it."

Gene Greeves: "And lastly, actually that was the last one.

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That was the last one. Sorry."

Supervisor Cardinale: "Appreciate your reading it carefully. I know it was a chore and your suggestions are good ones and we'll try to incorporate them."

Gene Greeves: "Thank you for your time."

Supervisor Cardinale: "Thank you. Yes."

Rex Farr: "Let me just conclude. If it sounds like Wading River and Calverton are nit picking, ladies and gentlemen, at this is the backbone of our society. We live by ethics. Ethics is where we are as a human being, as individuals. Again, as I said, this is a long overdue document, 200 years. I would advise the Town Board to take and pay heed to- yeah, this is not parties. This is not United Riverhead party. No. It's not Republican or a Democrat. It is the Town of Riverhead. It is how we should conduct business. Thank you."

Supervisor Cardinale: "Thank you. Yes. Oh, I'm sorry, Sal. All right, I'm sorry."

Angela DeVito: "I'm going to be quick also. Angela DeVito, Greater Jamesport Civic. It almost appears as if the comments that Sid and Rex and his partner there, Gene- I just thought of it, sorry, Gene, made were exactly the same sort of things that after the third reading of it I coordinated in my mind.

You know, the first time after reading it, I threw it up against the wall and what stuck I kind of figured was okay, and what fell down needed to be looked at. The one thing I would ask is the (inaudible), you know, and Rex has pointed out.

This is so very important that many of the individuals who may have wanted to come tonight from the eastern part of the town and did not, I would ask that comments be kept open and the public hearing be kept open until the next Town Board meeting so that more comments can be taken at that time. I would ask the Board to do that because it is- this is such a very important document for the town.

I'm not putting this- postponing this, Rex. I know you've waiting a long time for this. But it's just to maximize the ability of individuals to participate in this.

Thank you."

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

Sal Mastropolo: "Sal Mastropolo, Calverton. I didn't get a chance to read them but I will ask one question. Is there a requirement in the code of ethics that each employee and officer of the town read them once a year and stipulate that they've read them and sign it?"

When I was in private industry, once a year we read the business conduct and guidelines book and we had to stipulate by our signature that we read it and we agreed with it. Okay? Therefore, if we did anything wrong they had our signature that we knew what the rules were and I suggest that the town implement that as well."

Supervisor Cardinale: "Good suggestion. Well done. Yes, sir, in the back."

Mark Houraney: "Good evening, Mark Houraney, Riverhead. I'm trying to figure out how it works but I was wondering does the word contributions- how does it handle political actions? Because it seems in some of the research I've been doing lately, large checks could be written to these political action committees from individuals and then it's sent to another party and then it ends up going to either a candidate or advertising and I'm far from being an expert on this, but I'm trying to understand the word contributions. Does it include political action committees also?"

Supervisor Cardinale: "Yeah, good point, Mark. At the point that they say- it says a person to whom the town officer (inaudible) has received election campaign contributions to his or her campaign aggregating more than a thousand during the previous campaign. It should say a person or entity."

Mark Houraney: "Right."

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

Tom Lomanto: "Tom Lomanto, Jamesport. I had no intention of saying anything about this, but maybe it might be relevant. I'm in an industry that's regulated by the Securities and Exchange Commission and on October 5th of this year there is going to be some major dramatic changes in the securities industry.

One of the codes that is going to be implemented will be a code

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of ethics. And I can only assume that the reason you're addressing this now is because the one that's in place is outdated. A very important part of their procedures and a review process once a year is going to be mandated to each and every participant and a procedure has been set in place so that yearly the firm that's involved will present to the Securities and Exchange Commission what they've done to follow up to make sure that the code is now current (inaudible).

So I just thought it might be worth consideration so that five years from now we're not sitting here discussing this all over again. If it's done on a yearly basis, you're keeping up with the times."

Barbara Grattan: "Tom, can I have your last name again?"

Tom Lomanto: "Yes. It's Lomanto. L-O-M-A-N-T-O."

Supervisor Cardinale: "I think as alluded to earlier, the current code of the Town of Riverhead is two pages and does not address ethics at all. It actually sets off an ethics committee and that's about it. So this will be a first attempt at elaborating upon what we really have been operating under in the town, the state code of ethics. And this is a more precise and finer elaboration of the state code as it relates to our town.

Is there any other comment on the code? We're going to leave this open for further comment at the September 21st meeting at town hall which is 2:00 p.m. and I'm going to continue to leave it open for at least another seven days or so thereafter for whatever written comment and then we'll close it.

I am hopeful that we'll get some good ideas from (inaudible). I am confident that this will serve as a guide and give clarity to the employees and the elected officials and I hope it will give some assurance to the public that we mean to do the right thing and we intend to."

Public Hearing left open to
September 17, 2004 and written
comment for seven days after that

Public Hearing opened: 8:52 p.m.

Supervisor Cardinale: "The next public hearing is, once again,

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Dennis Kelleher is going to talk to us about the Kelbridge Meadows Development lateral water main, it being 8:52. I'll close the previous- I will keep the previous hearing open as indicated. Go ahead, Dennis."

Dennis Kelleher: "I'm waiting for my trusty assistant to bring the next map out. Dennis Kelleher, H2M, consulting engineers for the Riverhead Water District. And we do not work for developers."

Actually let me address that before I get started. We do get phone calls from developers all the time asking if we would represent them and to the layouts of their subdivision. We do not do that type of work. We are the engineers for the Riverhead Water District, the Riverhead Sewer District and we feel you are our client so we wouldn't do that.

With one exception. We do work for Splish Splash, probably the only developer we do work for the town and before we took on that engagement, we did contact the Riverhead Town Board at the time and asked permission to do it and they granted its permission."

Supervisor Cardinale: "Yeah. You may want to look at 18-4J. It may not apply to you; it may. What I think happens is that you are- when you do the lateral extensions for the developers, you are hired- "

Dennis Kelleher: "For the Riverhead Water District."

Supervisor Cardinale: "-- yeah. You are hired by the Water District but paid by the developer."

Dennis Kelleher: "Paid by the Riverhead Water District. The money goes to the Town of Riverhead- "

Supervisor Cardinale: "So they bring it into the Water District from the developer."

Dennis Kelleher: "We do that so I never receive money directly from a developer. It's done on purpose."

Supervisor Cardinale: "Yeah, for that reason. So that insulates you from the- on the other hand, you do all the work on the lateral extensions. There aren't any other- there aren't any other engineering firms that do the lateral extensions. Are there?"

Dennis Kelleher: "I don't follow that question. Are you talking about the Riverhead Water District?"

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Supervisor Cardinale: "Yeah. You do all the lateral extensions as well as all the other work for the Town of Riverhead?"

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "But I get your point. That you're saying it insulates you because of the manner in which it is set up."

Dennis Kelleher: "That's correct."

Supervisor Cardinale: "Okay."

Dennis Kelleher: "Again, this public hearing is for the proposed Kelbridge Meadows subdivision. It's an 11 lot subdivision located on the north side of Middle Road, between Horton Avenue and Roanoke Avenue.

It is already in the Riverhead Water District. The developer has petitioned the Riverhead Water District to provide water to his 11 lots.

In order to provide water to the 11 lots, approximately 900 linear feet of eight inch water main will need to be installed as shown on the map. Again, the map highlights in yellow the proposed subdivision property. Highlighted in blue is the existing Riverhead Water District water main which runs along, in this case runs along Middle Road. Highlighted in pink is the proposed eight inch water main that will service the subdivision.

Because of the layout of the subdivision that was prepared by the developer, we are not able to loop this. This is a dead end line. Because it's a cul de sac, there is no other water main on any other sides of the subdivision for us to loop it through. If there was, we would get an easement through one of the lots in the back and we would continue the water main through. But we can't in this situation.

However, it's only a 900 foot dead end line and with the 11 homes we feel there will be sufficient movement of water so we would not have stagnant water.

Speaking of water, we estimate the water use for the 11 lots at 3300 gallons per day on average with a peak maximum day of 9,900 gallons per day.

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The cost to providing water to this project is estimated at \$61,000. That includes construction costs, design, inspection and contingencies.

In addition to that the developer will need to pay a key money fee of \$2,500 per unit. For the 11 units, that comes out to \$27,500. This- the entire cost of this project will be paid for by the developer at no cost to the residents of the Riverhead Water District.

Thank you."

Supervisor Cardinale: "Thank you, Dennis. Any comment in regard to this Kelbridge Meadows Development lateral water main extension? If not, it being- oh, you did want to comment. Go ahead, please. Mr. Kasperovich will comment."

William Kasperovich: "William Kasperovich from Wading River. Again, I want to first to be on record that I am opposed to having things presented in this manner without the ability or access to seeing what is being done."

Councilwoman Blass: "You spoke to that point earlier, Mr. Kasperovich, and I think maybe you were out of the room. When we pass a resolution that advertises a public hearing, there is a packet that's available in the Clerk's office that includes a map.

So when you see the resolution that's- indicating that we're having a public hearing, a map is available at that time that you can review so that you are better prepared to make your comments during the public hearing. It's available in the Clerk's office."

William Kasperovich: "I'd like to hear some words from Mrs. Grattan that her office is just not open and doing- sitting on their duffs doing nothing, waiting for people to come in and see things. They are a busy office and they don't have time to put this out and-
"

Barbara Grattan: "I have no room to put it in there- display it on the wall."

Supervisor Cardinale: "I think, Bill, if this isn't the case I will direct that it be the case, that any public hearing, for example, this code of ethics was in the Clerk's office for 10 days before this hearing. The map, every one of the four was in the Clerk's office for 10 days or more before the hearing. She has a

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legal obligation to give it to you if you ask for it because that's what it's there for, to be- "

William Kasperovich: "If I don't walk into the office and tell them exactly what I want, I don't get it."

Supervisor Cardinale: "That's right. But you should- "

William Kasperovich: "If I'm not able to do this, if I'm not able to do this, that doesn't mean that there should be no other alternative or other arrangements or other ways to show this map-information. Now, let me say the developer has a piece of land or he bought a piece of land or somehow or other this land belongs to some one individual man or company or corporation. Now what are they going to do with it? See.

Now, this is one way for them to handle the land. If they could squeeze this through the town to get this dead end pipe line run up there, they could break up the pieces of property and make a development out of it and sell the pieces.

Now, if this- they did not feel that that could be accomplished, they would not go in this direction and we would not be seeing this. A dead end line like this is the last resort and until the developer has some feeling that this will pass, he doesn't move in this direction.

Now, the developer no doubt has spent considerable money to get to this point and he wouldn't have gone this far to do it and if we tolerate this sort of design, we could run water to most anywhere for anything. This dead end water line is the last word and the worst kind of engineering that you could conceive of.

Now, had the people realized the Riverhead Town Board is not an easy mark, they wouldn't have tried this and I contend we have gained this reputation with some of these developers."

Supervisor Cardinale: "Thank you for that point and I'll follow up with Dennis in a moment on that. But, thank you for the point."

William Kasperovich: "And a well known situation, a (inaudible), but a plot is presented to the Town that this is our intention to go in this direction, that's without spending any big money for consultants or architects or engineers. This is what we intend to do, what are our potential to get utilities. And without

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spending any big money.

But, no, in this town they go all the way and then they try to get it pushed through the Town Board and this is our reputation which has to be changed. A dead end pipe line is the last word and you have to convince us that this is the only way you could handle the property."

Supervisor Cardinale: "Thank you. Dennis, could- I know you're representing- from what we discussed, you're representing our interests. Everybody seems to agree that a dead end line is not desirable. Is there an alternative that might have been used in this instance?"

Dennis Kelleher: "Yes. Now it is very common for developers to propose cul de sacs because it's nice to live on a cul de sac so you don't have thru traffic. It is possible to do what we call a double pipe where we would have- we would tie into the existing main on Middle Road, run an eight inch in, have it come back out and what we do is we put a valve in between, on Middle Road, so the water has to go through.

The problem there is I think we have a 12 inch pipe on Middle Road, we have an eight inch going through so it would constrict the flow. So- "

Supervisor Cardinale: "In this- since everybody agrees there's problems that result from this configuration which escape me but I'll believe you. The question, I guess, is since we're not paying for it anyway- "

Dennis Kelleher: "I would like to clarify. It's not a significant problem. I live on a cul de sac, I have a dead end road. The Suffolk County Water Authority and it's not a problem."

Supervisor Cardinale: "But apparently you could concede that if you could do it another way, you would. Is there any way you could do it differently in this instance?"

Dennis Kelleher: "Only if we had property owners who were looking to develop their property surrounding this and at the present time I do not know of any subdivision (inaudible)."

Supervisor Cardinale: "There's no other then- other than the configuration that you presented, even at a higher cost, there is no engineering alternative?"

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Dennis Kelleher: "We could talk about putting 12 inch pipe into the subdivision, 800- 900 feet, turn around and come out with another 1200 feet. That could be done."

Supervisor Cardinale: "Yeah. Since you're representing the interests of the Water District as you indicated, the fact that it might be more expensive but it would give you a better line would not be a relevant expense because it's not our expense. You want to get the best water quality within that subdivision (inaudible).

Maybe again what he said, there is more than the germ of truth that we ought to engineer away from these dead ends as much as we can and we do see them with some frequency. So I would suggest that maybe we look into that and we'll talk more."

Dennis Kelleher: "We can do that."

Larry Oxman: (Inaudible) " -- we would leave it open for Dennis and I to discuss it or just the possibility of (inaudible)."

Supervisor Cardinale: "Is this one of your projects?"

Larry Oxman: "It's someone that I'm working with."

Supervisor Cardinale: "Okay. So you're an agent of the owner."

Larry Oxman: "Correct."

