

Minutes of the Town Board meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, December 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.	Town Attorney

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "Being the Town Board meeting of December 7<sup>th</sup>, it being 7:00 p.m. I'd like to start with the salute to the flag. So Erica will lead us with her mellifluous voice."

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

Supervisor Cardinale: "We also would like to recognize at the outset with a moment of silence, the date of December 7<sup>th</sup>, Pearl Harbor Day, December 7, 1942 and, of course, a moment for reflection on that and 9/11/2001."

To get to the business of the day we need to offer and approve the minutes, Barbara, from the Board meetings of November 17<sup>th</sup> and the Special Board meeting of November 18<sup>th</sup>. So would somebody offer them and second so we can vote on it?"

Councilwoman Blass: "So moved."

Councilman Densieski: "Second."

Supervisor Cardinale: "Okay. Offered and seconded by Ed and Barbara. Vote, please."

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

yes; Cardinale, yes. The minutes are approved."

Supervisor Cardinale: "Okay. Also, before we get into Reports, I know, Ed, you had an announcement you wanted to make about something occurring this weekend and- "

Councilman Densieski: "Yes, I did, Phil. Yes, thank you, Phil. Just reminding the community that this Saturday is the fifth annual Riverhead Town Bonfire and Holiday celebration. There will be free photographs with Santa and free candycanes and the like and a big bonfire tree lighting. A lot of fun; come on down. Thank you, Phil."

Supervisor Cardinale: "That's 4:00 on Saturday, right?"

Councilman Densieski: "Correct."

Supervisor Cardinale: "The Atlantis?"

Councilman Densieski: "No. It's actually back on the riverfront this year, behind the East End Arts Council and behind Sears."

Supervisor Cardinale: "Okay, great. At the riverfront."

Councilman Densieski: "Right."

Supervisor Cardinale: "Four o'clock, Saturday. The eight, nine, ten, eleventh- eleventh. Okay. Any other comment or reports from Committees that anybody has? If you do not have any Committee reports, why don't we do the Reports, Barbara, that you have?"

#### **REPORTS:**

Receiver of Taxes	Utility collections report for November. Total collected was \$235,442.43
Animal Control	9 month statistics - January to September, 2004
Sewer District	Discharge monitoring report for October, 2004
Juvenile Aid Bureau	Monthly report for October, 2004

Bids

Junk abandoned motorcycles, mopeds. Opened December 5, 2004. Two bids were received

Junk abandoned vehicles, opened on 12/45/04, three bids were received

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications, please?"

**APPLICATIONS:**

Charles Cuddy

A petition for extension of Water District Sound Avenue and Hulse Landing Road, Wading River

Wading River-Shoreham Chamber of Commerce

The Christmas tree lighting which was December 4<sup>th</sup>

Barbara Grattan: "And that's it. And Correspondence?"

Supervisor Cardinale: "Correspondence."

**CORRESPONDENCE:**

Michael Cholowsky

Regarding pending site plan application of Calverton Industries

Mark Houraney

Regarding ethics complaint

Daria Rae Spates

Regarding Vintage Group

Mary Ann Avello

Regarding proposed parking garage and movie theater

Fred and Serena Moehring

Regarding zoning from Business to Residential on the north and to Agricultural Protection Zoning on the South at Sound Avenue and Park Road, the entrance to Reeves Park

Muriel Ashley

Regarding the 10 screen movie theater for Railroad Avenue

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Okay. Thank you, Barbara."

Barbara Grattan: "You're welcome."

Supervisor Cardinale: "We had a public hearing earlier at 6:00 p.m. on the draft environmental impact statement of the review of Tanger Properties LP. We have another scheduled for 7:05."

Public hearing opened: 7:09 p..m.

Supervisor Cardinale: "It being 7:09, I'd like to call that one. It is on the comprehensive development plan to allow the development of an industrial park upon the former Calverton Naval Industrial Reserve Plant. This is the Burman parcel and it's actually a revision of a comprehensive development plan required by the Planned Industrial Park statute."

Is anyone here for the applicant? Come up, please. If you could indicate your name and your relationship to the application."

Janice Jijina: "I'm Janice Jijina from Cameron Engineering. We are doing the planning and engineering for Burman."

Supervisor Cardinale: "Okay. And this plan which I have seen and reviewed and have here and which is available to the public is a revision of a previous plan which is necessary because you're hoping to get this revised plan approved and keep the salamanders happy at the same time."

Janice Jijina: "That's correct."

Supervisor Cardinale: "Okay. Is there anything that you'd like to place into the record before I ask any member of the public?"

Janice Jijina: "Unless you have any questions about the application? It's purely been revised to address DEC concerns."

Supervisor Cardinale: "Is there- why don't you be available in case we do have questions that the public would like to have answered. And I'd like the public- any member of the public who wishes to

comment on this to feel free to do so at this time.

The document itself is a revision of an earlier document necessitated by the obstacles that have been addressed by the subdivider and this is the more appropriate way to go at this moment. Yes?"

Bernadette Voras: "Bernadette Voras, Reeves Park. I would just like to ask, is the Burman property- is it included in the Burman property, the pond to the south? I'm not sure of the name of it. I've seen it called Prescott. I would like to know in whose purview that pond lies?"

Supervisor Cardinale: "Can you answer that question?"

Janice Jijina: "Are you talking about (inaudible) Lake?"

Supervisor Cardinale: "Yes."

Janice Jijina: "That belongs to the town."

Supervisor Cardinale: "That is town property."

Bernadette Voras: "That belongs to the town. Thank you."

Supervisor Cardinale: "Okay. Thank you. Any other comment from a member of the public in regard to this hearing? If there's no verbal comment, I would like to keep this open for 10 days, through the 17<sup>th</sup> for written, for written comment, if any.

Is there a problem- was there a reason we were going to- close this earlier? I'm trying to remember. Yeah, earlier than 10 days. Rick, is there any reason that the written comment period needs to be any particular length?"

Rick Hanley: "I think the intent was to possibly approve this on the 21<sup>st</sup>, which is 14 days from now, is it not? So we can do the 10 days."

Supervisor Cardinale: "Fine. We- I would like to keep this open then for written comment through the- oh, I know what it was- through the 13<sup>th</sup>, because we are going to have a Special meeting on the 14<sup>th</sup> and that will allow us to take that up then.

So if anybody has any written comment about this comprehensive

development plan- "

Rick Hanley: "Was this thing thought to be done on the 14<sup>th</sup>? Did Jill make that assertion, do you know?"

Supervisor Cardinale: "I don't know and I wish she was here so I could ask her."

Rick Hanley: "Yeah. I know after today's discussion, the 14<sup>th</sup> is going to be- "

Supervisor Cardinale: "Would you check with her- if I leave it open for 10 days- "

Rick Hanley: "Is she here in the building, do you know?"

Supervisor Cardinale: "Yes, she is."

Rick Hanley: "Okay. I'll be back."

Supervisor Cardinale: "I'm going to leave it open until the 17<sup>th</sup> absent any concern on the part of staff for further comment, close of business the 17<sup>th</sup>."

Public hearing closed for oral  
comment, left open for written  
comment until close of business  
December 17, 2004

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Public hearing opened: 7:13 p.m.

Supervisor Cardinale: "Next hearing is scheduled for 7:10. It being 7:13, this hearing is called to order for consideration of a local law to amend Chapter 108 to the zoning use- to amend zoning use district map to provide for Residence B-80 and Residence B-40 zoning use districts at the indicated areas of the map.

Is there- this is the- this is- the location of this zone change map, Barbara, can you describe it? Because if we can't, we better to make sure everybody knows where it is."

Councilwoman Blass: "This me? This Barbara?"

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Oh. I think these are-- "

Supervisor Cardinale: "Oh yeah, that's what I don't have. Yeah, tell me where it is because I don't have the map attached."

Councilwoman Blass: "This is the riverfront (inaudible) map."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "These parcels were the residential parcels in the vicinity of Meetinghouse Creek that we were rezoning."

Supervisor Cardinale: "Okay, that's what I thought. Yeah. This is for a peninsula in the Aquebogue area on Meetinghouse- on or near Meetinghouse Creek."

Councilwoman Blass: "But there should be a map in the Clerk's office."

Supervisor Cardinale: "And there is a map in the Clerk's office accompanying this notice. If there is any comment- is there anybody here that would like to comment?"

(There was some inaudible comments among the Board members)

Supervisor Cardinale: "If there is- if there is no verbal comment that anyone wishes to make in regard to this relatively small area of map that's covered, I will close the hearing and leave it open- leave this open through the 13<sup>th</sup> for purposes of written comment."

Public hearing closed, but left open  
for written comment until December  
13, 2004

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Supervisor Cardinale: "The next one- "

Councilman Densieski: "Phil, I have a question on that."

Supervisor Cardinale: "Yes?"

Councilman Densieski: "Sorry. I see Barbara has Frank's piece on Kroemer- is that piece coming out, that little sliver?"

Councilwoman Blass: "We have a letter requesting that, that should be made part of the record when we- "

Supervisor Cardinale: "Well, you- I think what you're looking at, Ed, is the hearing we're going to open at 7:20, consideration of a local law to provide Riverfront corridor."

Councilwoman Blass: "Riverfront corridor. That was different from the one we were just discussing."

Supervisor Cardinale: "The one we just did was the small piece- to keep this consistent I am going to keep all- the first hearing as well, I just got the note from staff, that we'd like to keep the hearing in regard to the comprehensive development open, not through the date, the 17<sup>th</sup>, but through the 13<sup>th</sup>. So that would be the 7:05 hearing on the comprehensive development plan is open for written comment through the 13<sup>th</sup>; so too is the second hearing we heard in regard to the Aquebogue parcels that are being suggested for zoning at RB-80 and RB-40."

Public hearing opened: 7:17 p.m.

Supervisor Cardinale: "And now we can move to the special permit petition of Art Site which is the 7:15 hearing, and it being 7:17 we can open it and is there someone here from Art Site? Please come up, sir.

Okay, this is a special permit petition, we need to swear anyone who's testifying in and if you could raise your right hand, the town attorney will do so."

Barbara Grattan: "State your name."

Dawn Thomas: "State your name, please."

Hideaki Ariizumi: "My name is Hideaki Ariizumi."

Barbara Grattan: "Can you spell that, please?"

Hideaki Ariizumi: "H-I-D-E-A-K-I and the last name is A-R-I-I-Z-U-M-I."

Barbara Grattan: "Okay."

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

Hideaki Ariizumi: "Yes."

Supervisor Cardinale: "Okay. The purpose of the special permit petition as you know is to address the criteria (inaudible) to be considered by the reviewing board at 108-133.5 of the code. Did you want to- did you want to say anything in support of your application?"

Hideaki Ariizumi: "Not particularly. However, our intention is anyway the building- existing building is almost an abandoned building. It's never been ever (inaudible) a C of O has not been issued for a long time. And we just try to make it as possible to be a better (inaudible) also to the town to introducing the art show as well as the art gallery things to encourage people to do something in that area."