Supervisor Cardinale: "Yeah, I'd like to just explore it. I don't want you to be, you know, the first guy- "

Larry Oxman: (Inaudible)

Supervisor Cardinale: "As a matter of policy, there's a good point here that maybe we ought to stay away from these if we can."

Larry Oxman: "But clearly my goal is not to hold up this subdivision. An easement is something on paper that may or may not be used in the future. But it will (inaudible) to begin with and then you preclude it for the future."

Supervisor Cardinale: "Thank you. Bob, you wanted to talk and then Angela is it?"

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Robert Kozakiewicz: "For the record, Robert F. Kozakiewicz. I'm here for Mr. John Hartell (phonetic) Hartell Contracting who owns the parcel. And I heard the discussions and I understand that from an engineering standpoint it might not be the best scenario but I wanted to explain the process.

This is the culmination of some long review that's been undertaken by the Planning Board. The plan has undergone a sketch plan approval and (inaudible) preliminary plat approval from the Planning Board.

And one of the reasons the configuration is laid out the way it is, is because under the agricultural zone and now the APZ zone, there was a desire to keep a contiguous acreage, that large agricultural parcel that's on the westerly side which is 13 or 14 acres of land. There was a review by the Planning Board, its consultants, its staff that determined that that was the land that was best preserved, best laid out and best kept for agricultural use and, therefore, that was the reason why that street and the lot layout was made the way it was.

So that the applicant here has undergone quite a bit of review from the Planning Board and the layout was sort of brought about as a result of give and take with the Planning Board and its consultants, that- purposes of keeping that agricultural vista were maintained.

I just wanted to bring that to the Board's attention. It's not a case where we're coming in the last second and saying take this or leave it but it's something that's been a very time consuming thought out process with the Planning Board and that's the reason it's laid out the way it is."

Supervisor Cardinale: "Thank you. I really was presuming that we keep the layout the way it was but wondering if there's any engineering solutions within layout that could be adopted to avoid a dead end situation.

He were starting to tell me about it but I don't understand what he was saying. I'll get you in touch, Mr. Kelleher, Dennis, I'll get you in touch with somebody who understands what you're talking about, one of our engineers. But if there's an engineering solution within the constraints of that layout, I'd like to explore it.

Any other comment? Angela- okay. I hope we didn't discourage you. Okay. That is the 7:45 hearing."

Public Hearing closed: 9:08 p.m.

Public Hearing opened: 9:08 p.m.

Supervisor Cardinale: "There is a 7:50 hearing, it being 9:08, I'd like to open that last hearing, Hounds Gate Development lateral water main. Again, Dennis Kelleher."

Dennis Kelleher: "The good news is this is my last one for tonight. This usually doesn't happen when we bunch four of them together but it has happened tonight."

Dennis Kelleher, H2M. This public hearing is, again, a development that is being proposed to be provided public water. It is already within the Riverhead Water District boundaries. The proposed development is called Hounds Gate. It is a 27 unit development located on the north side of Sound Avenue, just west of the North Country Road intersection.

In order to provide water to the development, we need to install approximately 1500 feet of pipe, tie in on Sound Avenue. Again, there was no way to easily tie into a water main that's on either side of it but following up on the previous one, we can look at the possibility of running dual pipes into the system but we would have to revise the course.

The estimated cost to provide water to this complex is \$100,000 at this point with a single pipe going in, including construction costs, design, inspection and contingencies. The estimated- the good news- besides running a pipe into the complex, there is no water main that currently exists on Sound Avenue.

You could see on the map, we do have highlighted in blue on the left hand side of the map which would be to the west, there is a dead end main right now, a 12 inch line and the same thing, a dead end line to the east. So there is that section of pipe approximately 800 feet the frontage of this property, where there is no pipe.

As normal Riverhead Water District procedure, we require the developer to pay for the transmission main to be installed so we are closing the loop of the transmission main on Sound Avenue to the benefit of the Riverhead Water District, really no benefit to the developer himself. And then he has to run the pipe on the inside.

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The estimated water use is 8,100 gallons per day on average and 24,300 gallons per day on a peak day. Key money has been estimated again using the 25- excuse me \$2,500 per unit to a total of \$67,500. Again, this would be no cost to the residents of the Riverhead Water District. The entire cost to be paid by the developer."

Supervisor Cardinale: "Thank you, Dennis."

Dennis Kelleher: "Again, if we were to leave this open and re-look at the idea of running a dual pipe on the inside, the increase in cost of the project would have to be calculated."

Supervisor Cardinale: "Good. Thank you. I'd like to look at that. I'd like to get a sense of it. And incidentally maybe Dave Cullen would be a good guy to speak to because he (inaudible).

Is there any other comment on this particular application? Yes?"

Dorothy O'Hare: "Dorothy O'Hare, Riverhead. I've been listening to all these water extensions and so many of them are on Sound Avenue and I had called Gary a week or so ago and I've been talking to the Planning office and to make a long story short, I got a map and Article VII from the Suffolk County Water Authority.

And one of those things, you know, upside down at the bottom of the page in Chinese is this little, little (inaudible) words and it says that any piece of property that abuts deep recharge zone 3 is included and deep recharge zone 3 runs right through the center and Sound Avenue is the dividing line.

So any piece of property- if you look at the map, any piece of property north of Sound Avenue is in either zone 7 or 8 which is an entirely different thing. But any piece of property that fronts on Sound Avenue to the north is also governed by the deep recharge which is the Pine Barrens law which runs right all the way up to the Southold line. I will bring these maps up tomorrow if you would want me to."

Supervisor Cardinale: "Yeah. I would like to see them and Jill- Jill Lewis would be helpful, I'm sure she'll be there, and she's knowledgeable. Barbara Blass is also quite knowledgeable. Okay. Thank you very much."

Supervisor Cardinale: "That concludes, thank God, the public hearings, nine new and one adjourned that we've done tonight."

Public Hearing closed: 9:15 p.m.

Supervisor Cardinale: "I'd like to take comments in regard to any of the resolutions that are on the agenda. If you had a question? Okay. In regard to any of the hearings? Okay. We will take comment then on any resolution. Sal, I know you probably have some things you picked up. Why don't you start us off in your review of them. Sal reviews these each meeting. He's a big help because he picks out typos and sometimes more serious problems."

Sal Mastropolo: "Sal Mastropolo, Calverton. Resolution #834, the title is Authorizes Special Counsel. My first question is Special Counsel for what?"

Supervisor Cardinale: "There were a couple of questions on that, Sal. I'll tell you what it is but then we're going to- I think there will be a motion to table which (inaudible) hasn't heard about."

There was a suggestion from Mr. Densieski and Mr. Bartunek that we might want to consider other alternatives in regard to this. Mr. DeSimone has left the employ-- has indicated a desire to leave and this would authorize us to appoint him a special counsel generally at (inaudible) which is his specialty. He used to work as a town attorney. He no longer works- as of last week he indicated his intention to resign. So we may use him because he's an expert on tax (inaudible) that is when a commercial interest indicates they are suing the town for a significant reduction in taxes such as Tanger for a one-third reduction or something silly.

So we may hire him as special counsel unless we work out some other arrangement.

But it's going to be tabled this evening if it's okay with three of the members of the Board to further discuss it on Thursday."

Sal Mastropolo: "Do you want the rest of the comments?"

Supervisor Cardinale: "Excuse me. Yeah. (Inaudible), I talked to Dawn today. We had a meeting with her today so I know what she wants to do but if worse comes to worse, we'll do it right after the meeting on Thursday at a special session Friday."

Sal Mastropolo: "Does that mean that he will no longer be

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counsel for the CDA?"

Supervisor Cardinale: "Yeah. It means that he's indicated as of the week before last, Scott, that he wanted- wants to return to his private practice and took a week off last week. He's back and I'm meeting with him this week. That's what it's about."

Sal Mastropolo: "Okay. So you're going to table this."

Supervisor Cardinale: "Yeah, I'm going to table it for further discussion."

Sal Mastropolo: "All right. Thank you."

Supervisor Cardinale: "On Thursday's work session. Any other comment on any resolution that's coming before us? Yes, sir."

Nick DiPierro: "Nick DiPierro from Wading River."

Supervisor Cardinale: "Yes."

Nick DiPierro: "I see that #12 is being brought up again to amend the resolution."

Supervisor Cardinale: "Yes. That's a language clarification that in the second Resolve- Further Resolve and the reason for that- if that's your question, is that it was pointed out to us that the language of our first Resolve on the #6 suggested that the eligibility for (inaudible) will require the individual or entity applying to have an ownership interest, a long term lease interest and be operating an established business. That was suggesting that we wouldn't give a runway use agreement to any but current businesses out there which was far from what was intended.

What was intended was that they be- have an ownership interest before they got a runway use agreement, a leasehold interest, or as we say here contractual interest to purchase or long term lease property at the- within the industrial district.

Because what's really going to happen out there is people will sign a contract or sign a long term lease subject to their ability to obtain a runway use agreement if that's required for their use."

Nick DiPierro: "Okay. So does this mean that if an aircraft refurbishment company wants to go in there and refurbish aircraft, they would have to have a long term use agreement?"

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Supervisor Cardinale: "That's correct. They would have to either own the property or have a long term lease. That doesn't change the- that was previously the policy."

Nick DiPierro: "In lieu of owning the property, I mean, a lot of companies do prefer to lease rather than own. Grumman aircraft did that from the Navy, they leased from the Navy for many years.

How are they going- if they do in the event that this does happen, how would they be permitted to test their aircraft engines?"

Supervisor Cardinale: "Would you please repeat that? Sorry."

Nick DiPierro: "If they do have (inaudible) and have an aircraft refurbishing company, how would they test their engines?"

Supervisor Cardinale: "They would test them I presume on the runway. In fact, if you look at number- "

Nick DiPierro: "I didn't get a chance to- "

Supervisor Cardinale: "-- yeah, the one that you're probably more interested in, I think most people are interested in is 7- is the one at the end that we're going to look at, because that answers your question that you just posed. What's the number? Here it is. It's number 8-40 and what it says is that if you're going- yeah, that's the use that we would permit within the proposed clarification of that zoning section, the actual language you can look at at 8-40.

And it says they could do it inside the facility. They could do it outside a building if it was properly screened, or they could use the runway for testing as well subject to their ability to get a runway use agreement from the owner."

Nick DiPierro: "I think most of the time they would have to do it outside the building- "

Supervisor Cardinale: "That's what I understand from people I've talked to. That's correct."

Nick DiPierro: "Right."

Supervisor Cardinale: "Okay."

Nick DiPierro: "I- you know, I get the impression this really

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tightens up the- any kind of aviation uses that would be permitted at Calverton and I think that any anti-aircraft proponent has a friend in Phil Cardinale."

Supervisor Cardinale: "Well, it's certainly intended to be clear."

Nick DiPierro: "And it's also making many, many restrictions to the usage of the runway. I would try to figure out somehow or another to get these runways back to the Navy because these runways, I know it's a bone of contention here in this community and around the town that the runways are a thorn in your side but I think they should be there for any type of maximum security."

We, you know, I don't want to get on a soapbox or anything, but we have had these runways there and if you think that any type of business that would be brought in because of having any type of aviation related industry there, is going to cause more traffic you are mistaken because we're going to get more traffic here whether we have those runways or not. So any type of prohibitive measures that his town puts on the uses of those runways is only hurting bringing industry here."

Supervisor Cardinale: "I want to say two things on that. Number one, early in my administration with the consent of this Board we wrote a letter to Congressman Sweeney and was delivered by ex-Congressman Hochbruckner (phonetic) offering those runways for use under specific terms to the- for national defense purposes and they're not interested. So if they would like to use them for purposes of national defense we have indicated our willingness to do so. So that should solve that problem."

As regards the uses permitted here, it is our intention and the Board to make this very- to make very clear what everyone agrees is not clear under the current zoning and there are at least two specific principal uses for aviation use that are called out at numbers 7 and number 10 and there's a possible aviation use at 13, principal use.

Also there is the ability to use those runways as an accessory to any of the 13 principal uses stated here so there is certainly going to be aviation use at that site but it's going to be well defined, it's going to be very clear what's going to be useable there and some people will be pleased, some people will be displeased but at least we'll know what the heck we're talking about.

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And a lot of the last five years have been between people who have no idea what the terms of the argument were. This I think will clarify what the use is that this Board intends. And I hope most of the people agree and if they don't, that's what laws are for to be reviewed periodically. But I do want to make it clear, that's the intention of this Board to make it clear.

Ed I know is not in total agreement with this. I think the rest of the Board is but we need your help. We want this to be better when it's passed. After the 21st, we're going to have a public hearing. We want it to be clear.

Nick, if you have some principal uses that you think we're missing here that would be good there, we could put them in. We can put them in, principal uses.

We- I've talked to airline pilots, I've talked to attorneys for airline industry. I've asked them to give me insights- I'm looking for insights. I have no dog in this fight. I honestly do not want to be pro or anti anything. I just want to make this as clear as we can and move on to all the important things we have to do in EPCAL.

So that's what the hearing's for. It's going to be on the 21st. It's going to be at 2:00 p.m. And we're going to be there as long as we need to be. And then we'll keep going. We'll go to another public hearing. But I want all the ideas I can get. And if, in fact, you've got three people that want to go with another use, we'll go with an additional use- permitted use. All right?"

Nick DiPierro: "Okay, very good. Thank you."

Supervisor Cardinale: "Is there any other comment? Marilyn Binder, you have a comment, and then you can come right up after."

Yes, let me have Marilyn speak and then we'll have you come on up, Bill."

Marilyn Binder: "Marilyn Binder, Baiting Hollow. Resolution 832. Can you just explain that to me?"

Supervisor Cardinale: "Resolution 832?"