Supervisor Cardinale: "What's the precise address of the property?"

Hideaki Ariizumi: "I know the address. I'm sorry, I actually don't know the- "

Supervisor Cardinale: "Is this property on the riverside or the- "

Hideaki Ariizumi: "Riverside, yes. Right across from the Dodge dealer."

Supervisor Cardinale: "Next to the or close to the - "

Hideaki Ariizumi: "The Dodge dealer."

Supervisor Cardinale: "Okay. And your objective is to open an art gallery at that location."

Hideaki Ariizumi: "Yes."

Supervisor Cardinale: "Which is- it is a specially permitted use."

Hideaki Ariizumi: "Yes."

Supervisor Cardinale: "By special permit of the Town Board."

Hideaki Ariizumi: "Right, right."

Supervisor Cardinale: "Where we- if we do approve, we can address certain of the issues. Certainly it's a use that we would like to encourage in that area pursuant to the master plan."

Does anyone on the Board have any questions of the applicant?"

Councilman Densieski: "Are we on RFC right now?"

Supervisor Cardinale: "No. We're on- Art site. And then the next one will be the riverfront corridor."

Councilwoman Blass: "Does your application require any variances from the Zoning Board of Appeals?"

Hideaki Ariizumi: "No."

Councilwoman Blass: "Okay. Thank you."

Supervisor Cardinale: "Okay. The- this hearing is limited to the criteria that is in the code and the suitability of the site for the use proposed, sufficiency of the plot. We can look at "A" through "R" in our code. We will look at all of those criteria in making a decision on the permitted use- on the special permit use. And then after that if, in fact, that's successful, you'll be going through a site plan process anyway."

Is there- if there's no questioning from the Board, is there a comment from the community in regard to this proposal to place an art gallery and studio and offices at- on the riverfront on West Main? Yes?"

Angela DeVito: "I just have a question. If we wanted to review the special permit petition, where do we go in Town Hall? I'm not familiar with that- "

Supervisor Cardinale: "The Town Clerk's office."

Barbara Grattan: "My office."

Supervisor Cardinale: "Yes, Sal, please come up and make comment. He's going to make a comment. You have to be sworn in, Sal."

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

Sal Mastropolo: "I do. I only want to ask a question?"

Supervisor Cardinale: "Okay."

Sal Mastropolo: "How does that fit in with the greenways plan? I thought the idea was to make that whole section greenways and park and that the town was demolishing things along that strip of road. Why would we put an art gallery there when we want art galleries down on Main Street?"

Supervisor Cardinale: "It's a good question and it's a rhetorical question. I think that- I think that at least in my view some appropriate development on the West Main Street corridor is inevitable because, trust me, we're not going to buy it all. We are just not going to have the money to buy it all. So- we'd love to but it's not going to be bought up entirely. But it's a good point that art galleries and art ideally would be a little bit to the east of where this is."

Councilman Densieski: "Phil, could I respond?"

Supervisor Cardinale: "Yes."

Councilman Densieski: "We probably don't have to buy it all. It would be nice if we could buy it all but we don't have to. Between the Scenic Wild Rivers Act and the zoning that we're going to enact there, no one's going to be able to do anything anyway. So it will be preserved."

Supervisor Cardinale: "Yeah. Even though we're trying to increase the uses of which Ed is anticipating the next hearing and I do have questions on that, but let's finish this one first. Is there any other question from the public, any other concern, any other comment? If there is not, we'll consider this closed for verbal testimony- this hearing for verbal testimony closed and we'll keep it open for written comment for anyone who reviews the plan and has a question or comment until the 13<sup>th</sup> of December and then we'll consider

it and make decision.

Thank you very much for coming in and we appreciate it."

Public hearing closed at 7:24 p.m.  
but left open for written comment  
until December 13, 2004

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Public hearing opened: 7:24 p.m.

Supervisor Cardinale: "It being 7:24, we can start the 7:20 hearing which is the one that we were just alluding to. Consideration of a local law to amend Chapter 108 of the town code to provide the Riverfront Corridor zoning use district.

Is there any comment from the public on the proposed zoning?  
Yes, sir, please come up."

Maximum Neumus: "I basically have a question- I have a lease on 953- "

Barbara Grattan: "Sir, I've got- could I have your name, please?"

Maximum Neumus: "Maximum Neumus, 953945 West Main, that's existing buildings, it's one building and one small store which an auto part used to be. Now, if this proposed change of zoning goes into effect, am I affected by that because I'm trying to get a use permit on something that exists already and nothing has to be built or nothing."

Councilman Densieski: "Are you looking to do another auto parts store there, sir?"

Maximum Neumus: "No."

Councilman Densieski: "Okay. Because it's changing the use."

Councilwoman Blass: "It's changing the use."

Councilman Densieski: "I know the auto parts went out about three or four months ago."

Councilwoman Blass: "You currently have a special permit for the town requesting a use for indoor recreational facility?"

Maximum Neumus: "Yes. It's a pool hall."

Councilwoman Blass: "A pool hall."

Maximum Neumus: "Yes. Billiard. But it's been held up because of this proposed change but I'm trying to bring it to the board that this is already existing. It's not going to be affected by this new zoning. It's already there."

Councilwoman Blass: "The building is there."

Councilwoman Sanders: "The building is there."

Maximum Neumus: "One business in; one business out."

Supervisor Cardinale: "I would answer your question. Yes, you will be affected if the Board takes action in regard to the zoning and you should- I can't say much more because it's- you should get legal counsel but, yes, you would be affected."

Maximum Neumus: "I'm a little bit short of hearing."

Supervisor Cardinale: "Yes, you would be affected."

Maximum Neumus: "Yes, I'm affected."

Supervisor Cardinale: "Yes."

Maximum Neumus: "Okay. Well, in view of that, I would suggest an alternative plan because I see that across the street Riverhead own the lot to the west and then Riverhead owns the three lots to the west on (inaudible). Start right there and leave that south part of the Main Street to the town alone because that's Business B now, it doesn't need to be changed. Maybe you start right there because you already own those lots. You start from there west as an alternative and don't include the properties south of the West Main which are already developed. I think it's only two or three lots left that may be used for something."

Supervisor Cardinale: "Where precisely is the property you are interested in located?"

Maximum Neumus: "It's- "

Councilman Densieski: "The old Mickey's Auto Parts store."

Supervisor Cardinale: "Okay. That's the one he's interested in. Okay. Before I forget, could you ask Jill to come in? I need to talk to her about this. That is an interesting suggestion and we will certainly consider it."

Maximum Neumus: "All right."

Supervisor Cardinale: "Any other comment you'd like to make otherwise maybe we'll- "

Maximum Neumus: "Yes. If you are going to keep it that way, I suggest that you have some more recreational establishments to this zone and some personal services because if you're just going to have bed and breakfasts and country inns, these people have got to be serviced someplace. They- you want them to come into town, there are no malls around so some local establishments like personal services and some recreational establishments could help. And when you say non-motorized open space recreation use, you mean golf courses or something like that or mini golf?"

Supervisor Cardinale: "I think I know what it means but I think it could be better worded. I assume you mean recreational uses that do not include motors, such as don't use motors in the river. But I think- I just wanted you present because I had a question. We're in the midst- let me ask that question as long as we're at it and you're here."

The uses here that the gentleman is referring to are permitted as dwelling, one-family, river related retail uses, non-motorized open space recreation uses. This area is impacted not only by what we do in regard to the zoning but by the Wild Scenic River Act realities which are imposed upon us by the State of New York.

You say- I had understood that we were going to try and to open up the uses in anticipation of achieving community river designation. Is that river related retail uses, is that what you- "

Jill Lewis: "There are also commercial uses that are allowed within (inaudible)."

Supervisor Cardinale: "Well, why then is it not reflected in

the permitted uses?"

Jill Lewis: (Inaudible)

Councilman Densieski: "Phil, I have a question, too, or a point. If we make this- if we make the zoning there (inaudible) to fit the Scenic Rivers Act, we're basically giving in to the DEC."

Jill Lewis: (Inaudible)

Councilman Densieski: "No. I disagree. I think we should ask them to change the law to what we have."

Supervisor Cardinale: "Well, I think we should, too, and we have, but I wanted to make the point a little more- "

Rick Hanley: "Let me try to answer that."

Supervisor Cardinale: "-- a little more precise here."

Rick Hanley: "Yes."

Supervisor Cardinale: "We're going to get- we're taking half a loaf here. My druther would be that that whole law is stupid as it applies to Riverhead to get rid of it."

Rick Hanley: "Right."

Supervisor Cardinale: "Everybody who has sat on this Board probably felt similarly in many ways because it is part of the Town already, it's developed, etc. At least part of the area is inappropriate for the state act.

But my question is this, that we are making application for a community river designation."

Rick Hanley: "Right."

Supervisor Cardinale: "With it comes certain enhanced uses. We have been led to believe that although they'll make us go through the rings, we will eventually achieve that over the next year. We wanted to anticipate those uses in this statute. I'd like to know why I don't see them here."

Rick Hanley: "The difficulty is that we're in a process of

mapping this community river area which has to meet several criteria and at this point in time we don't know how far that's going to go to the west and the thought was when we're at the point where we have agreement with the DEC on the actual boundary line of this community river, we would take a second look at the zoning.

This is going to be a nine month process, Phil, at the very least according to what we've been told at the DEC."

Supervisor Cardinale: "In other words, you're not sure what the- as you come out of say the library and look west- "

Rick Hanley: "Right."

Supervisor Cardinale: "-- you're not sure how far the community designation is going to run."

Rick Hanley: "Right."

Supervisor Cardinale: "And you don't want to put those uses on everything all the way down to the end of the zone."

Rick Hanley: "Right."

Supervisor Cardinale: "But you anticipate when you got the community river designation- "

Rick Hanley: "That we would get another look at this."

Supervisor Cardinale: "What do you do then if this is all one zone and you have to split the zone?"

Rick Hanley: "I think once we have a community river designation, we would be able to rezone those properties into a district that allows for general retail. But the difficulty that we have as a committee is that to put a use in a district, and I know Ed disagrees with this, but to put a use in a district that clearly- it's almost like putting a density in a district that the Health Department can't approve. It's somewhat disingenuous to the reader of the ordinance and that was our concern really, nothing more than that."

Supervisor Cardinale: "Yeah."

Rick Hanley: "But we are aware of the community river and we're moving in that direction."

Councilwoman Blass: "And we tried to put performance standards as best we could that conform to the regulations of that district so that every application would not require a whole host of variance applications to the DEC."

Rick Hanley: "Right."

Councilwoman Blass: "We tried to represent as much as we could those things that- "

Rick Hanley: "So that was our dilemma."

Councilwoman Blass: "-- that were consistent with their regulations."

Supervisor Cardinale: "Is there an anticipated boundary line- "

Rick Hanley: "We have one drawn- we have two drawn."

Supervisor Cardinale: "Where the Board has not yet- "

Rick Hanley: "And we're still negotiating- "

Jill Lewis: "Criteria. There's a criteria and Barbara has the book there. In order to meet the WSR community designation, you have to meet the three criteria and that's what they're doing, an inventory of properties to make sure you have so many that are developed already in order to fit into that designation."

Supervisor Cardinale: "In other words to get the boundary- to get the other designation, you have to meet some criteria. You've got to make sure that the area that we apply for meets that criteria. Nothing's easy with the DEC."

Councilman Densieski: "No. That's true."

Supervisor Cardinale: "Absolutely nothing. I get Ed's point, too. It would make me feel good, too, but it would be meaningless. We could put all the uses we wanted there, the DEC is going to control it. But you do anticipate a change then once we know- once we receive community river designation. Okay."

Councilman Densieski: "Phil, I just wanted to add something. It's more a question, I'd like to ask, put this question on the record. How do you pay your taxes, how do you pay your mortgage on

these uses, dwelling one-family, river related retail uses? How many canoe shops can we have in town? And non-motorized open space recreation uses. How can you pay your mortgage? That's my question for the record."

Supervisor Cardinale: "You can't is my answer for the record and I think that that's why we're trying to get half a loaf by getting the community river designation but this is, I think- I think that it was close to confiscatory when that act was applied to that area of our town. But we're trying to get half a loaf back and then eventually we'll continue to lobby to get further relief. And I know you are intimately connected with this having property in this district.

Yes, sir. I'm sorry to have interrupted you. You have another question."

Maximum Neumus: "That's all right. Just I'd like you to consider the alternative to make the zoning to the west and just leave that piece near town alone. It's already developed."

Supervisor Cardinale: "How close are you to getting a use permit?"

Maximum Neumus: "How close? They wanted us to wait for you to make a designation but this has been waiting now for two months."

Supervisor Cardinale: "Who told you that?"

Maximum Neumus: "The Town Clerk."

Supervisor Cardinale: "The Town Clerk?"

Maximum Neumus: "Well, no, she sent me to the Planning Department. Mr. Hall took care of me and he said that he was talking to Mister- his supervisor."

Councilman Densieski: "Hanley."

Councilwoman Blass: "Hanley."

Maximum Neumus: "Hanley."

Supervisor Cardinale: "It escapes me why people ask the IRS for tax information or this- or- and sometimes you have to ask the right

party, like a good smart lawyer like the one right behind you."

Maximum Neumus: "Well, I'm not that smart."

Supervisor Cardinale: "Yeah. That's why we've got to find some good smart lawyers. But I would say if you want a use permit, you should do so with all due speed and you should speak with an attorney."

Maximum Neumus: "It's on hold because of this meeting."

Supervisor Cardinale: "Okay."

Maximum Neumus: "Or whatever meetings you will have in the- "

Supervisor Cardinale: "Move it back to the front burner."

Maximum Neumus: "Okay."

Supervisor Cardinale: "All right? And speak to someone tomorrow. Anybody else have any other comment? Yes, sir?"

Maximum Neumus: "Thank you."

Supervisor Cardinale: "Yes, ma'am. And, Charles, you had a comment as well?"

Carla Esposito: "Hi. Carla Esposito. I wasn't planning on talking but- on this subject, but with this land, does this go all along 25 all the way up to the train trestle?"

Supervisor Cardinale: "We're not sure where it's going to end. Yes, this land that is encompassed by this zoning- "

Carla Esposito: "Okay."

Supervisor Cardinale: "-- this goes at least that far. Yes."

Carla Esposito: "Well, then I'm glad I was listening because I've asked the school district to talk to the county about some of the county land that is on 25, south side and the rivers below it to see if they could put a bus garage there because of the (inaudible) problem with the school. So I would request that this Board don't close the land use to a possible bus garage being there."

Supervisor Cardinale: "Okay."

Carla Esposito: "And that's all I have to say."

Supervisor Cardinale: "Thank you. I'm sure the DEC would be enthralled by that."

Carla Esposito: (Inaudible comment)

Supervisor Cardinale: "Charles."

Charles Cuddy: "Charles Cuddy. I represent a landowner on West Main Street. And I don't think that zoning can just be a projection of future hopes or aspirations or wishes. And I think that zoning has to have in it as a component the reality of what's at a site and what is.

And I think this zoning ignores and I think Councilman Densieski was discussing it in different terms, but it ignores people's investments, it ignores the fact that they've been there for years operating businesses, it ignores the fact that they've been paying taxes on land.

This isn't a short zone, this isn't a spot here and there. This zone goes for over two miles. This goes from east of Mill Road, past Mill Road, past Kroemer to the expressway and it goes on both sides of the road. The old zoning was Business A on the south side, the zoning on most of the north side was Industrial. You're taking that zoning and bringing it not just up to a general business zone, you're taking it and bringing it to what is virtually a non-useable type zone.

I think both Councilman and the prior speaker said there were three uses that you can have. One is a dwelling unit; one is an open space recreation type use, and the other is river related retail. Maybe from canoes, you can go to having bait or fishing pole places, but how many can you have in two miles?

I think it's unfair to the applicants that are existing as that man was and my client is and I'm going to talk in a second about the Wild Scenic because I think that's important that you consider that."

Supervisor Cardinale: "Right."

Charles Cuddy: "But I think it's unfair because the comprehensive plan talked about encouraging small businesses in the

town, talked about promoting entrepreneurial uses, providing services. If you look at that area, and that area on the west side of Mill Road has a number of businesses on the north side, and remember the back of those businesses is the railroad tracks. They're 100 to 125 feet deep. There's virtually nothing else that could go there.

These people have been there for 25, 30 more years and they have uses that are plumbing, electric, compressed gas, retail. Those people are consigned to non-conforming uses. That's not a casual type thing- you say go to the zoning board. When you sell a property and it's non-conforming, that doesn't do you very much help. When you have to come and make an application to expand any way, that doesn't help you too much. These were permitted uses up until this time. They no longer will be permitted uses.

You talked about the Wild Scenic. I would like to explain to you that the Wild Scenic is harmful but if you take out permitted uses, to go to the DEC makes it nearly impossible. We went to the DEC with a permitted use, it took us a year and a half just to keep notice, and it took us another year and we finally got approved for an expanded site plan which is now before the town.

But not having that use as permitted, we wouldn't have been anyplace. So it's very significant as to what you permit or don't permit. And I think the reality is that you've got to look at the businesses along that area, both north and south side, and there are a lot of them and none of them are going to be permitted. Virtually not one of them will be a permitted use.

And I would hope that you would take a stronger look at this because I think this is unfair to many, many people who have, as I say, their investments in this area. Thank you."

Supervisor Cardinale: "Thanks, Charles. Rick, could you I speak to you for a second? Yeah. What Charles said makes sense. I have a question about this. You want to look at the area of what you want in that area. I don't think you zone an area and you say this is what the future- this is what our plan for the future, the master comprehensive plan wants for that area.

In the master plan, what's the vision for that area and- "

Rick Hanley: "Are we talking about the north side or the south side?"

Supervisor Cardinale: "We're talking about both sides- "

Rick Hanley: "I think that Mr. Cuddy has a point with respect to the north side. In terms of the south side, I think the vision was to try to encourage this river corridor type use. Clearly, when we were looking at the plan, someone tonight mentioned greenways.

There was I think a policy decision made that as properties came for sale, whether it be through tax sale or identified marginal properties that the town was going to utilize its resources to try to create ideally this green belt on the south side of the river. And that's stated clearly in the plan."

Supervisor Cardinale: "What about the north side?"

Rick Hanley: "The north side, I think, maybe look at a little bit more carefully. I know the area he's talking about. There are existing uses there. I think Charlie talked about an application that he made to the DEC on expansion. I know that the Wild Scenic Rivers Act does provide some protections for existing uses. They do allow for expansions of existing uses as long as they're existing uses."

Councilman Densieski: "So you're trying to tell myself and other owners that if you're on one side of the road or another, you are going to get preferential treatment?"

Rick Hanley: "No. I'm thinking that one side of the road is different than- I think one side of the road is different than the other side of the road. But I know, Ed, that you were able to get, I think, a permit from the DEC because your use is there and I think it was an expansion, was it not, that you were able to get?"

So I think there's a provision in the WSR and it's very difficult to try to square this WSR ordinance which it is with a town ordinance because it's a thing that's there and we've got to deal with it. But I know that the DEC allows for expansion of existing uses. There is no provision at all for retail uses or expansion of any kind of use on that south side unless there's a development there.

If it's a vacant parcel, it's single family residential or river related. That's- unless we get a community river to run- maybe that's the goal. Maybe we want to try to get that community river to run all the way to the terminus of the expressway and if that's the case, then we have a completely different ball game."

Supervisor Cardinale: "Well, I think the approach is what I really want to focus on here. If the vision that the master plan that we worked on for six years for that area is stated, I think we ought to zone it consistent with that vision and not unduly impacted by the practical reality that the Wild and Scenic Act manacles are imposed upon us by the state.

But I just- I'm trying to get a vision here. The vision is that we want a green space on the south side and we want development on the other side. What kind of development are we talking about? Are we talking- exactly what does the master plan call for for that corridor and is that- "

Rick Hanley: "Clearly the master plan talked about a greenway and I believe if you look more closely- "

Supervisor Cardinale: "On the south side."

Rick Hanley: "On the south side."

Supervisor Cardinale: "I know what the south side looks like."

Rick Hanley: "So you would be able to see the river from- as you go from the expressway terminus into town, that you'd have this greenway that essentially would run- well, a two mile area."

Supervisor Cardinale: "Okay. But what about the other side?"

Rick Hanley: "Again, I think there may be some valid points with some of those parcels on the north side that are- that's a highly developed area on the north side and it certainly runs between the railroad tracks and Route 25.

There's also special permit uses in this district."

Supervisor Cardinale: "Bed and breakfast and country inn."

Rick Hanley: "Which are designed to allow for assemblage of property and to get some kind of tourist related uses on those parcels as well. So it's a combination of a greenway with- interrupted by tourist related overnight accommodation type of uses. That's what the plan talked about."

Councilman Densieski: "Rick, let me ask you a question. The gentleman- I forgot your name, I'm sorry, sir- "

Supervisor Cardinale: "Neumus."

Councilman Densieski: "What use would you recommend out of these here for Mickey's Auto Parts- "

Rick Hanley: "Well, I feel uncomfotable talking about a particular parcel right now, Ed. I would like to look- "

Councilman Densieski: "Take a hypothetical building similar."

Rick Hanley: "-- at the piece. I really don't want to get on the record about a particular piece of property. But that area is within this greenway vicinity. I mean- I believe- is that an abandoned use?"

Councilman Densieski: "Not for a year. It's been a couple months."

Councilwoman Blass: "It's been abandoned for a while."

Rick Hanley: "One of the concerns with the WSR has always been that because of the rigor of those regulations, all of these marginal uses become institutionalized and I don't think we wanted that to happen."

Supervisor Cardinale: "That's right."

Rick Hanley: "What we wanted to happen was to have some changes of those uses such that if there's a problem with a business, that there's an assemblage that's possible and maybe a re-use."