Marilyn Binder: "Ah-huh."

Supervisor Cardinale: "Sure. 832."

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Marilyn Binder: "That's on the rental dwelling units."

Supervisor Cardinale: "Yeah, yes, I can. And I bet you that the town attorney could do an even better job. You're familiar with this, aren't you? This was a public notice to show that we're going to amend the rental occupancy permit law to add the underlined- to add certain language which is underlined."

There has been an issue as to the legality of our statute. Research has been done by our legal department. They have advised that although the- essentially, correct me if I'm wrong Sean. That the initial inspection is appropriate under the law. When you sign up for a rental permit you are entitled to that inspection. But we're doing the second inspection.

As they renew each year, is questionable under case law. So we're giving them the requirement that if they sign up for a rental permit, they have their place inspected, they must renew it each year. When they renew it, they may sign, instead of going through another inspection, an affidavit confirming that they're- the place has not changed and there are no changes since the last inspection."

Marilyn Binder: "Is there- let's say in a house, can they have a basement, the house itself, the barn converted into three apartments?"

Supervisor Cardinale: "I know where you're going."

Marilyn Binder: "I know. But is there a code for that? That's what I- when I read that, I said to myself, what- is there a code now? Is this going to be a code that's going to be talking about that? What's happening?"

Supervisor Cardinale: "There is- you are talking about a different issue. You're talking about illegal use of single family residences- "

Marilyn Binder: "Correct."

Supervisor Cardinale: "-- for more than one. Nobody applies for a rental permit in that situation. They just keep it as quiet as possible from their neighbors.

We're talking about commercial- legal uses."

Marilyn Binder: "Okay. That's what I wanted to know."

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Supervisor Cardinale: "How they get their rental permits. The only thing that's going to help your situation and I'm familiar with one problem in your neighborhood- "

Marilyn Binder: "Two."

Supervisor Cardinale: "-- now there's two. Is that the code enforcers have to lay a charge of illegal occupancy and they can only do that if they have testimony from the neighbors who say we know that somebody's living in this barn and we say how do you know that. Because we see them go in every day; we see them come out every night, and smoke comes out of a chimney and he's told us that to boot when we speak to him. If you testify to that, the code enforcer, we have four of them, can lay a charge in the Justice Court and can insist that that stop and will be fined."

Marilyn Binder: "Okay."

Supervisor Cardinale: "So that's what you're talking about. This is different."

Marilyn Binder: "Yes. Thank you."

Supervisor Cardinale: "Any other comment on the resolutions we have before us? Yes, Bill."

William Kasperovich: "William Kasperovich from Wading River. When the gentleman speaking here refers to accessory uses testing, brought immediately to mind a job I was on in East Hartford (inaudible) area where the testing was such that 32 engines being tested and I would sleep in bed and it would sound like the truck was riding right by my bed several miles away. It brought to mind here that the way- depending on which way the wind was blowing, I could hear noises from Port Jefferson. I could hear the train. There was a church there on the main drag that had carillons or the bells, I don't know, and you could hear the bells from Port Jeff. Today at different times, you can hear the train come by. Noise travels a great distance and United aircraft had to go to a four story structure to confine the testing to take care of the noise. And you put one of these small jet engines outside and rev them up, it will travel 10, 15 miles easily depending on which way the wind is blowing."

Supervisor Cardinale: "Correct me if I'm wrong- I don't see- "

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William Kasperovich: "Testing should be a warning light to us that there's a limit to what can be tested. A small combustion engine for a Piper Cub or something of that order is one thing, but a commercial liner type engine, the noise has to be a major factor."

Supervisor Cardinale: "Thank you. I also- I don't think there's any- I know there's no waiver of the noise code simply to test. They will have to comply with the noise code if they're testing engines outside. They also are required under the proposed statute to have a buffer or some screening but your point is well taken."

You are saying that it will be impossible to test even with the buffers, the screening, the echo chambers, they run the engines into a certain kind of structure to reduce the noise. If it shows that they are having noise that's in excess of the noise code, that's a violation which would be prosecuted. We're not inviting noise simply by inviting use. And- "

William Kasperovich: "Well, I'll tell you in my old age certain things come at me continually. When a plane goes over even close by and it rattles the dishes in my cupboard, I say too close, too low, and yet we're not addressing this today."

Supervisor Cardinale: "We're going to be back on the 21st and I'm sure perhaps another day as well if you'd like."

Any other comment on any of the resolutions before the Board today? Yes, sir. Gene."

Gene Greeves: "Gene Greeves, Calverton. I, too, have a question on #12 of the CDA."

Supervisor Cardinale: "Yes."

Gene Greeves: "And I have a copy of #6 and I heard your answer to the reason for the change to the language and would it not be more prudent to eliminate the- under the current, the and be operating an established business holding all necessary governmental purposes which is what you've indicated in your previous- "

Supervisor Cardinale: "Problematic."

Gene Greeves: "It's problematic."

Supervisor Cardinale: "And that's because we got a notice of

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claim that that's being interpreted as an anti-trust violation that we're trying to protect the businesses up there which is not at all (inaudible). There aren't enough businesses to protect for starters."

Gene Greeves: "I know. I would agree, we're trying to encourage- "

Supervisor Cardinale: "New businesses."

Gene Greeves: "I do take not offense but a problem with the proposed terminology of contractual interest to purchase or long term lease. I'm not sure what benefit adding that- like, as I indicated removing the established business language."

Supervisor Cardinale: "Okay. Let me explain why. If you were going to- if you wanted to build aircraft up there which I guess is the use that everybody would love to see, which is a permitted use under the present and future zoning, you would contract with Mr. Burman or if we had industrial property with us to purchase, conditioned upon- conditioned upon or subject to your ability to obtain access to the runway by a runway use agreement with its owner, namely the CDA.

So what this is saying is you either have to own the land, have a lease, or have a contract to purchase or lease it so- because that contract is the- when they come to us, these people, they will be coming to us not with the lease in hand. It's going to be a contract that says we are contracted to lease or contract to purchase, subject to or conditioned upon our ability to get a satisfactory runway use agreement with the CDA of the Town of Riverhead.

So we had to make room for that to show that we would permit a runway lease agreement be given to an entity that had such a contract right to purchase or lease. And, of course, when we gave the runway use agreement as Barbara and I were discussing this morning, you would have to make that conditioned upon your purchase of the land or your execution of the lease."

Gene Greeves: "Yeah. That's where I was going with the overall form of the language is that, you know, if I'm going to purchase there, I would assume I guess that's (inaudible), that a runway use agreement or at least the entitlement to be offered one is inherent upon that."

Supervisor Cardinale: "It isn't."

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Gene Greeves: "It's not. Okay."

Supervisor Cardinale: "You've got to negotiate with the- we own the runway."

Gene Greeves: "Correct."

Supervisor Cardinale: "And the Town Board or the CDA- sitting as the CDA, would have to make an appropriate arrangement with any user of that runway. It's a publicly owned private airport."

Gene Greeves: "Right."

Supervisor Cardinale: "The only way people get to utilize- runway, runway. The only way you get to use the runway is if you have a contractual agreement. So what we're saying now is we'll talk with you about a contractual agreement to use the runway if you have a contract to purchase or lease the property."

Gene Greeves: "Okay. You answered my question and shed light on something else that I'm confused about. I understand what you said. But as far as having to come to the town, I thought it was an inherent right. So, but thank you."

Supervisor Cardinale: "Thank you. Any other comment? If not, why don't we get these resolutions passed and then we'll take general comment or not as the case may be."

We'd like to have Andrea- are you here? Andrea, would you- I'll close the Town Board meeting for a moment."

Meeting adjourned: 9:35 p.m.

Meeting reopened: 9:38 p.m.

Supervisor Cardinale: "And move now to the Town Board and go to 806 which, Barbara, would you call that resolution for a vote?"

Resolution #806

Councilwoman Sanders: "Y2K Iron Pier Beach improvement capital project budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek."

Councilman Bartunek: "Because of the executive work session we had last Thursday, I didn't have time to- we didn't have time to review a lot of these budget adjustments. Is there a possibility that we could either table these until Thursday's work session or Jack could explain some of these adjustments?"

Supervisor Cardinale: "Yeah. In fact, I thought that you may ask so let me explain this one."

This is a- we're taking 9250 which represents the monies as I understand it, necessary to move the engineering- to move the code enforcement people into their new digs as they separate from the Building Department.

Jack, am I correct on that?"

(Inaudible remarks from the Town Board)

Supervisor Cardinale: "Okay. I know what this is, too, but I just gave you the wrong (inaudible)."

This is the 9250 we've owed for the last many years and never paid? Okay. We owed this money to the Iron Pier transaction. This bill got lost and never paid. We- (inaudible) to us about three or four months ago. They did the necessary research. It should have been paid, it never was paid, so they are now paying 9250 because the bill owed to our engineers and not paid on the Iron Pier project.

Do you want to elaborate any, Jack? But that's what it is. It was discussed actually a while back in a work session. Kenny, you might- and what was the name of the engineering firm again?"

Ken Testa: "Sidney Baum (phonetic)."

Supervisor Cardinale: "Yeah, Sidney Baum."

Ken Testa: "Basically what happened is when the project was completed and the park was opened, we closed out the purchase order for the consulting work. However, there were some post-opening engineering activities like development of the as built drawings and close out of the project that lingered on a little and they didn't bill us for those services until December. We opened it in, I

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believe it was May.

So things were all closed out. The funding had been pretty much closed out and these bills came in a little bit late. So we're basically just trying to close it out."

Supervisor Cardinale: "That's coming from your contingency line to engineering expense. It's in your department."

Ken Testa: "That's correct. It's within the bond authorization. Yes."

Supervisor Cardinale: "And it is also within the bond. Okay. You have a question on this? Okay, with that clarification, can we have a vote?"

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

Resolution #807

Councilman Densieski: "Authorization to publish an advertisement for paint. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #808

Councilwoman Blass: "This is a budget adjustment for the municipal garage. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #809

Councilman Bartunek: "This is a public parking district budget adjustment, Resolution #809. This is for contractual overtime for

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the- I was told that I can't use the term meter maid, officer, right. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #810

Councilman Densieski: "Empire Zone fund budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #811

Councilman Bartunek: "This is another one I'd like to have more information."

Supervisor Cardinale: "Yes, let me- I did go over this. The first one, the appropriate- first of all, the appropriated fund balance is being hit for \$17,000 you can see. The Town Board codification. That was in Barbara's department. As we made changes to the Town Board ordinances, she has to order the printed ones and fill up the books with them. She did not have sufficient money to do that because it wasn't budgeted sufficiently and, therefore, that's what the 15,000 is for, for the change- for the updates in the code.

The Town Board travel expense is where the- that is the line that is finally getting paid for the (inaudible). The appropriated fund balance, 2225, was the equipment in my office when I first came in.

The appropriated fund balance of 15,250 was to finance- is going to finance maintenance contracts. Jack, that was computer contracts? Yeah, they were computer contracts that also were not budgeted

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because we did not know the precise payments. Correct?

And the final one is the appropriated fund balance of eighteen five is for taxes on town property. That's property we own and we pay taxes on that, how does that happen? How do we pay taxes on town property? We don't get like a pass as a town? No? We have to pay like county and all those other taxes? All right. So we actually have to pay them and that's what you're using this money for. So that's what that's- and that adds up to what it adds up to unfortunately."

Councilman Densieski: "I have a quick question."

Supervisor Cardinale: "Yes."

Councilman Densieski: "The Town Board travel, that is strictly Association of Towns?"

Supervisor Cardinale: "Yeah, I know what you're getting at. Let me ask a question.

All right. There was Town Board travel. That (inaudible) the Association of Towns that we went to in February. Does it also carry the ultimately successful Albany trip that was taken? Does that include that? Okay. Yes, Ed, it does include the Albany trip. But you were successful when you went up there."

Councilwoman Blass: "Yes, we were. Actually, we should- we could have an adjustment because I believe the town attorney was also paid for out of this line (inaudible)."

Supervisor Cardinale: "Come out of the town attorney line. If you can check that out. In any event, that's what it's for. So I guess we can vote on it now that we know what we're voting on. Can we have a vote, please, Barbara?"

The Vote: "Bartunek."

Councilman Bartunek: "Don't we have to present the- "

Supervisor Cardinale: "Present it, yeah."

Councilman Bartunek: "We didn't do that yet. General fund budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #812

Councilwoman Blass: "This resolution approves a request for a leave of absence for a town employee. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #813

Councilman Densieski: "Authorizes the Supervisor to exercise a lease agreement with Michael Reilly for the installation of security equipment. So moved."

Councilwoman Sanders: "And seconded."

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

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

Supervisor Cardinale: "Yes. And I'm please to see that (inaudible). Hopefully we'll get it signed now because this will allow us to put cameras up on the runways, keep a better track on what's going on out there and do away with almost totally worthless guard thing, a lot of moeny.

So I'll vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #814

Supervisor Cardinale: "Ineffective was the word I was looking for."

Councilwoman Sanders: "Highway fund budget adjustment. So

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moved."

Councilman Bartunek: "Jack, could you explain the last one here again for me?"

Supervisor Cardinale: "Oh yeah, that's a good one. I could do that, too."

Councilman Bartunek: "Service (inaudible), snow removal, or somebody?"

Supervisor Cardinale: "Yeah, we're paying the highway department \$120,000, 20 for snow removal that they did for other departments, and 100 for the knock down they did at Railroad Avenue site, is that correct, for the work they did there? All right. Tell me, exactly then. Well paying them \$120,000 I can see that."

Jack Hansen: "We're paying them \$120,000 basically is an estimate of what it costs to take the Railroad Avenue property down and Mark as the Highway Superintendent, act as the general contractor, and he used his equipment, his employees and that revenue source (inaudible) allocate the two items he's low on in funds.

One is repairs on his vehicles and the second one is snow removal."

Supervisor Cardinale: "Right. So the interpretation of service to other departments was the knock down of the Railroad Avenue housing."

Councilman Bartunek: "So this is what it cost him and he is taking the funds and putting it to something else entirely he can use the money for?"

Jack Hansen: "Within his budget, yes. I did, I wrote that I thought."

Councilman Bartunek: "I didn't find an explanation. Thank you, Jack. So moved, second."

Supervisor Cardinale: "Moved and seconded. Vote, please on 814."

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

Resolution #815

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Councilwoman Blass: "Authorizes the Town Clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead owned by John P. Kujawski and Raymond Kujawski. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #816

Councilman Bartunek: "Authorizes the Town Clerk to publish and post public notice of a public hearing to consider a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead Town Code Section 101-8 Weight Limits. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #817

Councilman Densieski: "817 is an order calling for a public hearing for extension 81 to the Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #818

Councilwoman Blass: "Accepts cash security of New York SMA Limited Partnership d/b/a Verizon Wireless. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #819

Councilwoman Sanders: "Authorizes the Town Clerk to advertise for bids on snow removal equipment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #820

Councilwoman Blass: "Resolution and consent approving the dedication of highways known as Farm Road East and recharge basin, Sound Breeze, Section 3. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek."

Councilman Bartunek: "Misspelling of a road there, former teacher. Yes."

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

Resolution #821

Councilman Densieski: "Resolution and consent approving the dedication of highways known as Great Rock Drive, Daisy Court and recharge basin, Sound Avenue, Section 4. So moved."

Councilman Bartunek: "And seconded."

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

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

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Resolution #822

Councilman Bartunek: "Reduces irrevocable letter of credit of Sound Meadows. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #823

Councilwoman Sanders: "This accepts 5% security bond of Little Flower Children's Services for the respite center and infirmary. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #824

Councilman Densieski: "Approves the site plan of Robert R. Heller. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "We have some discussion. You had some amendments, Barbara, I think you wanted to offer."

Councilwoman Blass: "Yes, Mr. Supervisor, the Zoning Board of Appeals had conditioned their approval on four specific conditions that should be reflected in the site plan resolution. So I do have the language that will be added or should be added to the resolution, they being paragraph 15, 16, 17 and 18 of the resolution approving the site plan."

Supervisor Cardinale: "Those recite the conditions that were-

"

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Councilwoman Blass: "(inaudible) conditions from the Zoning Board of Appeals. I think they should be referenced on this because they are site plan considerations."

Supervisor Cardinale: "Very good."

Barbara Grattan: "Can I have a copy of that?"

Councilwoman Blass: "(inaudible) and the conditions."

Town Attorney: "No, but I'm saying in your resolution you want to put it in the Resolve that they- "

Supervisor Cardinale: "She wants to make it 15, 16, 17 and 18 at the end- where do you want to put it, covenants? At the end of covenants? Yeah, then the Resolve."

Councilwoman Blass: "That's correct- conditions along with the rest of the conditions."

Supervisor Cardinale: "So we just want to add 15, 16, 17 and 18. You have it in typed form there? Okay. So, Barbara, would you make sure that the passed amendment reflects that condition?"

Barbara Grattan: "Sure."

Supervisor Cardinale: "And with that addition, Ed has moved- Ed, do you want to move it with the addition and George second it?"

Councilman Densieski: "Moved as amended."

Councilman Bartunek: "Seconded."

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

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

Resolution #825

Councilman Bartunek: "Approves the site plan of 209 East Avenue. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded, we have the same

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situation. Okay."

Councilwoman Blass: "Yes. Although not exactly the same in that this is not the subject of a zoning board variance, but there are conditions that we have talked about with respect to the improvement on this property in-- actually did I-- I just want to make sure that I have the right one in front of me here.

Is this-- East Avenue, yes. There are conditions that we had talked about that should be included in this that were the subject of discussion and I have the amendments here, if you'll give me one second."

Supervisor Cardinale: "Sure."

Councilwoman Blass: "I can tell you that-- I apologize."

Supervisor Cardinale: "While you're verifying the amendment, Rick, come on up."

Councilwoman Blass: "We conditioned that the first floor would not be used for residential purposes. It would only be used for retail use."

Rick Hanley: "Right."

Councilwoman Blass: "There was a condition that this second and third floors would be used for residential with no more than three apartments."

Rick Hanley: "In total."

Councilwoman Blass: "In total."

Rick Hanley: "Right. Those were reflecting some conclusions with the master plan with respect to residential development downtown."

Supervisor Cardinale: "Was there was another- were there any other conditions that should have been included and were not?"

Rick Hanley: "I had put it together- it's attached to the map that- the other one, right."

Councilman Densieski: "Rick, are these amendments consistent with what the applicant (inaudible)."

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Rick Hanley: "Yes. I spoke with him this afternoon. First floor, retail only."

Supervisor Cardinale: "Yeah, first floor retail."

Rick Hanley: "Second floor, office use exclusively. And third, fourth and fifth floors for residential apartments not to exceed three. That's the change."

Supervisor Cardinale: "Office, okay. So the first floor is retail only. The second floor, office use only."

Rick Hanley: "Yes."

Supervisor Cardinale: "And the third, fourth and fifth floors are residential."

Rick Hanley: "Not to exceed three- "

Supervisor Cardinale: "Not to exceed three apartments."

Rick Hanley: "-- dwelling units. Right. Correct."

Supervisor Cardinale: "You've got three floors."

Rick Hanley: "One apartment- "

Supervisor Cardinale: "One apartment on each floor."

Rick Hanley: "Right."

Councilwoman Blass: "I have- proposed first floor shall be used for retail exclusively, that's condition #16. Condition #17, that the proposed second story shall be used for office use exclusively. Condition #18, that the proposed third, fourth and fifth story shall be used for residential use exclusively and that the proposed third and fourth story shall be used for no more than three residential apartments, excuse me, the third, fourth and fifth it should read- shall be used for no more than three residential apartments. And I do apologize to everyone for (inaudible)."

Supervisor Cardinale: "Well, thank you for picking it up. How come we didn't get it- "

Rick Hanley: "We just had it concluded at the Board meeting what the conditions are going to be. We had a discussion tonight,

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Barbara and I."

Supervisor Cardinale: "Then that's what they are and as amended can we get this moved and passed, 825."

Councilman Bartunek: "Approve the site plan of 209 East Avenue as amended. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #826

Councilman Bartunek: "Authorizing the issuance of \$25,000,000 serial bonds of the Town of Riverhead, Suffolk County, New York to pay the cost of the acquisition of various parcels of real property and or interests or rights therein, including development rights in agricultural lands, for the preservation of open spaces and areas in and for said town of Riverhead. So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "I have a question, Mr. Supervisor."

Supervisor Cardinale: "Yes."

Councilman Densieski: "I looked through the document, is there a breakdown between open space and (inaudible)?"

Supervisor Cardinale: "There isn't yet but we're going to have to make that decision."

Councilman Densieski: "Okay."

Supervisor Cardinale: "Yes."

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Councilman Densieski: "I'd just like to say that the people (inaudible) should be jumping up and down. This is a really great thing. We're going to preserve \$25,000,000 worth of property at no cost to you, the taxpayer. So I'll wholeheartedly support this. Yes."

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

Supervisor Cardinale: "Yeah. I appreciate that and it is a good thing. We are going to do just that. We also are going to spend the \$8,000,000 we also have available for a total of \$33,000,000 for development rights and open space. The Board will determine what we're purchasing after conferring with Open Space and Farm Select Committee and I think that-- I think that this will make a difference. We're certainly doing our part."

Sir, you had a comment?"

(Unidentified speaker from the audience): "Yes. Are any of the monies earmarked to purchase property South Jamesport, (inaudible) thing about two years now. We are losing all of the beaches (inaudible)."

Supervisor Cardinale: "I'm aware of the problem. You're talking about the Miamogue Point controversy? Yeah, I live in that area as you know, and I am aware of it. That is one of the properties on the open space list."

One of our concerns and Ed is aware of this and all of the members of the Board are, that the monies- that this- the money that is being used to purchase the property, this \$25,000,000 as well as the other seven or eight million we have from the previous bond, will not be taxpayer money. It will be the 2% money and we're borrowing against that stream of income which will (inaudible).

You cannot use that money to purchase by condemnation or be eminent domain power. You have to have a willing seller. So that we must make a deal with Mr. Patchel or we don't get that property under this bond.

The only other thing you can do is you can use other than 2% money and attempt to condemn the property and we haven't done that but we are talking about it."

(Unidentified speaker from the audience): "It was my understanding the property was offered to the town and the money was

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shifted elsewhere."

Supervisor Cardinale: "The Miamogue Point property?"

(Unidentified speaker from the audience): "The very end of Jamesport."

Supervisor Cardinale: "That's not accurate. The property is owned on the west side by Mr. Luce, the Luce family, and on the right side by Mr. Patchel. And neither of them are willing to sell it at this point but we- and they have not offered us the property at any price much less an acceptable price. And we cannot buy that property or any other property under this (inaudible), unless it's a willing seller."

The only other thing you can do is you can bond separately from the 2% transfer tax and utilize that money to condemn the property and so far we haven't done that. But we're aware of the issue, so and are hopeful that we could use some- we can eventually make a deal. I will vote yes on this."

Barbara Grattan: "That resolution is adopted."

Resolution #827

Councilwoman Sanders: "Water District budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #828

Councilwoman Blass: "Yes. There's an amendment that I have handy. Promotion to wastewater treatment plant operator 2. The group of 14 step 4 it is blank but it should be step 4 and that is the step that gets them the requisite- gets the individual the requisite 3% for promotion."

Supervisor Cardinale: "Great. So it's moved. Do we have a second?"

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Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded with the addition of step 4."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "Vote, please."

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

Resolution #829

Councilman Densieski: "Authorizes the Town Clerk to publish and post a notice of an auction for abandoned vehicles and all other unclaimed property being held at the Police Department. So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "That will be on October 16th at 9:00 a.m. Yes."

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

Resolution #830

Councilwoman Sanders: "Authorization to discard surplus vehicles. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Discussion. Jack, these are vehicles 1992 to 1979. Can we sell them or are we really discarding?"

Jack Hansen: "The intent is for you to declare them surplus so they can be sold."

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Supervisor Cardinale: "Fine. Free them for auction."

Jack Hansen: "Yes."

Supervisor Cardinale: "Fine. Okay. Moved by Councilwoman Sanders, seconded by- "

Councilman Bartunek: "Seconded"

Supervisor Cardinale: "-- Bartunek. Vote, please."

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

Councilman Densieski: "And Phil is worried about the town budget. (Inaudible)."

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

Resolution #831

Councilman Bartunek: "Authorize the attendance of one police officer to the Colonel Henry F. Williams homicide seminar. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Densieski: "We don't have a homicide division in Riverhead but I guess all training is good. I wish we could have a loud stereo seminar. I'd gladly send a couple of guys to that. Yes."

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

Resolution #832

Councilwoman Blass: "Authorizes the Town Clerk to publish and post a public notice to consider a local law to amend Chapter 86 of

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the Riverhead Town Code entitled Rental Dwelling Units (Rental occupancy permit required; terms and renewal). So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #833

Councilman Densieski: "Extension of bid award. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #834

Barbara Grattan: "Resolution #834, Councilwoman Sanders."

Councilman Densieski: "Mr. Supervisor- "

Supervisor Cardinale: "Yes."

Councilman Densieski: "I make a motion to table this resolution for further Board discussion."

Supervisor Cardinale: "Do I have a second?"

Councilman Bartunek: "I'll second that."

Supervisor Cardinale: "Okay. I think the purpose of tabling would be to discuss it at the work session whether the better alternative is to bring him on as special counsel or to reconsider the other alternatives available. So I don't think that was fully discussed so I would like to hear a vote on whether we should table it and have that discussion."

Barbara, do you want to call a tabling?"

The Vote: "Bartunek."

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Councilman Bartunek: "To table, yes."

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

Supervisor Cardinale: "We'll put it on the work session for Thursday."

Resolution #835

Councilwoman Blass: "Approves application of VerDerBer Landscape Nursery, Inc. So moved."

Councilman Bartunek: "And seconded."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "There was some discussion during the work session as to whether this particular use actually needed a Chapter 90. This is a corn maze- "

Supervisor Cardinale: "Yes, that's correct."

Councilwoman Blass: "-- farm operation or advertise for farm maze walk and pumpkin picking."

Supervisor Cardinale: "And they wanted a lot of dates, too."

Councilwoman Blass: "And there were dates (inaudible) allowed under any single Chapter 90 but I think we had a more fundamental discussion as to whether this actually needed a Chapter 90."

Supervisor Cardinale: "Now, let's see. Do we have- September 18th is the first day. I expect to have before the September 13th marathon hearing, have a special board meeting to deal with resolutions. So if you want to table it, you could do that."

Councilwoman Blass: "I think that we may not (inaudible)."

Supervisor Cardinale: "We wanted to get an opinion of counsel on this."

Supervisor Cardinale: "Okay."

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Councilwoman Blass: "Motion to table Resolution 835."

Supervisor Cardinale: "Seconded?"

Councilman Bartunek: "Seconded."

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

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

Resolution #836

Councilman Bartunek: "General fund budget adjustment. So moved."

Councilman Densieski: "Second the motion. Discussion. This is separating the departments. I'm just curious which department we're leaving the code enforcement money to."