Councilman Densieski: "Okay. A hypothetical question. A person has a 1,500 square foot building on the river with very little parking, it's pre-existing, which one of these uses would you recommend- "

Rick Hanley: "Is this use presently used for something? Is that hypothetically or is that a vacant parcel?"

Councilman Densieski: "It's a vacant building."

Rick Hanley: "A vacant building that doesn't enjoy any existing use?"

Councilman Densieski: "Correct. Which one of these would you recommend that that person go to? The dwelling and a little building, the river related retail?"

Rick Hanley: "Right."

Councilman Densieski: "Which one can he pay his mortgage and his taxes with?"

Rick Hanley: "Well, if he doesn't enjoy a non-conforming use and he doesn't enjoy the provision that the DEC allows for existing use for an expansion, I think that probably that's a candidate for an assemblage with a possible special permit use."

Councilman Densieski: "A special permit- "

Rick Hanley: "There are a number of special permit uses there."

Councilman Densieski: "There's two, bed and breakfast and a country inn. Now what does this guy do with this hypothetical 2,000 square foot store?"

Rick Hanley: "My only answer to you, Ed, is that if he can't get a DEC permit and he can't get a use permit or a building permit because the non-conforming use has lapsed, then the only thing that one could do with that parcel would be anything that the DEC would allow and they're very limited on what they allow."

I don't know that it would even get anywhere with the DEC on these bed and breakfasts and these country inns either but we put them in because we thought that would be one way to encourage a different kind of a use on the south side."

Councilman Densieski: "This is in my opinion a continuation of the illegal taking which is unconstitutional."

Supervisor Cardinale: "On the other hand there is a valid point, however, that to say you can do anything you want. First of all, let's assume that it's consistent with our view that we wanted to have industrial or commercial development along there."

We could- if we could put it in, we're really fooling the public because there isn't going to be that because of the existing state regulations- "

Rick Hanley: "Unless you can get a community river designation."

Supervisor Cardinale: "Well, we anticipate that and we anticipate enlarging these. I guess the- since we anticipate doing that within the year and we've had good cause to believe through Jill's and your work that they will approve that, wouldn't it make some sense to incorporate those uses in and then delete them if the area is not granted? Because what- "

Rick Hanley: "I could think about that."

Supervisor Cardinale: "Yeah. We're going to have- "

Rick Hanley: "Maybe with some kind of a footnote or a proviso in the ordinance that points the reader to the other regulations because for a casual observe to read that- "

Supervisor Cardinale: "You're right. And why couldn't we do that? That would make a great deal of sense."

Rick Hanley: "Right."

Councilwoman Blass: "But the uses are also not particularly called out, they don't talk about very specific uses- "

Rick Hanley: "In the community river?"

Councilwoman Blass: "They talk about dry uses."

Rick Hanley: "They talk about- actually they're very general. They talk about commercial and industrial uses- "

Councilwoman Blass: "Right, and industrial."

Rick Hanley: "-- as long as you meet- "

Councilwoman Blass: "The performance standards."

Rick Hanley: "-- certain criteria."

Councilwoman Blass: "Right."

Rick Hanley: "So- "

Councilwoman Blass: "So we can't necessarily embrace uses that aren't specifically designated. We can embrace performance standards and we can talk about- "

Rick Hanley: "I think we have already, haven't we?"

Councilwoman Blass: "-- dry uses, that's what we attempted to do."

Rick Hanley: "Well, I think- "

Councilwoman Blass: "But if you look at the document, there's no list of uses that they said they would approve under the community river designation criteria."

Supervisor Cardinale: (Inaudible)

Rick Hanley: "If you look at the miscellaneous chart, right- "

Councilwoman Blass: "It's I through- "

Rick Hanley: "It talks about industrial commercial uses. Right."

Councilwoman Blass: "But they don't- "

Rick Hanley: "They don't list specific uses."

Councilwoman Blass: "-- they're standards. They can't have- "

Rick Hanley: "No. I don't think- "

Councilwoman Blass: "-- coverage exceeding 10%. They can't have wet uses."

Rick Hanley: "Yes."

Councilwoman Blass: "Those kind of things."

Rick Hanley: "I think what we tried to do in our draft ordinance for tonight's hearing, was to incorporate those development standards."

Councilwoman Blass: "That's correct."

Rick Hanley: "So I think what the Supervisor is suggesting is could we think about as a committee including uses that would have to necessarily conform to those standards in our zoning. It was some kind of a footnote that upon the designation of the community river.

And I really can't tell this Board tonight how far that community river designation is going to go to the expressway because those criteria are very specific."

Councilwoman Blass: "They have setback standards that in some cases are greater than the size of the parcel."

Rick Hanley: "I am absolutely aware of that. I am very much aware of that. I have talked to them about it and they assured me over there at Stony Brook at Region I that don't worry about it, Rick Hanley, because we have the ability to issue variances for yards, for height, for intensity of development.

Now, I was quite frankly shocked but obviously they have the ability to act as a Zoning Board of Appeals and issue variances on parcels. And that's what I heard."

Dawn Thomas: "If the zone- or if the WSR are precluded development on any particular parcel, the DEC really would be obligated to purchase that parcel because you have absolutely no viable economic use. It's confiscatory at that point. They'd have to grant you a variance. They really would be obligated to."

Supervisor Cardinale: "What my concern- and that's an interesting point the town attorney is making, that if they did what is feared they would be confiscating the property. What I want to do is I do not want to do- I do not want to be an unintended co-conspirator with them to take the rights of the people away.

I don't want our uses- if we're going to err, let's err on the side of having broader uses than could possibly be anticipated that they would approve. Because we might actually get to a position where our uses are narrower than they would grant and the guy is- they're going to say to these people which would be the truest (inaudible), you can't get it because- we'll give it to you but the zoning won't. That's something I want to avoid."

Councilman Densieski: "That's what's going to happen. You're right, Phil. Hit the nail on the head."

Supervisor Cardinale: "And that would disturb me. And I know you're going to come back- "

Rick Hanley: "And I think I understand the task at hand."

Supervisor Cardinale: "All right. Let's bring it up at the work session on Thursday."

Rick Hanley: "We'll do."

Supervisor Cardinale: "All right. Any members of the public- we've had a nice conversation about this, but we want to hear the public. Yes?"

Bernadette Voras: "Bernadette Voras. A discussion like this occurred up in New York State on the barge canal, the old barge canal, and it just say there for many, many years. I belong to a group that has and is changing that to a scenic area making use of that canal. You can cycle, you can walk, you can even take barge rides. Get off at one place, go along and then come back and so forth.

There are only four rivers on Long Island and all of them except for this- one the Nissequogue goes north. The other two go south and this is the only one that goes this way, okay, to the east, from west to east. It's very special, even though it's polluted with (inaudible). I know that because I worked at the lab under a grant for three years at the time it was being done and I saw it mentioned in a magazine and then later on they- their own magazine, and then they denied it for the next 10 years.

Anyway, the river is a very precious thing. I go along that road frequently, I see all the businesses, the 84 Lumber, the Dynamic Radiator. There is a- there are a couple of places where folks can stay that have been improved. I can see the north side being left alone because it is at least a reasonable distance away from the river.

I can see that people who have businesses there now have the right to have those businesses while they exist and their children and their family exist. When they go to- if they do in our lifetimes. If they go to sell this, then I think that it should be in a codicil of some kind that these would revert to become something like a one extended pathway where people can actually walk.

I've never seen that part of the river. I would love to see

people going down the river on those canoes. I would love to be able to- polluted as it is- throw a fish line in there. I'd love to be able to sit there.

I see a lot of houses that are not being kept up but, of course, they are owned by people. They have the right to not keep them up, I guess, to a certain extent. That is precious property and I really do feel especially from the trestle east, okay, not to the west of there, right to the expressway itself although I know that the road that goes down to Kent Shelter is another beautiful road in there, that property is protected.

But that area of the river that can be bought should be bought. I don't- I think that that is a very important thing and that it could start to be developed as a walking pathway, a green area. It doesn't have to be all the way to the road, all right. If you take 50 feet, 50 feet, 75 feet in, you know, that's terrific and you could have a bike path. I don't know how wide legally they're supposed to be but I can envision 10 feet, that's- I supposed bigger. And then a walking path, 5 feet, okay. So we've got 15 and a space between them, 50 feet all along. If we can get as much of it as we can. I think that should be the priority.

And that we should leave the businesses there because- Ed is right, they have paid, they are paying. Yes, it would be nice if we could all have it in one fell swoop. I don't think we can. But I think that we have to have a little respect for the folks who are there now, especially east of that trestle.

I would like you to really think about that because if you have never gone along the barge canal, it's terrific. And on Cape Cod they did that with the railway. The railway that was taken out, it's a fantastic place. It's actually crowded. It's actually crowded on any given day, summer, winter, spring or fall up in Cape Cod. Just that right of way for the railway beyond Orleans all the way up to probably (inaudible) or (inaudible). No (inaudible). Fabulous. Why don't we have one? And picture all the families. Picnic benches, that kind of stuff. Fabulous, you know.

It's the same thing that I was trying to say on the north side where we are up to the north. Those are the places to be bought and protected as much as possible, green, green."

Supervisor Cardinale: "Thank you."

Bernadette Voras: "And then the rest is business."

Supervisor Cardinale: "Thank you. Any- any other comment from the public in regard to this matter? I'm going to leave this hearing open until December 13<sup>th</sup> for further comment. I'm sure that we'll be discussing it on December 9<sup>th</sup> at our work session and try to get it right as is our intention. And try and make it consistent with what is in the adopted master plan."

Public hearing closed at 7:59 p.m.  
Left open for written comment until  
December 13, 2004

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Supervisor Cardinale: "We have completed the five hearings for tonight. I'd like to take comment on any of the resolutions that the Town Board is going to consider prior to our considering them. Yes, Angela."

Angela DeVito: "Angela DeVito, South Jamesport. Resolution 1107 where we're adding some detention attendants."

Supervisor Cardinale: "Yes."

Angela DeVito: "Just a question. In the past, we've had discussions at Town Board meetings about diversity within hiring for the town, increasing that with our town employees. And I was wondering if with any of these particular hirees, you know, the background checks and everything else, their applications went through, there was also any consideration given in hiring for those people who possessed language skills, we bi-lingual, and therefore in these areas might be appropriate. And I'm not just talking about Spanish language bi-lingualism. I'm talking about Polish and Russian which are also very important languages here in our township. So I was just wondering if any sort of effort was made there in terms of the recruitment for these positions."

Supervisor Cardinale: "Barbara, you're Personnel."

Councilwoman Blass: "Well, these appointments did not go through the Personnel Committee and routinely they don't. So I can't say if they came at the request of the Chief if he indeed- "

Supervisor Cardinale: "The Chief was here. Is he still here?"

Oh, would you ask him to come in? We're also- I think what he's going to say to you is that we're so desperate to get detention attendants which are called in on an as needed basis- "

Angela DeVito: "You'd take anybody."

Supervisor Cardinale: "-- that they'll take anybody. Yeah. And they would love to have somebody with bi-lingual skills and minority affiliation but we'll take anybody we can get.

Chief, a question was asked, the detention attendants, how do we pick them? Do we pick- try to get people with language skills that would be helpful like- do we- "

Chief Hegermiller: "Basically if they apply we screen them, do a background investigation and they're hired after that if they pass."

Supervisor Cardinale: "And (inaudible) we do not have enough detention attendants. Is that correct? 'Cause we call them on a given night when we need them to come down to the jail to be a detention attendant for a female or a male prisoner."

Chief Hegermiller: "Right. Instead of having a police officer watch them- (inaudible)."

Supervisor Cardinale: "And on some occasions we have to have a police officer watch them because we can't get an attendant. What do we pay these people?"

Chief Hegermiller: "I want to say like \$10.00 an hour- "

Supervisor Cardinale: "Yeah. That's the problem as I indicated. Getting any one available."

Angela DeVito: "Does the recruitment plan- I mean you just post these positions are available in the newspaper or how does it get done?"

Chief Hegermiller: "Word of mouth."

Angela DeVito: "Okay. It's word of mouth. It may be perhaps we need a little bit more structured recruitment plan on this in order to- even at \$10.00 an hour, there are people who will work and do this sort of thing and be part of their community to make sure that individuals who are retained- "

Supervisor Cardinale: "Well, actually- "

Chief Hegermiller: "It's not a regular schedule."

Angela DeVito: "I know."

Chief Hegermiller: "You're on call (inaudible)."

Angela DeVito: "I know. I was someone who did this in hospital work so it's- people do this. There are people out there."

Supervisor Cardinale: "Right. And this is one area that we can address affirmatively for getting a diversity of people working for us because this area is non-competitive I think is the designation, that we do not- we can hire them without regard for the civil service status."

We can't do much about the rest of the situation because we get a list, and if a person is on the list, then we can hire them. This there's no list for so we'll try."

Angela DeVito: "Okay. Resolution 1112, the contract with the Suffolk County Department of Economic Development, the Empire Zone. Is the town of Riverhead subject to the living wage law for Suffolk County? Is that something that's appropriate for us? There's a part of this application that you do on- you have to declare yourself whether you're applicable or not and I was just concerned."

Supervisor Cardinale: "Yeah. In order- we have signed previously, right?"

Dawn Thomas: "Yeah. We are subject to living wage but we get waivers for certain types of projects and we're a lot different in relation to Suffolk County than most any other town because Suffolk County actually contracts with us. We provide them sewer services and water services to different buildings that they own, so we are subject to it but we are able to get waivers under certain circumstances."

Angela DeVito: "Okay. And on the Resolution 1114, I understand the importance of looking at installation of round about speed tables, sidewalk gap fillers and bike lanes, that will hopefully reduce excessive speeds, traffic volume and occurrence or severity of accidents on local streets."

But I was wondering why it was limited to just this area in doing this resolution and not to the rest of the town of Riverhead. We have just had not necessarily, we don't know if it's excessive speeds, but a horrific fatality in the Jamesport area. We have had people crossing streets killed. There have been people up on the North Road crossing the North Road, that have been killed and I just wondered if why this just was for this particular area. They have more fatalities or potential accidents than we do?"

Supervisor Cardinale: "Yeah. This is Middle Road and they're the big leader. So when we were looking at Middle Road, earlier this year you will recall there was serious accidents and figuring out what lights to put up, what blinking lights, what solid lights.

It was suggested that this particular location, it might work. It turned out that they did about a \$20,000 review and it turns out it probably will work and work quite well and it looks like we may be able to get funded for 90% of it."

Angela DeVito: "Right."

Supervisor Cardinale: "So we actually might do this."

Councilman Densieski: "The other reason if you don't mind if I add, Phil- "

Supervisor Cardinale: "Yes."

Councilman Densieski: "-- as Phil pointed out, we're going to get a 90% grant from the DOT. The other reason is we had this space that we already owned. We didn't have to condemn land to add additional burden to the taxpayers. We own the property where the possible (inaudible) will go."

Angela DeVito: "All right. Thank you very much."

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

Sal Mastropolo: "Sal Mastropolo, Calverton. 1122."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "This relates back to one of the CDA resolutions."

Supervisor Cardinale: "Correct."

Sal Mastropolo: "And I don't understand something. The town owns property. We're going to sell 6882 square feet of parking district property for \$14,000 and private industry is going to sell 653 square feet for \$24,000. Shouldn't we be consistent? I mean why are we giving away town property? Why aren't we more in line with private industry selling 653 for \$24,000."

Supervisor Cardinale: "Well, the 653 is improved property so that as opposed to 6800. But the two pieces we're talking about are the improved area of the property adjacent to the theater which makes the east alleyway a blind alley. That would be taken out to make the alleyway directly to the parking lot to the east of the theater."

The other piece is- "

Sal Mastropolo: "Is behind it."

Supervisor Cardinale: "-- is the same- is the parking district piece behind it which needs to be purchased as part of the theater purchase to enhance the theater stage. Actually, the 14,000 was based on the fact that the previous transaction was 10,000 for a certain amount of space and we upped it to reflect the additional square footage. And the- and it's all going to be accumulated, those three pieces to be sold as part of the theater complex. It's a reasonable question. The only distinction is the 600 square foot piece is improved. They're buying that square footage plus the improvements on it, the (inaudible)."

Sal Mastropolo: "Which they're going to demolish."

Supervisor Cardinale: "Which, in fact, they're going to demolish. Yes."

Sal Mastropolo: "It just seems like, you know, we didn't give any thought to how much we're charging for that amount of space."

Supervisor Cardinale: "If it makes you feel better, 24, I think is the less sizeable piece?"

Sal Mastropolo: "Yes."

Supervisor Cardinale: "That was 32."

Sal Mastropolo: "It was 32?"

Supervisor Cardinale: "Before we bargained."

Sal Mastropolo: "Okay. 1129."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "You struck out quite a few of the permitted uses which I'm left- I'm begging the question why."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I mean like #6 automotive truck and bus assembly repair and storage provided that all such repair and assembly is conducted within enclosed buildings. I thought you were going to put that someplace else but I never found it anyplace else and I don't understand why that was struck out."

Supervisor Cardinale: "That's a good question. That automotive truck and bus assembly and I think we have another one that had to do with trucks- "

Councilwoman Sanders: "#11."

Supervisor Cardinale: "11 is it?"

Sal Mastropolo: "Yeah. 11 was the other one that I had the question on."

Supervisor Cardinale: "We determined that it was not necessary to repeat because they were incorporated into one, because in each instance they were design, manufacture, processing, (inaudible), repair, testing and assembly. That it- we could go (inaudible) that you can do all of those things with chairs, autos, trucks, you can do it with anything."

Sal Mastropolo: "Okay. One other question. #9, business, technical and vocational schools but we excluded flight schools. Why?"

Supervisor Cardinale: "Yeah, that was- "

Sal Mastropolo: "I mean I don't understand that. If you're going to have educational facilities, okay, and you have a runway

there, a flight school is not going to fly commercial in and out, okay. Eventually after you finish a certain portion of your classroom schooling, you're going to want to take a plane up and come down. It seems like a perfect place for a flight school. I don't know why we're excluding it."

Supervisor Cardinale: "Okay. The reason behind the exclusion was this, that the flight- first of all, the location of the flight school, that runway is supposed to enhance the industrial park and we had concern as to whether the flight school was going to do that.

And the second thing is we didn't want to be foolish. We are likely to ban- we are likely to ban touch and go landings and you can't run a flight school without them, so we didn't want to mislead people in our zoning."

Sal Mastropolo: "Okay. Thank you."

Supervisor Cardinale: "Yes, sir?"

Gordon Danby: "Hi. My name is Gordon Danby, I live in Wading River and I watch you people all the time on the television and I think that's a great improvement. And I must say in my opinion having been here 42 years, that this is the most effective and an action Board we've ever had."

Supervisor Cardinale: "Thank you, Gordon."

Gordon Danby: "So I mean that and I have a couple specific comments because I realized listening to this earlier discussion how difficult some of this really is.

But with respect to the airport, the idea that aviation will be auxiliary to industrial work there, this has been kicked around forever and obviously it's not only my opinion, but I think it's much of the town and I think it's yours. So I support you completely on that.

The other thing is the difficult problem when you have zoning. It's great in the abstract but then everybody bellyaches when he feels like he might be losing out a little bit. And you just have to tough that through.

I mean personally we own six acres almost, a very attractive land, so we lose out by this and we're perfectly happy with it.

You've got to look at- I don't need to tell you that zoning is in the long run for society and everybody. And yet you've got to be- you can't run roughshod over people but when people come argue that you- well, they could have two lots, now you're making them have one lot, I say tough. Thank you."

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

Bud Papish: "I'm still looking-- this is Bud Papish."

Supervisor Cardinale: "Yes."

Bud Papish: "I'm an ex VFW. I'm looking for that sump we were going to put down by my horse farm."

Supervisor Cardinale: "I remember it well."

Bud Papish: "You do?"

Supervisor Cardinale: "We talked about that about six months ago."

Bud Papish: "Yeah."

Supervisor Cardinale: "Kenny Testa was working inefficiently or unsuccessfully with you on that I think. He continues to do that."

Bud Papish: "Listen. I've got 50 horses there that winter; I had 200 that summer, (inaudible). Now if we get water in like we did last year, I can't feed my horses. It's different now. We don't live on the farm. We have to go there with an automobile or a pickup, you know, and then we take care of the horses. Twice a day and we've got to clean the stalls and without that sump we can't do it."

Right next to me is- "

Supervisor Cardinale: "They want to know exactly the location where you are talking about."

Bud Papish: "Yeah. It's on Reeves Avenue between Roanoke and Doctor's Path. And there's a woods is right next to me, that's the golf course, and there's another one across the street called Cherry Creek and right now this is- I've lost two pickups there trying to get through the water."

Supervisor Cardinale: "The water is coming off the road?"

Bud Papish: "No. See, when the ground freezes, the water comes all the way from the Sound, across the, what do you call Sound Avenue, and comes right down through the race- you know the golf course there and floods up. Now we've had a few guys in there digging holes with a backhoe about so deep and we've tried that many times over the years. That don't amount to nothing."

Supervisor Cardinale: "It's coming off of the golf course onto your property?"

Bud Papish: "Yup. No, not onto- I'm not worried about my property but I can't get there."

Supervisor Cardinale: "Can't get to your property."

Bud Papish: "To get to my horses."

Supervisor Cardinale: "So where- whose property is the water accumulating on?"

Bud Papish: "On the town's."

Supervisor Cardinale: "On the road."

Bud Papish: "On the road. You can't get through. Now I told them that Hoden, remember Hoden, he died. His wife- I talked to his wife, there's a perfect spot there, it's down low, you can put a sump in there and drain from west of me, you know, right by Kozakiewicz, and we've got to do something because winter's coming, you know."