Supervisor Cardinale: "The- well, the code enforcement- the code enforcement as you know is going to be an independent unit and what I believe this is doing, is Jack could come up. My understanding is that Jack met with Leroy and he went through this to his satisfaction, extrapolating from his budget to go to code enforcement unit, wanting to have it independent."

Now, his question is as you pulled it out, where did you put it- did you create a special account for code enforcement?"

Jack Hansen: "Code enforcement is going to be a separate budget."

Supervisor Cardinale: "It's going to be a separate account."

Jack Hansen: "And as you can see there- "

Supervisor Cardinale: "It's not going to be a department."

Jack Hansen: "-- 036."

Supervisor Cardinale: "That's what he really wanted to know."

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We're not making this a department, right? It's a division."

Jack Hansen: "It's a division."

Supervisor Cardinale: "Okay."

Jack Hansen: "That's in the public safety unit. The only thing that you should note and I wrote it in the memo was that the salary of the personal services are from January 1st through the year. The rest of those items that are you know very contractual expenses, those are (inaudible) balances and meeting with Mr. Barnes we came to the determination as how to allocate what was left in the budget (inaudible)."

Supervisor Cardinale: "Those are the small- but the big number was salary for the entire year."

Jack Hansen: "The entire year."

Supervisor Cardinale: "So you're taking the balance of what's left for the next four months- "

Jack Hansen: "No, I'm taking the entire- that's what code enforcement costs, for the entire year."

Supervisor Cardinale: "Yeah, I understand that. But they've been paid- "

Jack Hansen: "(inaudible) extract that salary out of the building department."

Councilman Densieski: "You said this goes to the public safety aid?"

Jack Hansen: "No. Both of those units are for public safety or police, BINGO, dog control, those are all under the category of public safety."

Supervisor Cardinale: "Okay."

Jack Hansen: "So what we did was just separate Building Department or safety inspection as you see there versus code enforcement. So safety inspection will be the Building Department as you know it and code enforcement will be strictly for the inspectors and (inaudible)."

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Councilman Densieski: "Who would be responsible for the money? In other words, who would sign it? Who's the department head that would sign the voucher, I think is what we're trying to get at.

With the code enforcement money, who's keeping an eye on it?"

Jack Hansen: "I believe that would be assigned to Mr. Johnson."

Supervisor Cardinale: "That's correct. He would be the unit that would have to sign- but he doesn't even sign it. I know we sign all the disbursements."

Jack Hansen: "Yes. He will put the requisitions in."

Supervisor Cardinale: "He would requisition the Supervisor's office but we're not starting a department (inaudible)."

Councilman Densieski: "Okay (inaudible)."

Supervisor Cardinale: "To make sure that we don't build an empire here. What we're trying to do is simply separate the code enforcement from the Building Department in the hope that they will do a more complete job."

Councilman Densieski: "You answered my question. Thank you."

Supervisor Cardinale: "Now we've got 836. You've got to offer it- you've got to call it and offer it."

Resolution #836

Councilman Bartunek: "General fund budget adjustment. So moved."

(Unidentified): "Seconded."

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

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

Resolution #837

Councilman Densieski: "Accepts the resignation of a part time crossing guard, M. Young. So moved."

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Councilwoman Blass: "And seconded."

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

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

Councilwoman Blass: "Yes. And I'd like to thank Miss Young for her performance and services."

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

Councilman Densieski: "Ditto, yes."

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

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

Barbara Grattan: "The resolution is adopted."

Resolution #838

Councilwoman Blass: "This resolution authorizes the Town Clerk to publish and post for diesel fuel. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "In my opinion, this is a terrible piece of legislation. This is really bad (inaudible) my opinion. But this is only calling for a public hearing, so I'm going to vote yes but I've plenty comments on this. Yes."

Supervisor Cardinale: "Well, I'm glad I know how you're going to vote but that was actually 838."

Councilman Densieski: "Oh, yes?"

Supervisor Cardinale: "Yeah. 838 is just for publishing for diesel fuel."

Councilman Densieski: "Oh, diesel fuel. (Inaudible). Diesel fuel, I'd like to vote yes."

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Supervisor Cardinale: "And I vote yes for diesel fuel."

Barbara Grattan: "That resolution is adopted."

Resolution #839

Barbara Grattan: "We might have a problem because I don't see 839."

Supervisor Cardinale: "I don't see 839 either."

Barbara Grattan: "All right, let's make 840, 839."

Supervisor Cardinale: "Yeah, okay."

Barbara Grattan: "And that would be Councilwoman Blass."

Councilwoman Blass: "Authorizes the Town Clerk to publish and post public notice to consider a local law to amend Chapter 108 of the Riverhead town code entitled Zoning XXXXIII Planned Industrial Park PIP District, 108-230). So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "Everything I said about the diesel fuel, yes."

Barbara Grattan: "Yes, you're voting?"

Councilman Densieski: "Yes."

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

Supervisor Cardinale: "I hope-- I will vote yes. I'm hopeful that the public hearing will make a good piece of legislation I hope even stronger. I invite participation and I am looking forward to the 21st. Yes."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "Before we do 841 now designated 840,

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Barbara, 839 was a Highway fund budget- "

Barbara Grattan: "Yeah, I see that. It's not in our packet. I just saw that."

Supervisor Cardinale: "Okay. So 841 previously, now 840."

Barbara Grattan: "Becomes 840."

Resolution #840

Councilwoman Blass: "This resolution denies the application of the Riverhead Elks Lodge for a Chapter 90 permit. We have a couple (inaudible) here that indicate among other things that these events are not the proper subject for a Chapter 90 application. I make a motion to deny the application pursuant to (inaudible). So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "This is for the ABATE (inaudible). ABATE is a motorcycle club and ABATE stands for American Bikers Aimed Towards Education. They do a lot of charity work, they donate a lot of money and they help keep the Elks Club up and running. They're one of the best users, they pay a lot of fees to them and we're telling them no."

I'm in total disagreement with this. I think they should be allowed to use it. I think they happen to be a good neighbor, I agree with that I'm going to vote no on this resolution."

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

Supervisor Cardinale: "Yeah, I have asked the town attorney to render an opinion which is reflected in this denial and I am going to have no alternative but to concur with her judgment that we should deny. Therefore, I vote yes."

Barbara Grattan: "Okay, that resolution is adopted."

Resolution #841

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Barbara Grattan: "Resolution 841 is to pay bills."

Supervisor Cardinale: "Can I have a motion to pay the bills?"

Unidentified: "842."

Supervisor Cardinale: "No. Because we renumbered. 841 renumbered is to pay the bills. Can I have a motion and a second?"

Councilwoman Blass: "So moved."

Councilman Bartunek: "So moved."

Supervisor Cardinale: "Moved and seconded by George and Rose respectively. Can I have a vote, please, to pay the bills?"

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The bills are paid."

Supervisor Cardinale: "Bills are paid, resolutions are completed. Can I have any comment from the public on any subject they would like to discuss. Angela, come on up. We have a list? Oh, okay, Angela, and then I'll call them in the order."

Angela DeVito: "You want to call them in order? Okay. Then I'll sit down. John Kall. John K-A-L-L."

John Kall: "Yes."

Supervisor Cardinale: "You are on if you'd like to speak. It indicates you would like to speak."

John Kall: "Oh, no. I thought I was- "

Supervisor Cardinale: "Yeah, and I appreciate, John, what you're saying. If you wish to speak at the town board meetings, you sign the sheet. If you don't read the first line, you will think it's an attendance sheet."

All right. Next one is Rolf who has never refused to speak to my recollection."

Rolf Koesling: "Rolf Koesling, Wading River. Friday I got the weekly newspaper. I don't know if many people read it. And I happened to turn to page A-5. I looked at it and I wasn't really surprised what I saw. The old expression here we go again."

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It seems that Little Flower wants to re- can't say it. Those buildings that we put a covenant on that time when they put the other buildings and they're only allowed to use them for storage and they couldn't keep anybody in them. Well, it seems that they want to resurrect it again. They want to- and they're asking for the people for comments on what to use them for.

And one of the things- and I think what they want to use them for, just get an okay, is (inaudible). I happen to call up the person you're supposed to speak to and I asked aren't these these five buildings where there's a covenant on and you can't do that with them. Oh, she says, they must have a spin doctor there and a good lawyer. There's not going to be any bedrooms so it's not a residence.

Now, there's a covenant on them, they're only supposed to use it for storage but nothing else. Now they're starting all over again. You know, the camel's got his nose under the tent already, he's got his front legs under the tent, and now he's going to get his rear end under the tent and the tent is going to go up. Thank you."

Supervisor Cardinale: "Thank you, Rolf. Thank you. The next is Charles Bell. Or Rev. Scofield, he's spoken already. Oh, yes. That would be great, thank you. Rick Fiorio."

Rick Fiorio: "Thank you. Rick Fiorio, Baiting Hollow. Good evening to the Council. I appreciate your time and I also appreciate your support and the patience of my neighbors who turned out en masse.

I come before the Town Council this evening to share further light on a problem current occurring in our neighborhood of North Woods Acres, a 25 unit subdivision off Deep Hole Road, Baiting Hollow.

Earlier this year, 56 North Woods Road, a flag lot behind the recharge basin was purchased by a Mr. Carrera. Shortly after his arrival, he immediately set about converting his single family home into a boarding house by constructing basement living quarters and moving in eight to twelve day laborers.

Several neighbors and I sought assistance from Riverhead township's code enforcement Building Department and I am happy to report that the town has responded admirably, first by visiting the residents and issuing summonses for non-permitted work which were

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ignored by Mr. Carrera. And when that failed, issuing stop work orders to the property and taking appropriate action.

While we laud the Building Department and code enforcement for its quick response, we're still, however, faced with a residence housing day laborers that have been seen on more than one occasion urinating in full view of adults and children, entering and leaving the premises at all and odd hours and every Sunday creating spectacles of excessive and public consumption of alcohol, littering in the recharge basin, and using its fence as a clothesline.

My neighbors and I have grown to love our small community and its surrounding area in the past two years of its existence. I myself have never felt more at home anywhere. We've all spent large amounts of money and time to make our street something to be proud of, a stark contrast from what Mr. Carrera who has admitted to having two other boarding houses in both Flanders and Hampton Bays has in mind.

And while our covenants and restrictions prohibit anything other than a one family dwelling, Mr. Carrera has purposely and blatantly disregarded all of this and in its place used ignorance and flouting of the law.

Again, we applaud the town for its response and I ask that my statements and those of my neighbors if they care to make any be made part of the public record as I believe that in the future, Mr. Carrera will apply for a variance for these premises under the guise of family living space. And I ask the town not to be fooled.

And I ask that all good people who are having these same types of problems in their neighborhoods come together and stand up and draw a line in the sand to say enough is enough.

Thank you for your time."

Supervisor Cardinale: "I wish- I should point out that if, in fact, he seeks a variance, your neighbor, he's going to seek it before the Zoning Board of Appeals which meets- they meet Thursdays? The second and fourth Thursdays and they hear request for variances from the rules of zoning, etc. So you should also keep your eye on that group because we don't control them and they have so often proved.

Once we appointed a Zoning Board of Appeals, they are an independent quasi-judicial body which interprets the codes and it

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also- it has the right to grant variances as to space variances as well as use variances. So keep your eye on the ZBA."

(Unidentified - from the audience): "That's it. That's all you have to offer?"

Supervisor Cardinale: "That's all- that's not me. That's the New York State code. I'm telling you that variances are not offered by this Board. We do not control variances. The Zoning Board of Appeals does."

(Unidentified - from the audience): "Well, can I just ask you if there's anything that the town can do- "

Supervisor Cardinale: "Yes."

Unidentified - from the audience): "-- to try to minimize this from happening because apparently it's happened all over the place. All Riverhead."

Supervisor Cardinale: "Well, if people are running boarding houses when they should be single family residences, that's what you're saying. They're running apartments. I understand what you're saying and you're correct. That's code enforcement."

Code enforcement has to issue summonses and bring them to court and shut down the house. That can't happen unless neighbors such as yourself serve as witnesses to establish that there's more than one residence or there's a residence in a barn as was discussed earlier, which is improper. You have to prove the case. Yes?"

(Unidentified - from the audience): "Well, we have done that. We have- "

Supervisor Cardinale: "Why don't you step up, because I need you- Okay, what's your name?"

Janice Speh: "Janice Speh (phonetic)."

Supervisor Cardinale: "Janice, come on up and tell me what you want to tell the Board."

Janice Speh: "Well, we've done all these things that you've mentioned but it seems to me that we're having difficulty with people adhering to the laws, you know, that the code enforcement. They think that they can do it. If they do it and they start it, that they're going to be able to finish it. I mean this guy has already

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started to cut out the windows in his foundation to put windows in the basement so that these people can live in the basement.

Is there anything we can do to get these people out of the house instead of having it as a boarding house- illegal boarding house as it is right now?"

Supervisor Cardinale: "Are you working with code enforcement in the town of Riverhead?"

Janice Speh: "We've been working with code enforcement. They've gone out, they've done a stop work order on it and the people have been laying very low. But there's still people living in that basement."

Supervisor Cardinale: "They are actually living there?"

Janice Speh: "They're living in the basement. They had a stove that was down there. Now that's sitting in the garage. There's no bathroom down there. They come up with buckets and the only thing I can think of is that they're using these buckets for bathrooms and where are they dumping it? But in our neighborhood. They've got to be dumping it in the woods or something."

Supervisor Cardinale: "Since you've taken the effort to be here as a community tonight and this is something I have not previously heard of from our law enforcement, you see that woman trying to hide over there next to Peter Danowski, Jill Lewis. She's the deputy supervisor, okay."

And, Jill, could you take the details on this so tomorrow morning we get the code enforcers and Leroy. So if you give her the details, I will take some responsibility."