Supervisor Cardinale: "When did you last speak with- "

Bud Papish: "A month ago, probably."

Supervisor Cardinale: "What did he tell you?"

Bud Papish: "Well, he got, you've got a new guy now, right?"

Supervisor Cardinale: "Yeah. Dave. Dave Carrick."

Bud Papish: "Yeah, I haven't seen him."

Supervisor Cardinale: "But there's been no solution and there's been no indication- "

Bud Papish: "No. I talked to the woman in- I think she was- she told me who she was. I knew her father. He was a farmer out here. But Hoden, he died, you know."

Supervisor Cardinale: "Yes."

Bud Papish: "And his two boys are running it. But this property can be bought cheap, you know."

Supervisor Cardinale: "Yeah. The best I could do which I will do is the engineer, Kenny, he's not here. He called about 6:30, I got a message that he's ill. He's supposed to be here. The Highway Superintendent is not here but I will have Kenny call you first thing in the morning."

Bud Papish: "Okay."

Supervisor Cardinale: "And tell him, let's just give me a plan here so we can get this fixed."

Bud Papish: "Yeah. Let's see. Get it done real cheap and you can do it right, you know. And there's a new housing development called Highland or whatever it is right down the road and there's another one on Doctor's Path and these guys pay a lot of taxes, you know, the two golf courses and they were out of business there for a week."

Supervisor Cardinale: "The road itself is flooded so it's our responsibility to get the water off the road. Could you give to either Barbara or- "

Bud Papish: "I showed that other fellow that was here, what was his name?"

Supervisor Cardinale: "Dave Cullen."

Bud Papish: "Dave, yeah. I took him there and showed it to him, you know."

Supervisor Cardinale: "That's great. They all know about it now they've got to fix it."

Bud Papish: "But then he got promoted or demoted or changed--"

Supervisor Cardinale: "Yeah, he's still working with engineering though."

Bud Papish: "Yeah."

Supervisor Cardinale: "And I will- if you'll give us your number either stated or write it down- "

Bud Papish: "Listen, it's easier for me to call him than him to call- get a hold of me."

Supervisor Cardinale: "Okay. Then extension 250."

Bud Papish: "250, okay."

Supervisor Cardinale: "Yeah, extension 250. I'll tell him you'll call him tomorrow."

Bud Papish: "Yeah, I'll call him."

Supervisor Cardinale: "Dave Cullen."

Bud Papish: "Dave?"

Supervisor Cardinale: "Dave Cullen."

Bud Papish: "Okay, I know Dave."

Supervisor Cardinale: "He'll talk with the town engineer as well."

Bud Papish: "Okay."

Supervisor Cardinale: "Thank you."

Bud Papish: "Thank you."

Supervisor Cardinale: "Okay. Any other comment on the resolutions? If not, we'd like to go through the resolutions and consider them."

Barbara, could you get us started. Andrea, could you come up? Because I think we're going to close the Town Board meeting for a few

moments."

Meeting closed: 8:18 p.m.

Meeting reopened: 8:18 p.m.

Supervisor Cardinale: "Reopen the meeting of the Town Board to consider Resolution 1102 and following. Could you present that to the Board?"

Resolution #1102

Councilwoman Blass: "This is a budget adjustment for the highway fund. 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 #1103

Councilwoman Sanders: "It's a budget adjustment for the Scavenger Waste debt service. 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 #1104

Councilman Densieski: "Is a recreation fund budget adjustment. So moved."

Councilman Bartunek: "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 #1105

Councilman Bartunek: "Teen center 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 #1106

Councilwoman Blass: "Accepts cash security of Two Rivers Products Co., LLC-Hunt Enterprises (McDonald's Restaurant) in Riverhead. 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 #1107

Councilman Densieski: "Appoints detention attendants to the police department. 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 #1108

Councilman Densieski: "Approves a special permit petition of the Kent Animal Shelter. 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 #1109

Councilwoman Blass: "Approves temporary sign permit of Frank Beaulieu. So moved."

Councilwoman Sanders: "Before I second that, are we making that correction on the- "

Supervisor Cardinale: "Yeah. There was a- "

Councilwoman Sanders: "There was a note there. There was an amendment- "

Councilwoman Blass: "I assume that it was supposed to- "

Supervisor Cardinale: "It should have been March 7<sup>th</sup>."

Councilwoman Blass: "Right."

Barbara Grattan: "Expire on March 7<sup>th</sup>?"

Supervisor Cardinale: "Yes."

Councilwoman Sanders: "Just wanted to make sure. And seconded."

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

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

Councilman Densieski: "I could give my usual speech on temporary signs but I'm too tired today. I'm just going to vote yes."

Supervisor Cardinale: "Thank you, Ed."

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

Resolution #1110

Councilman Densieski: "Authorization to discard fixed assets. 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 #1111

Councilman Bartunek: "Authorize the extension of time to remit real property taxes for senior citizens receiving an exemption pursuant to Section 467 of the RPTL. 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 #1112

Councilwoman Sanders: "Authorizes the Supervisor to execute an agreement with the Suffolk County Department of Economic Development (Empire Zone). 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 #1113

Councilwoman Blass: "Authorizes the Supervisor to execute a stipulation of settlement of a class action grievance. 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 #1114

Councilman Bartunek: "Authorizes the Supervisor to execute application to the New York State Department of Transportation for local safe streets and traffic calming grant. 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 #1115

Councilwoman Sanders: "Classifies action and declares lead agency on special permit (site plan) of Beacon Wireless Management (et al) and refers petition to Planning Board and Zoning Board of Appeals. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1116

Councilman Bartunek: "Promotes Police Officer Michael Henry to the position of Detective Grade III. 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 #1117

Councilman Densieski: "Ratifies the appointment of a volleyball official to the Riverhead Recreation Department. 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 #1118

Councilwoman Blass: "Ratifies the appointment of a volleyball official to the Riverhead Recreation Department. 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 #1119

Councilman Bartunek: "Ratifies the submission of a grant application to the New York State Archives. 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 #1120

Councilwoman Sanders: "Awards bid for the Riverhead Water District for the replacement of Well 5-2, Contract W-well work. 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 #1121

Councilwoman Blass: "This is a budget adoption in connection

with the Middle Road Phase I capital project budget adoption. 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 #1122

Councilman Densieski: "Is a resolution scheduling a public hearing pursuant to Article 12 of the New York State Town Law to declare certain premises as not required for the purposes of the Riverhead Public Parking Improvement District No. 1 and the authorizing- and authorizing the sale and transfer thereof to the Town of Riverhead Community Development Agency, an Urban Renewal Agency of the State of New York, pursuant to the Town of Riverhead's East Main Street Urban Renewal Plan, adopted October 19, 1993. 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 #1123

Councilwoman Blass: "Approves the application for fireworks permit of Riverhead Business Improvement District Management Association. 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. This is going to be on New Year's Eve at Grangibel Park between 6:30 and 7:30. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1124

Councilwoman Sanders: "Ratifies execution and submission of grant application to Suffolk County for fiscal year 2005 Community Development Block Grant Funds. 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."

Supervisor Cardinale: "I'm abstaining. I'm a Board of Directors member of one of the benefitted agencies, Dominican Sisters Family Health Services. Abstain."

Barbara Grattan: "Okay. Resolution is adopted."

Resolution #1125

Councilwoman Blass: "Incorporation of certain roads into the town of Riverhead's highway system pursuant to New York State Highway Law Section 189-Highways By Use. 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 #1126

Councilwoman Sanders: "Authorizes the Town Clerk to post and publish public notice of public hearing to consider an amendment of Chapter 52 and Chapter 108 of the Riverhead Town Code of the Town of Riverhead entitled Building Construction and Zoning. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "I know we didn't have this at the most recent work session- "

Supervisor Cardinale: "Yes."

Councilwoman Blass: "-- so I apologize for the discussion here, but I was wondering if it is- if you read the first sentence, I don't believe the word prosecuted is used correctly there. I think the word should be performed. If someone takes a moment, maybe Dawn you could read that first sentence.

Whenever the Building Inspector has reasonable grounds to believe that word on any building, structure or any type of land clearing is being prosecuted in violation of the provisions. Would it be- "

Dawn Thomas: (Inaudible)

Councilwoman Blass: "But the word performed I think is the appropriate word."

Barbara Grattan: "What's the word?"

Councilwoman Sanders: "Change prosecution to performed."

Councilwoman Blass: "Change prosecution to performed."

Supervisor Cardinale: "Yeah, that would, I think be better."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "With that change, need a vote for post and publish."

Barbara Grattan: "Okay, are we ready to vote?"

Councilwoman Sanders: "It was moved and seconded."

Barbara Grattan: "We're just ready to call."

Councilwoman Sanders: "Yes."

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

Resolution #1127

Councilman Bartunek: "Appoints Conservation Advisory Council Chair member, Sean McCabe. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "I just want to point out that his salary for this is \$800.00. So as George knows because he was on that Board, it's more-- it's kind of like being a volunteer. So I vote yes."

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

Supervisor Cardinale: "Yes. Thank you for his service."

Barbara Grattan: "The resolution is adopted."

Resolution #1128

Councilman Densieski: "Establishing the Calverton Sewer rent pursuant to Town Code Section 89-46 Calverton Sewer District. So moved."

Councilwoman Blass: "And seconded."

Councilman Densieski: "A little discussion, Mr. Supervisor."

Supervisor Cardinale: "Go ahead, Ed."

Councilman Densieski: "I'm just curious. I was not at the afternoon session- work session. Was this discussed then?"

Supervisor Cardinale: "No, it wasn't."

Councilman Densieski: "Okay."

Supervisor Cardinale: "It was submitted by Jack and I discussed it with him this evening. And because I wanted to understand it. And if you'd like to, I'd be glad to get him here. I think he's still here. But essentially what- does anyone know? 'Cause I haven't seen

Barbara Grattan: "He's here."

Councilwoman Sanders: "He was here a few moments ago. I saw him in the back of the room."

Supervisor Cardinale: "Okay."

Councilman Densieski: "Um- "

Supervisor Cardinale: "Um, what it is, is they actually are doing it. If you look at the addendum connected to it, they are doing -- by actual gallonage on the top- on the ones that begin 135, 178. On the ones that begin 135, 1732 they do not have gallonage so they're utilizing square footage to determine the numbers.

The overall tax will be considerably lighter than last year. I think last year was 22 and this year will be 17 but nonetheless, it will be burdensome."

Councilman Densieski: "Yeah, I understand. I have not supported this the last couple years. I haven't voted for it because there have been things in the sewer district paid for like security and other things and I think the amount of depreciation that's been put in the last couple years wasn't right and so I don't think I'll be able to support it only for the simple reason I don't have enough information. If everyone else is comfortable, I have no problem moving forward."

Supervisor Cardinale: "Right, I understand. Is there any reason that it needs to be passed today? This is for the levy, so there is a reason. Okay."

Barbara Grattan: "(Inaudible) for Tuesday's meeting?"