Marilyn Binder: "Marilyn Binder, Baiting Hollow. I have to say we took pictures and we had evidence of the people physically moving in and the code enforcer told us, I can't go in there. I'm not allowed to go into somebody's house. Here are the pictures. The people are moving into the basement. You can't get more than that."

Janice Speh: "What we were told is that someone has to actually go into the house and see that there are apartments or that there are people living in the basement. And from what I understand-"

Marilyn Binder: "That's what the code enforcement officer told us too."

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Janice Speh: "Unless we break into the house, we can't- "

Supervisor Cardinale: "I had the same discussion with my police captain recently. I was a prosecutor for seven years. I have proven murder cases unless circumstantial evidence then these people want to give a ticket to a guy who has got a boat at our dock and isn't paying for it behind the old Swezeys. You've got to be realistic and if you've got pictures of these people that establishes that they're dwelling in place, we're going to work with you. No case is perfect but if we don't prosecute some of these, it's just going to continue.

So, Jill would like to take the info and we've got to prosecute this. It's the only thing we can do is prosecute- "

Janice Speh: "I understand that. I work at the courts and I know what goes on."

Supervisor Cardinale: "Okay. So know that."

Janice Speh: "And it's not easy to do and you know that it's not that easy to do and yet we are taxpayers. We are taxpayers and these people I'm sure and I would bet my home on it that they are working illegally, they're not paying taxes, they are not contributing to our community in any shape or form, but the gentleman that owns the house is probably paying his mortgage through us. And we're not getting- we're not benefitting from it in any way."

Supervisor Cardinale: "This is a new community- "

Janice Speh: "This is a brand new community. It's a flag lot in the back of the recharge basin and, you know, this man is I'm sure getting money from these people that are living in the basement but they're not contributing in any way to the tax base. And yet we have to deal with this.

And you know what? I don't mean to sound as though I'm prejudiced because I'm not. I'm first generation here. My parents are from Brazil. I'm not trying to be prejudicial. But you know what? When I go into the hospital here for my parents or I go in the hospital for my husband or something like that, I see a big sign there, if you can't pay, we still have to service you. And I know these people are all using our facilities and taking from our tax base and making us pay all these things and it's really making me angry."

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Supervisor Cardinale: "I appreciate that. Would you state your name for the record because we are recording this meeting? And speak to Jill. She's- and the Chief is here, too, which I appreciate."

Janice Speh: "Thank you."

Supervisor Cardinale: "Okay, thank you. Yes. Exactly. Next, Ken Berra. Okay. Phil Barbato."

Phil Barbato: "Phil Barbato, Manor Lane in Jamesport. First, I'd like to thank the Supervisor and the Town Board for all the wonderful work you've been doing in implementing the master plan, getting the code for residential zoning in place. It's really a wonderful step forward for our town."

Supervisor Cardinale: "Thank you. And I want to take a moment to tell everyone September 13th, 1:00 p.m. is the hearing for the commercial and industrial zoning code to implement the master plan so we encourage everybody to be there. That's Monday, September 13th, 1:00 p.m. We'll go to seven and we'll come back if we need to."

Phil Barbato: "I'm here to briefly speak about development applications that are coming before the town agencies, Town Board, Zoning Board, Planning Board, in general, and one use variance application in particular.

I'm concerned about the apparent willingness by some to grant variances or exceptions whether it's in the interest of compromise or it's based on some idea of fair play, I'm not sure. But there are times that I've witnessed that the applicable law is not being given enough attention."

Supervisor Cardinale: "Could we try to keep that down because Mr. Barbato is speaking and we need to have it recorded on the record here. Thank you."

Phil Barbato: "The town has in front of it a proposal to build a large catering complex and to refurbish an old restaurant on land that's zoned agricultural protection on Manor Lane. It's the site of the old Manor Inn in Jamesport.

I believe the town should reject this proposal for many reasons. The uses are not permitted in that zone and would not cause- the uses that are permitted would not cause financial hardship to the owner, other than those that have been self-created. The environmental

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impacts have not been studied. The community will be forever changed for the worse and surrounding property values on dozens of homes and farms will be decreased as a result.

It would have cost the owner a lot more to buy land properly zoned for this restaurant/catering use in the present location and the neighbors, those that actually live on Manor Lane, will suffer through increased noise, traffic, environmental (inaudible) from now on.

Perhaps most importantly and that's the point I'm trying to make tonight, is that by granting this zoning change, the town will further weaken future defenses of the master plan and the new zoning code that's just been put into place in the face of mounting pressure from other developers who will want the same kind of relief and the same kind of variances.

Some in our community would like to see the old Manor Inn restored. But this part of the proposal is literally a facade since the Landmark Preservation Code only protects what we've heard earlier today. The "exterior features of a structure or building as are visible from the public way". The code further states that the Landmark Preservation Commission shall have no jurisdiction to consider interior walls, arrangements and structures. So this proposal would save the face of this building and for that we're being asked to endure a catering complex in addition to the restaurant.

Some in government are considering a compromise solution of permitting a portion of this proposal but that will have the same legal difficulties and lead to the same weakening of the zoning code as a full approval since it would still involve a use variance.

The applicant has also stated publicly that the only economically viable project is the full project. The restaurant itself cannot sustain the property so that wouldn't help the applicant either.

The Zoning Board of Appeals will render a decision on September 23rd and I understand the Town Board is considering its role in this since site plan approval would be in your jurisdiction.

And I'm asking you to consider the fact that the residents deserve to have the zoning law upheld. Changing them so recently after enactment or even compromising on them is the kind of approach that has led to the suburban sprawl seen everywhere else on Long Island.

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I attend most of the ZBA and Town Board meetings myself and I don't mind doing that since I believe that an informed citizenry is the best hope for a strong democracy. But the primary responsibility of protecting the integrity of our master plan and our zoning code rests with our elected and appointed officials. We need your help. The residents can't do this by ourselves.

We need you to continue the excellent work you've done so far and we need you to stand strong and to send a message to those who would exploit the riches of our town for their personal profit. There was never a more critical time for the future of our town than this. This is the end game as you all know and we can't lose it.

I urge you to take strong positions in defense of our master plan and the zoning code and thereby preserve our quality of life. Thank you."

Supervisor Cardinale: "Thank you. As you mentioned, that's a Zoning Board of Appeals matter which we do not have direct authority over but we- I have made very clear during my campaign and subsequently my concern for use variances undermining our new zoning and I think every member of this Board agrees that use variances are very dangerous. I think I spoke about them being given out like popcorn and candy to friends.

If you allow use variances willy nilly, you will destroy your zoning code no matter how good or well thought out it is. That much we made clear to the Zoning Board of Appeals. As a Board, that is our feeling but we do not have the control to tell them how to proceed in any one case as I was making a point over there.

Next, so thank you Phil. Max Love."

Max Love: "Yes, I am Max Love and I live at 85 Manor Lane. I really don't have much to add to what Phil has said although I feel rather helpless here in a sense. I attended the Zoning Board meeting. I did not go from that meeting feeling very confident that the residents of Manor Lane are going to be cared for.

That meeting was packed with residents from Mattituck, the owners from Mattituck of the proposed property use, and I have a helpless feeling as I stand here before you. I bought on Manor Lane, I love Manor Lane and I do not want to see a large (inaudible) development on Manor Lane and it seems we're at a hopeless position here if the Riverhead Planning Board if they're the ones that are going to make- "

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Supervisor Cardinale: "The Zoning Board."

Max Love: "-- the Zoning Board make a determination. But this is a democracy and I guess we'll work with that."

Supervisor Cardinale: "Well let me (inaudible) to be less than helpless or hopeless. We still are operating under law. This is a Board that cannot grant this variance, use variance unless three elements are proved under the law, wearing my lawyer hat.

And one of them is that no reasonable use of the property can be made under the current zoning. And if, in fact, the variance is granted, those neighbors that you discussed have the right to object to it in a court of law. So you're not helpless and you're not hopeless.

So I think you should just await the decision of the Zoning Board of Appeals. Let us hope that they make the right decision and then you should take counsel as you see fit. But there is a rule of law here. You get use variances when you prove a specific standard which probably you know in your sleep.

If that's not proven, then you don't get the use variance and if the Zoning Board of Appeals gives this, you should know a judge will overturn it. But in order to do that, you have to challenge it."

Councilwoman Blass: "Excuse me, Mr. Supervisor."

Supervisor Cardinale: "Yes?"

Councilwoman Blass: "We do have an opportunity in that we are an involved agency."

Supervisor Cardinale: "Right. We discussed that. Yes."

Councilwoman Blass: "And it is true that the Zoning Board of Appeals is poised to make a determination at their next meeting- "

Supervisor Cardinale: "The 23rd. Yes."

Councilwoman Blass: "-- on the 23rd. Generally when they make a determination like that, that they would recite their SEQRA in the context of that resolution and if it turns out that they type it anything other than a type 1 and assume lead agency, I think perhaps we would want to make sure- "

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Supervisor Cardinale: "We've done that. I know we've talked about it. We made it clear to the Zoning Board of Appeals that we would like lead agency status."

Councilwoman Blass: "That has not happened yet and I think that's specifically what I'm urging that we do it this time, to communicate with them requesting if they have no objection, the Town Board assumes lead agency."

Supervisor Cardinale: "Is Rick Hanley still here? Well, at least he came briefly. Okay, let's do that. Let's make sure that we get that in. So remind me of that tomorrow morning."

Okay. Next person who I've got to call here is Tyler. Tyler Volkeis. Yes, sir."

Tyler Volkeis: "Mr. Supervisor, Town Board members. Good evening. My name is Tyler Volkeis. I live in Baiting Hollow and I also reside on North Woods Road. Your previous speaker spoke about Mr. Ferrara (phonetic) and the conditions of the home."

I'd like to take it from a different perspective as to what the root of the problem really is in my opinion. The opinion that I have- sorry, from what you've already heard, Mr. Ferrara is not a good neighbor, doesn't care about the neighbors on our street, nor does he care about the residents of this town and the citizens of this town by his actions.

But the root of the problem as I see it, is illegal aliens and I know from watching on the access channel via Cablevision, there have been numerous occasions where the subject of illegal aliens has come up both sides of the ledger. One saying that we should do something about it and the other ones on the other side of the ledger saying we cannot do any work in this town unless we hire illegal aliens because they can't find an American to do the work.

To me this is the words of an unscrupulous and greedy individual and citizens of this town who hire illegal aliens. They create the opportunity for illegal aliens to come, not only to Riverhead but Long Island. And it's an epidemic situation across the country.

Before I continue, this is a subject that means a lot to me because I'm a veteran and right now we have young men and women dying in another country and around the world trying to bring freedom and protect the rights of people so that they're not scrutinized or taken abuse of.

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But here in this country and here in this town, we know we have illegal aliens running around doing work. Those people who say they can't find an American to do the work that they have for them, I wonder who pays the taxes, who forces them to not pay the taxes. Who forces them not to provide these workers with Workman's Compensation. Who forces them to not pay into our Social Security fund on these workers.

So it comes down to greedy people looking for a cheap labor pool and our laws are being violated across the country. Now just recently the Suffolk County Executive, Steve Levy, started a process of going after contractors who hire illegal aliens. I'd like to know what the town is going to do, when it will do it and how it will do it enforcing the laws that you were sworn in to uphold.

You also, I would hope, when you were sworn into office, took a pledge to defend the Constitution of the United States against enemies both foreign and domestic. I don't know when this will happen but I'd like the Town Board to address that issue. When will it happen and why hasn't it happened because as I said before, there have been residents at Town Board meetings as I said on both sides of the ledger saying that they object to having illegal aliens running around our town.

I'd like to point out also just recently on the access channel, there were two gentlemen discussing the same issue, they were from the Town of Southold. What they were suggesting they were going to do is bring before the Town Supervisor and the Town Board of Southold the need for affordable housing for illegal aliens. The work force in that town according to these two gentlemen is 85% of illegal aliens. They're made up of Hispanic, Russian, Polish and others, and I'm quoting them.

But they never say they want affordable housing for our young Americans. They were talking about just for illegal aliens because if they were to lose this work force, they said all work in that town would come to a halt.

Now I'll point out another issue. The State of California, its legislators, the State legislators, wanted to pass a bill to allow the issuance of driver's license for illegal aliens. But an immigrant who happens to hold the office of Governor of that State, said no way. You don't reward law breakers by giving them the same rights as an American. When does it come to a halt?

The ones that are coming into these houses that we spoke of are

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allegedly illegal aliens. As was pointed out before, I'm willing to be my house that the ones that were in that basement are illegal aliens. And no one's paying the taxes on these people.

I have nothing against immigrants coming to this country legally. I'm the grandson of immigrants. They came here and they didn't know how to speak English. They came escaping tyranny, war, ethnic cleansing. They were met at the docks by the same type of people who hire these illegal aliens today and offered them jobs at substandard wages with living conditions that were unhealthy, unsafe, and they exist today.

But these immigrants who came here, they learned to speak English. They did something that these illegal aliens don't do. They became part of our society, a fabric, that's being torn apart. And I don't see anyone doing anything about it.

I know you know of the problems in Farmingville, Farmingdale and around the country but when do we get a leader, a political leader who will stand up and uphold the laws they were sworn in to defend?

Thank you for your time."

Supervisor Cardinale: "Thank you. Next, Phil Ashley."

Phil Ashley: "I am Phil Ashley from Jamesport."

Supervisor Cardinale: "Yes."

Phil Ashley: "As you know, there was a letter presented to stop the paving on 6th Street in Jamesport. (Inaudible) it's not-it's actually very untrue. There was also a supposed petition circulating to stop, which is also untrue.

I have a signed petition which I do not have a copy but I'm willing to hand deliver tomorrow. There's misstatements in the letter, etc. We have since talked to every member on the block. Everyone wants the street, you know, paved, which also leads toward let's make it a historical area, etc., etc. I'd like you to know I have the past president of the Campgrounds which if anything was to be declared historical, is here present. They vehemently oppose it and we oppose it. I would like to know we have some assurances about getting the road paved. We fought for it for years and one person, one person, has killed our hopes."

Supervisor Cardinale: "John, I think we've discussed this and

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the road is- is going to be paved by the Highway Department Mark Kwasna, because the community apparently wishes it to be paved and it hasn't been for some time and that's been acknowledged by (inaudible) who is a proponent of non paving. She acknowledges that the community, in fact, wants it paved. So that's what's going to happen as I understand it."

Phil Ashley: "Okay, as long as we have the assurance, we're perfectly happy. Thank you very much."

Supervisor Cardinale: "Okay, sure. Okay. The next one is Angela DeVito. Yes, Angela."

Angela DeVito: "Yes. There's been a lot said about the ZBA tonight and I understand as you explain the laws that pertain to them that they are a separate agency. But they're also bound by New York State law. Part of it is called the consistency clause and now that we do have codes that relate to a master plan, they have to keep within those.

And you also have with the appointment which comes from members of the ZBA from the Town Board, they serve their terms and either they come up for reappointment and are approved or they're not, but there also is an ability within that in the law to remove them from office for just cause.

And one of the things to begin looking at is the fact that use variances are given out without really meeting those three tests that you talked about. That meetings of the Zoning Board of Appeals are run where the merits of applications are not really discussed, questions on those merits or the merits of them are not the subject of those hearings.

And I think if the Town Board started paying attention to that, that we might end up with a Zoning Board of Appeals that acts as an agency that really does its job, okay. Because the use variance as that's being given out I believe will serve as precedent. I believe the Board, the Zoning Board of Appeals is being used this time to create precedent to undermine the master plan.

And as you said in, you know, I've watched it twice now your interview, the fact that use variances shouldn't be given out for the next four or five years, I mean, they just should not, unless there is true merit. And I don't believe that they're really looking at the merits and as an aside there, who's replacing Scott DeSimone? Do we know yet? Are you there?"

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Supervisor Cardinale: "We do not know yet. We don't know yet. We will be discussing that Thursday so we should know by the end of the week."

Angela DeVito: "Okay."

Supervisor Cardinale: "How we're going to handle that."

Angela DeVito: "The other thing I wanted to, which relates to 6th Street road improvement was-- as you know, in March of this year-- actually in January of this year, I had contacted Mark Kwasna's office regarding road improvements for South Jamesport Avenue, specifically for the terminus of (inaudible). And in response, in March, I received from him a 2004 schedule for road improvements for South Jamesport and it did not include 6th Street. I also received the one for 2005 and it did not include 6th Street so how they suddenly became eligible for road improvement, I think it's great since the last time 6th Street was paved was 1940 according to one of the residents there.

However, it brings up a question I had asked the last time monies were transferred to the Highway Department from monies that I guess you get from the State to do road improvement, you vote on it. You say you've got the \$25,000 bucks in the general funds and here it goes over to you guys and I asked, well, what is the schedule or who really makes the determination, you said you left it up to the Highway Department.

I think perhaps a bit more coordination with the Town Board and really overlooking more accountability back on what they do and how they establish this plan because with the criteria that I was given for picking roads for road improvements for re-paving, for patching, the sections for 2004 and 2005 that were cited certainly in the South Jamesport Avenue did not need it."

Supervisor Cardinale: "Okay."

Angela DeVito: "They weren't the worst roads there."

The last thing I would like to bring up tonight is that we have three sections of town code that deal with parking prohibitions or limiting or parking by permit only, one with-- that enforces at intersections where there must be 20 feet setbacks for prohibited parking. We amended our parking prohibited in fire zones to include certain businesses to bring them in since they had been left out.

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And in South Jamesport Avenue both of those do not appear in the South Jamesport area. None of those appear on our roads.

The fire zones have not been established at those businesses that were included since the law was amended and when we amended the law for parking by permit prohibited parking south of 2nd Street in South Jamesport, there's been no implementation of that and I'd like to know why. The summer season is over, Phil, you know."

Supervisor Cardinale: "The- that is also on the work session for this coming Thursday. We want to implement it evenhandedly and we also want an explanation as to exactly what's going- what signs are supposed to go up. So it's going to be on Thursday. I would like to get it implemented.

There was also some question as to whether it was necessary to do both sides of the street because you will recall that both George and I came into this late. This thing was hanging around for two years before it was passed and I- "

Angela DeVito: "Well, the original codes that were there included both sides of the street."

Supervisor Cardinale: "Yeah, but there are new signs going up now and really just a clarification of what the objective is that we're trying to accomplish and whether it's necessary because we know a lot of people on those streets that are complaining to the Supervisor's office that if you preclude parking on both sides of the street, it's not- simply not a good idea."

Angela DeVito: "We're not precluding parking on both sides."

Supervisor Cardinale: "Well, one side is permitted and one side is permit."

Angela DeVito: "Right. And we were asked, John Stephans asked the Civics specifically to revisit this issue during our meetings and we came up with the proposal where the parking regulations would stand. The amendments that were made to the Vehicle and Traffic Law would stand and we would go to the town permits that you buy there and people would be basically be given guest passes which satisfied all of those individuals at our meetings who had been at town hall the day after you passed this with regard to their concerns for having guests at their homes and where they were going to park."

Supervisor Cardinale: "Okay."

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Angela DeVito: "Okay. So that was- I mean, and- "

Supervisor Cardinale: "That's something I- apparently they're not up to date. If that solves it for them, it solves it for me."

Angela DeVito: "They're happy with that."

Supervisor Cardinale: "Okay."

Angela DeVito: "That was- and actually when I- when we reported this and I reported this out because John had given me that, this was- we created too complex a solution but it was being reconsidered and I reported this back out to our Civic people who were very dismayed that, you know, we had spent time to think about this again and it seemed very, you know, very reasonable.

You know, at one time, the town- when you paid your tax bill, they used to give you a parking permit. So it's, you know, again there's ways in which to approach this without rescinding or re-amending the laws that deal with parking restrictions."

Supervisor Cardinale: "Right. I appreciate that. In fact I have spoken- that's been a loose- a hanging loose end and we should get it resolved. I spoke briefly to Barbara about it. John, you've been talking about this. Make sure we get it resolved one way or the other by Thursday because I'm tired of talking about this. We've to get it resolved."

(Unidentified from the audience) "Can I ask a question?"

Supervisor Cardinale: "Yes."

(Unidentified from the audience) "You just gave reference to the people- I'm from Jamesport also and I don't live on Front Street so I don't have a vested interest in this other than the fact-- you said that people at your meeting- has anyone surveyed the people that live on Front Street and what their wishes are? Has anyone- "

Angela DeVito: "Yes. Those people were previously contacted regarding this, the residents that were there. It's not just on Front Street. This is also- you have to come down North, South, West Street, Center Street and all the rest of that. Yes, people have been asked about their opinions about this.

Actually, how this all started was people who lived on Front

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Street raised the issue of what happened to our signs that prohibited parking? What happened? They disappeared. It used to be no one could park here and- "

(Unidentified from the audience): "Right. That was only on one side."

Angela DeVito: "And then there was parking by permit on the other. And that's what they all recalled, okay, for that. So that was- and this was- that was raised by the people who lived down there."

(Unidentified from the audience): "Okay. I'm just thinking what's reasonable because I've got to live in that area. I'd like to be able to park or have my guests park somewhere close to home and I don't have, you know- "

Angela DeVito: "Well, you live on 6th Street. You don't- "

(Unidentified from the audience): "No, I know I don't live there."

Angela DeVito: "It only applies to south of 2nd Street."

(Unidentified from the audience): "Actually I live on (inaudible)>"

Angela DeVito: "Yeah, so it wouldn't apply to you."

Supervisor Cardinale: "Thank you, Angela. Robert Andrews, I think it is. Robert J. Andrews. Tell us what you'd like. Take your time. Take your time."

Mrs. Andrews: "I had noticed that my name was on the agenda for- "

Supervisor Cardinale: "Yes. You had a communication with (inaudible)."

Mrs. Andrews: "Right. A communication. I didn't realize that I (inaudible). I would like to have my zoning changed. I live on Sound Avenue and (inaudible).

For the past-- ever since the Wading River hamlet study, my zoning was residential, one acre. After the Riverhead study was made, my zoning was changed to RB-80. Now we object- my husband and I did object to that change since we were residential and- but the

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thing it too that the- north of Sound Avenue was to be a receiving area and we are north of Sound Avenue and I didn't understand why we could not be a receiving area.

I have since April, since the public meeting in April, my husband spoke at that time, and we spoke with Mr. Hanley and he also felt that we should be a receiving, being north of Sound Avenue. So then he suggested we write a letter to the town, which my husband did.

Then on May 27th the work session of the Town Board which was viewed on TV, it was mentioned- our property was mentioned at that time for a zoning change, and the Council asked Mr. Hanley for his recommendation for our request on zone change. He said we should remain RB-80 because the Wading River Civic Association doesn't want any receiving areas and that was the only reason that was given.

I went- on June 8th, I went to the Town Hall to arrange a meeting with the Council to discuss the issue of Mr. Hanley's response. I spoke with Jill Lewis and she brought the master map and we reviewed it and she felt that our property fell through the cracks as we are north of Sound Avenue. And she said that she felt that the concern of the Wading River Civic Association was because that the Shoreham-Wading River School District does not want any additional students.

I also spoke with Mr. Bailey- or Sid Bail rather, I'm sorry, and he said that actually- actually none of the school districts want any children. And what I want to also say is that I am not in the Shoreham-Wading River School District. I am in the Riverhead School District so Wading River has no bearing- the Shoreham District has no bearing on me.

There must be something else here, I don't know.

Now, all right. So then it was suggested- actually at that meeting, the Town Board did feel that there was a real issue that I had because of the fact that we are north of Sound. And so it was suggested that the Town Council be reviewed- that- so then I was given an appointment to see Miss Thomas who is the town attorney. And she also felt that being north of Sound, I should be receiving. But it was up to the Town Board to make that decision. And that was on July 29th I spoke with her.

On July 30th, Mr. Cardinale, you phoned me, and you had mentioned that you felt that I should be a receiving and that is why I had called and I am here today- tonight, at this hour, to try to resolve

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this and I thank you for hearing me."

Supervisor Cardinale: "Thank you. We- "

Mrs. Andrews: "May I just make one more point here?"

Supervisor Cardinale: "Surely."

Mrs. Andrews: "If I find what I am looking for. Okay. My husband and I have- we have at times checked the situation of what was going on and what was being said in the Town Hall and on the- from the computer we had always gotten- we had gotten a proposed comprehensive plan from the Town of Riverhead and on that it had stated that all areas in the agricultural and Residence A zone would be changed with the exception of Residence A zone in the Wading River area. These areas have already largely been built out with 40,000 square foot lots. An increase in the minimum lot size there would only result in numerous non-conformities.

This was something that we were aware of only last year, that this was the case, and now we have a zoning that we really feel is unfair."

Supervisor Cardinale: "Thank you. And we will call the Board (inaudible)."

Mrs. Andrews: "I'm sorry?"

Supervisor Cardinale: "We will- I will talk to the members of the Board and get you a decision."

Mrs. Andrews: "Thank you very much."

Supervisor Cardinale: "Thank you. Janice- yes?"

Unidentified: "Can I say something, Mr. Cardinale?"

Supervisor Cardinale: "Sure."

Robert Andrews: "My name is Robert Andrews. I am the son of Marie Andrews and Robert Andrews and basically we understand that preservation is the key here and what we're trying to say is that we are north of Sound Avenue, as the rest of Sound Avenue in the Town of Riverhead and we receive this RB-80 zoning that no one ever discussed with us. Our Civic Association never asked what we think of preservation. Never. Never came to us.

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This was thrown at us at one meeting and we found out about RB-80. We're just fighting for the same as what the north side of Sound Avenue as a receiving area has. We understand that preservation is the goal here."

Supervisor Cardinale: "Thank you."

Robert Andrews: "And that's all."

Supervisor Cardinale: "Okay."

Barbara Grattuso: (Speaker was cut off) "-- stores are built. The reason being everyone is avoiding the 58. Many large transport trucks are using (inaudible) Avenue, delivering goods to the east end. Cars using the ferry going to New England and the casinos are using this road. Many tourists visiting the wineries are using Sound Avenue. It is not a rural road any more.

I feel these stores will benefit the local residents of Riverhead because they won't have to travel to 58 on a daily basis. They will be able to avoid all the traffic and not add to the congestion. Thank you."

Supervisor Cardinale: "Thank you. I believe, yes, you want that's the last one- Ralph Mattei is on my list and then if anyone else wishes to speak."

William Kasperovich: (From the audience - inaudible).

Supervisor Cardinale: "Okay, then, Mr. Kasperovich but you do want to speak to Mr. Mattei, Mr. Kasperovich and then this young lady here. And then Mr. Berra who wants to speak. Go ahead."

Ralph Mattei, Jr.: "Ralph Mattei, Riverside, Southampton township."

Supervisor Cardinale: "Yes."

Ralph Mattei, Jr.: "Take the opportunity to address the Town Council this evening on short period of time, I can say- address the Council in the morning."

Supervisor Cardinale: "Yes."

Ralph Mattei, Jr.: "But in any event, I'll try to be as brief as I can. The issue that I wanted to bring before the Town Board is

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also summarized in a letter that I have here addressed to you, Mr. Supervisor, and I will make copies after that."

Supervisor Cardinale: "Thank you."