Supervisor Cardinale: "Yeah. Okay, so they need it fast. I understand what Ed's saying because I had a lot of discussion about this during the initial months of my term of office here because there were a lot of complaints and they were depreciating at a certain number which they thought unfair.

They brought that depreciation down this year. They brought the rate down from 23 to 17 but it's still high because there's not too many people using it. I think we need to take a vote on it but it also needs additional work and we'll do that."

Councilwoman Blass: "There's also an additional item that was actually part of the discussion that we had on the Tanger application with respect to the monies that come back to the town of Riverhead for sewer district stabilization.

When we have that discussion with the county with respect to returning sales tax revenues, we should ask why the Calverton Sewer District does not enjoy the same relief as the Riverhead Sewer District because that was indeed the purpose of the money coming back to the town of Riverhead for sewer district stabilization and this district above all could benefit from some tax stabilization."

Supervisor Cardinale: "Much to my chagrin when I first came into office the first quarter, I was bombarded with this issue of, you know, cost of sewer services out there, the tax, and also I looked into that and I'm told- and I talked to Carraciola and others about it, that the reason Riverhead gets the money but the Calverton district doesn't is because when they passed the statute they stuck Riverhead in and Calverton, of course, was not formed at that time. So it's fundamentally unfair that they are benefitting all the ones that existed but none of the ones that have subsequently been created but we'll work-that's something else we should work on.

Scavenger waste the same way. Anyway, we need a vote on this because we have to get it to the county before our next meeting, so for better or worse, let's take a vote."

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

Councilman Densieski: "I'm going to abstain on this because I think if this isn't right-- I'm sorry that I guess the accounting department has brought this up at the eleventh hour when we can't table for more discussion."

Supervisor Cardinale: "Right."

Councilman Densieski: "But I think that if this is not right, we're going to be sued. I would rather see this be right. The Supervisor says it's less so I'm hoping it's right and that's a good thing for the businesses up there, but I don't have enough knowledge to confidently vote, so I will abstain."

Barbara Grattan: "So you're abstaining?"

Councilman Densieski: "Yes."

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

Supervisor Cardinale: "Yeah, I understand the issues and I appreciate Ed's position. I'm going to vote yes but I'm also going to take this up with Jack tomorrow morning and also take up the memo that he prepared for you which is related. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1129

Councilwoman Blass: "Authorizes the Town Clerk to publish and post a public notice to consider a local law to amend Chapter 108 of the Riverhead town code entitled Zoning, Chapter 43, the Planned Industrial Park (PIP) Zoning Use District. 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 #1130

Councilwoman Blass: "This is a budget adjustment in connected with the general town debt service. So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "Sorry to do this to you again. And Phil is going to make the same objection."

Supervisor Cardinale: "Yeah."

Councilman Densieski: "There's probably 20, 30 budget transfers on here, budget adjustments on here. I've objected to it in the last administration; I'll object to it now but here it is and we've got to continue with town business, but I will vote yes with an objection."

Supervisor Cardinale: "Okay, this is on 1130, right?"

Barbara Grattan: "Right."

Councilman Densieski: "Yes."

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

Supervisor Cardinale: "And to give you-- I appreciate that. To give you some degree of comfort, I did talk to Jack about this just before we came into the meeting. It is from the appropriated fund balance but it's from-- it's a specific appropriated fund balance for this debt-- this particular bond, and it is paying certain fees associated with it. So that's what it is but it is confusing.

1131."

Resolution #1131

Councilman Bartunek: "Authorizes the Supervisor to execute an agreement between Long Island Power Authority and the Town of Riverhead. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #1132

Councilwoman Sanders: "Councilwoman who?"

Councilwoman Blass: "I think that's me."

Barbara Grattan: "That's you."

Councilwoman Blass: "General fund budget adjustment. 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 #1133

Barbara Grattan: "1133, authorization to pay bills."

Councilman Densieski: "So moved to pay bills."

Councilman Bartunek: "Seconded."

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

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

Supervisor Cardinale: "Okay. You have something- oh the list of those who had comments to make. Okay. The first one on the list is Dolores Mulcahy."

Dolores Mulcahy: "I am here to request the Board to consider the following information and the inequities this information brings to light. It has been reported in a local newspaper that the Town of Southampton is contemplating allow one quarter acre zoning within their town but also within the school district of Riverhead.

This seems particularly unfair to the residents of Riverhead since we have spent the last five or so years studying and adopting a master plan that will require larger, not smaller, building sites with the decrease of population, including, of course, less school aged children as well, so that school taxes could be somewhat contained.

According to the February, 2004 State Education Department overview for district-wide expenditures, it cost Riverhead taxpayers \$13,595 to educate a single pupil during the 2001-02 school year. Even with state aid and business taxes, this still places a heavy burden on present district residents.

Allowing tracts of land with a quarter acre plots will increase the cost of education, more school aged children will be residing on this zoned property and more than likely more school buildings will be required. The increase in expenditures will far outweigh any increase in property taxes. The Town of Southampton school districts will not be picking up this excessive extra burden, the residents of Riverhead will.

From what I have been able to ascertain, the inclusion of part of the town of Southampton in the Riverhead School District dates back several decades. The arrangement was made at a time when it may have been mutually beneficial to both towns. It appears to be very inequitable today and, I believe, should be changed.

If our town is not able to control zoning on properties, they should not be- these properties should not be included in our school district.

Thank you."

Supervisor Cardinale: "Thank you. Rolf, you're next on the speaker list. Yes, Rolf."

Rolf Koesling: "Rolf Koesling, Wading River. First congratulations. I see the list finally made it."

Supervisor Cardinale: "Ah yes, the list finally got here. The speakers list."

Rolf Koesling: "Yesterday, Monday, at noontime the Riverhead website didn't list any public meetings."

Supervisor Cardinale: "What time was that? Noon on what day?"

Councilwoman Blass: "Yesterday. They came on today."

Rolf Koesling: "About three, four o'clock. About three, four o'clock. No public meetings were listed."

Barbara Grattan: "I sent them probably about 10:00 yesterday because I forgot."

Supervisor Cardinale: "Okay. The Clerk indicates that she (inaudible)."

Rolf Koesling: "That's why you don't have many people here."

Supervisor Cardinale: "You think? Or maybe because it's so cold out and rainy."

Rolf Koesling: "Next question. Did we change the format on public meetings? I always thought after you had the public meeting, you had comments on resolutions. The last two gentlemen got up

before, they didn't discuss anything about resolutions."

Supervisor Cardinale: "No, we did not change the format but those two gentlemen, apparently both of them do not attend regularly and they did not realize and I didn't either until they started talking that they weren't talking about a resolution. They would appropriately be speaking now."

Rolf Koesling: "Okay. Now here's what I really came up. Signage. Years ago, quite a few years ago when the town of Riverhead put up a sign like no parking, angle parking, no dogs allowed on the beach, the rectangle signs, on the bottom right hand corner they used to have either TO or TC, town ordinance or town code, and the number. You don't see that on the signs anymore. When did we give- well, we must have given it up some time- but why did they give it up?"

Supervisor Cardinale: "That's probably because of the cost of including it but it's certainly a better practice because it makes it clear that this is not just a suggestion."

Rolf Koesling: "Well, it makes it- you know it's an official sign."

Supervisor Cardinale: "Right, exactly."

Rolf Koesling: "Although if somebody lives say like I live alongside- along North Wading River Road, and I didn't want to put anybody parking there, if I got myself no parking signs and put it there, would that be okay?"

Supervisor Cardinale: "No. But it would be effective probably."

Rolf Koesling: "Well, is any penalty if you put up a sign that's illegal?"

Supervisor Cardinale: "Yeah."

Councilman Bartunek: "You'd be in violation of town code."

Supervisor Cardinale: "Chief, what is that- it maybe a criminal, yeah, it would be a criminal violation of offense but it would be effective until you got caught."

Rolf Koesling: "Yeah. Because the usual thing is we have

somebody requests a sign we have a public meeting, you know, there's a public notice and there's a public meeting and then we have a vote on it on the resolution. Well, I'm aware of quite a number of signs that people put on personally and I don't see how there's going to be anybody that notices it, the illegal signs. Okay. That was it in a nutshell."

Supervisor Cardinale: "Thank you. You are correct though that every sign has to go through the process to be legal. I recall as a prosecutor a very good defense attorney trying to beat an important ticket because I think there was an accident involved, he went back and ascertained that the sign had been one of those you alluded to, just put up without the normal procedure. He beat the ticket for his client."

Rolf Koesling: "You know, one of these signs I'm concerned about, they made a- they're trying to make a two way road a one way road. And everybody then when I walk past the place, they're going up both ways anyway. But someday somebody's going to hit something."

Supervisor Cardinale: "Is that the sign that's no proper? Is that what you're saying?"

Rolf Koesling: "It's not proper, no."

Supervisor Cardinale: "Well, if you tell the police about, he'll check it. If it's not proper- "

Rolf Koesling: "We have a police department, we have code enforcers. Hey, let them do their job. Let them earn their money."

Supervisor Cardinale: "Yeah. But they may not realize it's an illegal sign because there's so many."

Rolf Koesling: "That's why I want the TO or the TC on the sign so you can tell if it's legal or not. Okay."

Supervisor Cardinale: "Of course, they could put that on the sign, too. If you give- Rolf, if you really want to make sure that sign is legal- "

Rolf Koesling: "I don't want to pursue it obviously."

Supervisor Cardinale: "Okay. Yeah, because you're on TV. Yeah, I wonder who- that sign? Let's see, who do we have coming up?"

Brendan Bates, this is an unexpected pleasure."

Brendan Bates: "My name is Brendan Bates."

Supervisor Cardinale: "How are you, Brendan?"

Brendan Bates: "Pretty good. I'm concerned with the Board increasing real estate taxes. There are several ways that you could have done it better. There are so many illegal buildings without permits that have two families living in the house, in the cellars, without permits, and I think the Board should put an announcement in the papers that anybody found with illegal apartments or businesses that they will be a penalty assessed.

And my other point is that I went to the enforcement group in this Riverhead and told them about a building that was in violation. That was in October. Nothing has happened."

Supervisor Cardinale: "Who did you speak to, Brendan?"

Brendan Bates: "I beg your pardon?"

Supervisor Cardinale: "Who did you speak to?"

Brendan Bates: "The head guy on the enforcement."

Supervisor Cardinale: "Which would be the Fire Marshal, Bruce Johnson."

Brendan Bates: "Yes."

Supervisor Cardinale: "Okay. If you tell me or tell that young lady there the location, we'll check it out for you."

Brendan Bates: "I don't want you to check it out. I'm thinking we would reduce taxes if we took action against these people."

Supervisor Cardinale: "It could be that they're in the middle of an investigation and we don't want to blow their cover until they got the goods."

Brendan Bates: "The enforcement office, when I owned this property, they were there ever year."

Supervisor Cardinale: "Well, yeah, when they were enforcing

against you it was for the love of the hunt but against this guy, they may have to build a case. It may be a harder case than you. You were right out there."

Brendan Bates: "No. It's the same building I owned and I sold it. But he gets away with murder."