Ralph Mattei, Jr.: "And I started off by pointing out that I've enclosed four copies of separate field report from the Riverhead Police Department and complaints that I had filed, a noise complaint that I filed against the Boardwalk Café at 65 East Main Street, Riverhead, dating on the nights of 7/30, 8/7, 8/20 and 8/21.

On each of these dates listed, I was awakened from a sound sleep between 11:00 p.m. and 12:30 a.m. by loud rock music and the beating of drums. I promptly got up and dressed and then drove over to the Riverhead Police Department to file a complaint. After I complained four times, I was told that the volume of noise was within the acceptable guidelines established by the Town of Riverhead.

The volume of this noise is strong enough to be heard with my bedroom windows closed and a floor fan running. I've lived in the same house for over 60 years and my next door neighbor has lived in her house for 50 years without this kind of noise pollution.

Both of our homes are located about 700 feet directly across the Peconic River from the back of the Boardwalk Café. The town of Southampton code enforcement guidelines did not allow music after 11:00 p.m. that would disturb other neighbors but Riverhead does.

Being a good neighbor and respecting the rights of others should and does not end at the Riverhead town line. And I would urge the Town Council to take action to address this issue.

Clearly noise pollution is not wanted by anyone and I'm sure there is not one member of the Town Council there that would want a bar with a disk jockey blaring rock music less than 700 feet away from your home at night when you're trying to get a good night's rest.

And this is all I have to say on this issue. Thank you."

Supervisor Cardinale: "Again, permission to play music does not equal permission to exceed the noise code of the town of Riverhead. So if you made a complaint, Ralph, I don't understand how they could say that the music is not too loud if they didn't put a decibel level on it."

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Ralph Mattei, Jr.: "The police officers that went down to test the amount of decibels being emitted said that it was within the limits established by the town of Riverhead. And I had stopped off on my way over to the police station down on McDermott Avenue and turned my car engine off and I could hear it down there. So I know the sound travels quite a distance.

And it's just beyond me why it's necessary for a DJ to be blaring out on loud amplifiers this kind of music in the middle of the night when people are trying to sleep, whether they live on the Riverhead side of the road-- river, or on the Southampton side."

Supervisor Cardinale: "Well it is my understanding that they have to take that decibel level at the boundary line of their property which is right behind that deck. So if it was that loud, then they were in violation of the noise code. Chief, could you check that? Thank you."

Ralph Mattei, Jr.: "I would also on closing state that at the recommendation of your Deputy Supervisor, I did contact the owners of the establishment to try to remedy the situation and for one week it appeared that that was working out but this past Saturday I was awakened again by quarter after eleven by the loud beating of drums. And I would hope that the beating of drums along the Peconic are not a prelude to an uprising. Thank you."

Supervisor Cardinale: "Thank you. I hope not. Okay. Let's see, we did have a line up here. Bill, I think you-- thank you, yes. Bill, why don't you say what you'd like to say and then I have one over here. Anybody else want to speak? One, two and Kenny and maybe we can go home. Yes, Bill, what would you like to say?"

William Kasperovich: "William Kasperovich. I live on 15th Street in Wading River. I have a group of neighbors close by that-- on the same street which is some 1750 feet long, the longest allowable single street by the State. Eight rental units are supplied water from a common pump, that pump is surrounded by not only the residents cesspools but the adjoining neighbors cesspools.

This is in sandy soil. These people have not had the water tested for a questionable five or more years. The records from-- in the town and the records in the Health Department are almost nil.

Now, when I was here last time, I brought this situation up and today unfortunately I have to stand here and tell you that nothing has been done. Now these people are unaware of the quality of water

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that they are using and it's my- just my kind heart that stands out, that I had the same type of experience before we had the Riverhead water in that area.

Now, the excuse I got when I inquired was it costs too much. Well, to Mr. Pendzick it costs nothing and yet he left here that night with his tail between his legs because he had ample time to get involved and did nothing and to this day I can't find anybody to do anything. The Health Department says well, we had a phone conversation with him but he didn't place an order with us. And I said I'll talk to the Health Commissioner that you're allowing this questionable water to be used. And in the township itself, I haven't had anybody pick up the gauntlet to get this corrected.

Now, this is a private well on private property and everybody knew about it. One of the things that kind of side door criticisms that the Zoning Board, the Planning Board, the Building Department and every department in the township was involved with Mr. Peter Danowski as the owner's attorney and he knew about it for several years and nobody took any movement.

Now, I felt with Gary getting a water test without costs would move this thing to a decision. This is definitely a hazardous area and it might be just contaminated. Bacteria in- certain bacteria don't have any taste, certain minerals don't have any taste, and this is loose sand type soil as borne out by a test boring made by the owner trying to sell this property.

And it's the kind of thing that a Zoning Board considering a change of one plot to what was originally five plots ended up with three plots, would throw out immediately if this is the kind of person coming in to ask for a judgment by the Zoning Board of Appeals, this is certainly that they would immediately act on. But they don't."

Supervisor Cardinale: "What's the name of these people?"

William Kasperovich: "Mobley."

Supervisor Cardinale: "M-O-B-L-E-Y?"

William Kasperovich: "Yes."

Supervisor Cardinale: "Okay. I'll check it out, I promise. Thank you. I appreciate your bringing it up."

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William Kasperovich: "And, okay. My second item."

Supervisor Cardinale: "I know you have something you want to say but we want to make sure we get to these other people. But go ahead."

William Kasperovich: "Well, it's 20 after 11 so- "

Supervisor Cardinale: "Do you think we'll get to them?"

William Kasperovich: "Well, I- that seat got real hard there for a while."

Supervisor Cardinale: "I know what you mean."

William Kasperovich: "These seats are not for me."

Supervisor Cardinale: "Yeah."

William Kasperovich: "I have a gripe with the Building Department. The Building Department for many years has been a thorn in my side by their conduct. And here is one that I think I could stomp on some toes. I haven't got the price to hire a good Riverhead lawyer to put them up for fraudulent conduct but it approaches that.

An application was made. I was the engineer. I put my seal and signature on a drawing and filed the application to fix one wall of a pavilion. This wall was enabled to be done by a grant from Andrea's office. All right? Other than that, it couldn't have been started. Okay.

Today they got two subsequent extensions to the building permit that did not involve me as the engineer that submitted the first building permit. So they extended a building permit from 2001 two separate times and no sketch, no drawing, no specifications, all of these under the application as work continues.

Work continues. Now, what kind of a Building Department do we have that accepts that kind of an application? Now, the fact that makes matters worse converting from a pavilion to a fully closed structure, the laws and the building requirements are entirely different and more stringent, and yet- "

Supervisor Cardinale: "Who are these people? What are the names of these people? What's the name of the people?"

William Kasperovich: "Wildwood Acres Association Inc."

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Supervisor Cardinale: "Okay. I will ask the Building Department to explain to me what is going on on these extensions. And I will- "

William Kasperovich: "Now, the second extension has expired back in March- January, February March. That's six months ago. There is no violation."

Supervisor Cardinale: "They can be lax on that. I will look into it."

William Kasperovich: "What lax? That negligence warrants more than a slap on the wrist. That requires a complete detailed explanation of conduct of process in the Building Department. Because this is a typical kind of thing."

Supervisor Cardinale: "Okay. I understand. Thank you, Bill. I want to try and get finished if possible by 11:30 or thereabouts and in order to do that, if I could move on if I could. Is there anything else?"

William Kasperovich: "So I have two gripes here. One for illegal using my seal and signature and secondly by not making any requirements for (inaudible) application which has nothing to do with the application itself."

Supervisor Cardinale: "I understand. Okay, I will check into that, I promise. And perhaps we can get the- thank you, Bill."

William Kasperovich: "Now, why should- want to make point in this Mobley affair that I've been attending these Town Board meetings since the time we had two Councilmen and two Magistrates sitting on either side of the Supervisor."

Supervisor Cardinale: "Yeah."

William Kasperovich: "And we now have increased that number and we have assistants to the Supervisor and I see no reason why we can't improve on the conduct of the town within itself and we allow people like the Zoning Board to get away with this Mobley situation without any concern to the people that are living there, not illegal immigrants but working people in the Riverhead area. And they can't (inaudible) \$500 bucks for a water test.

Gary can get it for free and yet he doesn't move on it and

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nobody in the Town Board moves on it. Consequently it's dormant and if the good Lord isn't looking down favorably on us, something is going to explode."

Supervisor Cardinale: "Thank you. Yes, you wanted to speak and then this young man and that young man. Going to be an old man before you leave here."

Dorothy O'Hare: "I'll be very quick. Dorothy O'Hare, Reeves Park. You just heard about the stores on Park Road- "

Supervisor Cardinale: "Right."

Dorothy O'Hare: "-- and Sound Avenue. Okay. These stores that are to help the residents who live there are nine stores, six of them are restaurants. We have our own kitchens. Okay. Surely we go out to eat. But you have six restaurants there, four on the other side. Six and four are ten. Who's going to work there? Who's going to do the dishes? Who's going to do things like that? Where are they going to live?

Now, Sound Avenue, okay. It was declared by the county and that state historical society in 1974 to be a historic corridor. So it can't be widened and the traffic that's on it, it's true, because I have read every single word of the 12 chapters of the master plan. And all through the whole thing, it says keep Riverhead rural. It is- (inaudible).

If you destroy the rural corridor, you are going to make it difficult for the wineries and people are not going to want to come. It's in Chapter 11. They're not going to come here and have their businesses.

So not only that, 10 restaurants, how many cesspools? I spoke before about the deep recharge area and Sound Avenue is the barrier. You look at this plan with these six restaurants and nine stores, there are 49 cesspools right at the edge. Now who's going to tell that cesspool water that it can't go across the street because if it does, it's going to endanger our water supply. So."

Supervisor Cardinale: "Thank you."

Dorothy O'Hare: "Thank you."

Supervisor Cardinale: "Yes, sir."

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Mike Juskie: "Mike Juskie (phonetic), Jamesport. I have some pictures I want to show you guys. You can use the speed limit as a point of reference and just pass them down.

The title of tonight's talk is signs, ethics and Manor Lane or I can't believe it's almost 11:30.

Briefly, I discussed earlier, we were talking about the Manor Inn situation and there were the signs that were notification for the variances going up. The pictures that I passed out are signs taken from Manor Lane of the variance signs. Find them if you can. And when you do, you'll see them posted to a tree and you'll see two signs, one for the zoning variance and one for the subdivision.

The first problem is you can't see the signs from the road, they're too small. The second problem is people now have the idea they can buy a piece of property and apply for two different things at one time. Yes, I want this for a catering hall or if I can't have the catering hall, I'm going to do a subdivision.

(Inaudible). And lastly, keep it short, when you do the ethics code, I'm wondering if you can take into consideration the needs of the residents with regards to situations just like this tonight. I've been coming to these meetings over and over again, Town Board, Zoning Board, I see the same people that do not get paid to do this.

What they're doing is standing up or trying to defend their property, trying to defend the laws of the town and like when we're at a Zoning Board meeting and we have to be subjected to hours and hours of admiration being bestowed on somebody that doesn't really have anything to do with the law being discussed, it's abusive to us.

When I have to come down here instead of fixing my kitchen and making my wife happy or playing with my son, and be here until 11:30 to speak about this stuff, it's a problem. It goes, you know, that's not ethical basically.

So when you do that ethics thing, if there's any way and I don't know how you can do it because everyone has the right to get up here and speak and people have the right to do something, but I also think what I learned from the assault on Manor Lane is that projects like the Lakeview- the condo project that they tried to put forth and this catering complex, when things are so outlandish there should be some recourse that we should be able to take when we have to come out- we have to take time out of our day to defend our neighborhood.

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So I would just hope that you guys would take that into consideration. Enjoy the pictures. If nothing else, at the next work session, think about making the signs bigger or something like that."

Supervisor Cardinale: "Thank you."

Mike Juskie: "Thank you."

Supervisor Cardinale: "Yeah, I want to give some solace before I take the last gentleman, Mr. Barra, to those who spoke on the ZBA. We are not completely powerless. One thing we can do is have a joint meeting of the Boards, that was done historically. It hasn't been done. I'd like to re-institute a joint meeting of the Town Board and the Zoning Board of Appeals and the Planning Board to express our concerns."

We can also deny reappointment of these individuals because they come up for reappointment if they are not doing their job. And we can also challenge as a Board the actions of the ZBA if we believe them to be destructive of our very, very- zoning code which everyone on this Board worked very hard to pass recently. So we hear what you're saying and we share your concern.

Kenny."

Ken Barra: "Yeah, Ken Barra, Wading River."

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

Ken Barra: "I'd just like to address the Board. Since my application to you has been pos dec'd, I did get notified that you were going to be hiring an outside agency but I haven't heard anything lately and I'm just wondering what the status of that is."

Supervisor Cardinale: "The status of that was that I spoke recently with Richard and- Hanley, my Planning Director, to ask exactly that question, you know, where are things. Are you hiring this expert or are we?"

Ken Barra: "My understanding is that you were looking into that. I didn't get a definite answer on that. That's what I wanted to know."

Supervisor Cardinale: "I didn't either. And he left before you got up about two hours ago, Mr. Hanley."

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Ken Barra: "Well, he was sleeping before he left anyway so it didn't make a difference."

Supervisor Cardinale: "I'll have an answer for you tomorrow. Just call Peter if he's here. I asked the same question."

Ken Barra: "Thank you."

Supervisor Cardinale: "Thank you. If there's no further comment, I'd like to adjourn. And I appreciate everybody coming out and staying for four and a half hours. See you on the 13th at 1:00 p.m. for the zoning hearing or at the next Town Board meeting."

Meeting adjourned: 11:30 p.m.