Supervisor Cardinale: "Well, if you'll indicate to Jill the location you're speaking of, I'll check it out and let you know tomorrow. In fact, why don't you- I could give him the phone number of the Marshal but I don't want to- "

Brendan Bates: "Well, it's in Jamesport, right on the Main Road."

Supervisor Cardinale: "I'm kidding."

Brendan Bates: "1374."

Supervisor Cardinale: "Counsel is now advising me not to be giving out cell phone numbers. Not on TV. Go ahead, I'm sorry."

Brendan Bates: "The other item I'd like to bring up is, excuse me a minute because my eyes are failing me."

Supervisor Cardinale: "That's right. It's a town number."

Brendan Bates: "Oh, the other item, it happened the beginning of your term. I indicated to you that Mr. Barnes double charged me a permit. Well a permit was issued to me in 2002, January, 2002, or 03. I was in Florida when I got the permit. I cleared the land in April of 2003 or 2002 whenever it was after the permit. He double charged me. I brought this up months ago. Nobody can give me an answer or do anything about refunding."

Supervisor Cardinale: "He charged you- "

Councilwoman Blass: "There are cases where the penalty- there is a penalty for clearing in violation- I don't know if this was your situation- "

Brendan Bates: "You've got to have a permit before you can clear the land."

Councilwoman Blass: "And if you don't have the permit- "

Brendan Bates: "I had the permit in January. That's one thing. The other thing is Mr. Barnes issued a permit to a gentleman that was going to buy my land on Duryea Street. The guy didn't buy the land but Mr. Barnes issued the permit in my name. Tell me how that can happen?"

Supervisor Cardinale: "He did this in 2003, did he?"

Brendan Bates: "It was 2003."

Supervisor Cardinale: "He was doing some strange things before I - George and I got here. We've got- "

Brendan Bates: "That is no excuse."

Supervisor Cardinale: "-- we've (inaudible) him into line now."

Brendan Bates: "That is no excuse. How can a building department issue a permit when I didn't request it? Those are things that bother me with Riverhead."

Supervisor Cardinale: "All right. We will try to do better in 2005. However- "

Brendan Bates: "No, no. That doesn't answer my question."

Supervisor Cardinale: "-- 2004 but I understand from the town attorney that they have seen a good deal of you in regard to the double billing issue and they have done an honest analysis and concluded that they do not believe it was a double charge. What was the basis, if you could just place on the record what you (inaudible)."

Brendan Bates: "The charge- "

Dawn Thomas: "It was a double charge based on the- "

Brendan Bates: "The charge was \$860 for a permit on a house that I was going to build."

Supervisor Cardinale: "Okay, for better or worse, the conclusion of the building department was, and you could have challenged that with the ZBA, they concluded that they were entitled to a double permit fee because you started without a permit and they can charge double when people do that."

Brendan Bates: "That's right, but I didn't do that."

Supervisor Cardinale: "Well, then you should have gone to the Zoning Board of Appeals and those five good and true individuals have the authority to say to the building administrator give him back half of it. Give him back, you know, half of it. But you have to do that. You have to appeal to them. We couldn't give you the relief for a minute if we wanted to. We don't have the authority."

Brendan Bates: "Well, how about the authority of issuing a permit in my name? I didn't ask for a permit."

Supervisor Cardinale: "That was an evil thing to do and if he did that, that was not good."

Brendan Bates: "Well, and I had to give the guy that was going to buy the land what he paid for the permit."

Supervisor Cardinale: "Oh, he gave it to your partner but issued it in your name?"

Brendan Bates: "No. He didn't give it to anybody. He issued the permit in my name, I owned the lot."

Supervisor Cardinale: "Well, somebody must have paid him for one. I know he never would have issued it without payment."

Brendan Bates: "Yes. The people who were going to buy the property got a permit in my name. They didn't buy the property."

Supervisor Cardinale: "Oh, they didn't have the authority to do so. They had to- yeah they have to submit- if you're applying in the name of the owner, you have to submit a form indicating in notarized fashion that you are authorized by the owner to apply. And he- and they let that one get by them. Is that what they did?"

Brendan Bates: "Yes."

Supervisor Cardinale: "They didn't demand that form. Well, that's nasty. They normally don't do that. That was a mistake for which he will pay tomorrow."

Brendan Bates: "Well, when I talked to Barnes and the town attorney and they say it's too bad."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Not in exactly in those words but in that sense."

Brendan Bates: "Oh, the other big item is there's so many illegal apartments and it increases the school taxes because they have kids living in the house in the basements and they're not paying taxes. Why doesn't this enforcement things do a little better job? I can walk around and find 10 houses tomorrow and find them that are illegal."

Supervisor Cardinale: "The- that's a good question. I'll tell you one of the reasons is that we need people like you who know and are willing to make affidavits because we can make these cases only if we can support them by a sworn affidavit of someone who knows the apartment exists, the people live there and they're willing to go to court and testify. And if the public wants it stopped, they've got to put themselves on the line and go and testify. Just like you do when they have crime stop, you're going to have to testify. So if you're ready to testify, the police chief will take your name and you'll get a call tomorrow from your friend, Bruce Johnson the fire marshal, who lives right in your neighborhood in Jamesport there."

Brendan Bates: "Now they knew when I had the property it was illegal, that's why I sold it."

Supervisor Cardinale: "Because you told them."

Brendan Bates: "And they came every year and inspected my place. In fact, these people, they have an apartment, two apartments, with one entrance to get into each apartment. One is on the top floor, one is on the bottom floor. One entrance. In case of a fire, they're not going to get out. And they pump water out of the basement onto the ground that contaminates the wells that people might have."

Supervisor Cardinale: "Well, we'd be glad to pursue- "

Brendan Bates: "Well, you knew it though. You knew it when I had it."

Supervisor Cardinale: "You owned that house?"

Brendan Bates: "I owned the property, yeah. East End Spa."

Supervisor Cardinale: "Where is that?"

Brendan Bates: "In Jamesport. Right on the Main Road."

Supervisor Cardinale: "Oh, okay. I know that property. We will look into that."

Brendan Bates: "I want to see what else I have."

Supervisor Cardinale: "Now you're an informer on TV."

Brendan Bates: "That's okay."

Supervisor Cardinale: "The police chief will escort you out. You'll need a little protection."

Brendan Bates: "I'd like to get the property back."

Supervisor Cardinale: "We load him up on fines, he's likely to be able to craft a better deal. I think that's Brendan's thinking. Yes, I'm dying here from a cold. I have a terrible cold and we're trying to bring this meeting home by nine. So-- "

Brendan Bates: "Goodbye."

Supervisor Cardinale: "It was good to- don't- and it wasn't because I didn't- I thank you and it wasn't because we weren't enjoying it. Any other comment from any member of the public? Oh, I have a list. I was afraid of that. Angela, you were next as a matter of fact."

Angela DeVito: "I'll keep this short. First, I'd like to start with thanking both the Board as well as the sanitation department and the police department for improvements in Jamesport along the Main Road. The pedestrian crossing sign. The Civic is taking command of putting the sign out in the morning and taking it in at night. But we have gotten from the businesses there very, very positive comments that it was a good thing to do.

They're also very appreciative of the trash receptacles that were put up, especially Joan Hallock (phonetic) who now has- her flowers are no longer being stomped on by people's garbage from their lunches.

I have two- I have a question and then a comment this evening. When the ZBA passes, makes a determination and they tell a petitioner

their petition is being denied and they have to take certain actions as a result of that and the property I'm talking about is the Schultz property. They had structures that were in a public roadbed and they were told they had to- the family was told they had to take them away. They have yet since that decision in April of this year to take those down. And I was wondering what needs to be done. I know the ZBA are not the enforcers."

Supervisor Cardinale: "Right."

Angela DeVito: "They're merely the decision makers. Who does that and how, you know, as a follow up from the Civic, we'd like to make sure that this gets done."

Supervisor Cardinale: "You want to take that, please, Dawn."

Dawn Thomas: "My office would handle that but that matter is currently on appeal. The briefs have been filed. I'm waiting for a date to argue the appeal. Once that appeal is argued and the Appellate Division decides it, I think that would be the appropriate time to recommend that my office undertake the work necessary to force them in court to have it done. But at the moment, they'll have the argument that, you know, they're appealing the decision and if they win, it would be all for naught. So- "

Angela DeVito: "You mean they filed an Article 78?"

Dawn Thomas: "No. They appealed to the Appellate Division. The Article 78 determination which gave- which granted and determined that the road was a public highway."

Angela DeVito: "Oh, that's what they've appealed?"

Dawn Thomas: "Correct. And shortly- I expect an argument date any day. And once that's argued and decided by the Appellate Division I think, hopefully in our favor affirming the lower court decision, we'll go forward and take the next step."

Angela DeVito: "So then there's also a time span that you're allowed to comply with the ZBA determination. Will that then start once you have the decision from the Appellate Division or has the-- did the clock begin on (inaudible)?"

Dawn Thomas: "The clock has begun."

Angela DeVito: "Begun and left. Okay. Good. Thank you very much.

My comment is I was watching the town channel, channel 22, and I noticed that there was an announcement from the highway department that if you're planning on putting rocks out on the technically town property or building retaining walls and all the rest of this, to contact them. And it doesn't say that you need their permission. It just says to contact them.

I'm very concerned about the fact that there are especially down, okay, where I live in South Jamesport, people have really developed that unimproved part of the roadbed that really is as this announcement on public TV states, belongs to the town. And it's not just merely planting grass. It's- they've got the bushes, they've got rocks. One guy put in, you know, a two foot tall retaining wall on the side- in part of the road there. And I'm just curious as to what was the purpose of this announcement and is the town highway department intending to remove all of these obstacles that have been put up there.

I know they did warn people that if you did put it out there, our snow plows crush it. We aren't responsible. But if- first they say, it's kind of talked to us about it but what are you going to do, negotiate whether I can put rocks or pebbles or what. I mean- "

Supervisor Cardinale: "I don't know. I think that's a request of the highway superintendent, certainly not the Board. However, I can guess for you and that would be that they want to know where those things are located so when they're covered with snow, they don't run into them.

I can tell you also that no matter how long they're in the public right of ways, they do not obtain adverse possession or ownership or right to do it. Because you can't obtain that against a municipality and, finally, although I know where you're talking about, the Jamesport area where it goes down to the beach there, that is- that occurs and it's more significant because of the beach areas. But if you run along the boulevard and you see the houses for example, including my own, I have some wonderful trees on- "

Angela DeVito: "Yeah, I know."

Supervisor Cardinale: "-- everybody does that but they're doing it at their own risk because the bottom line of it is it could be- the

town could come out at any given moment and chop down anything that's in their right of way. So I would advise people not to do it."

Angela DeVito: "Yeah, just promotes- it seems to indirectly promote use of that right of way. I know because everybody does it."

Supervisor Cardinale: "I'll speak to Mark on it as to why- maybe he can change the language and say, you know, please contact us to arrange for removing the stuff or something."

Angela DeVito: "Okay. Thank you."

Supervisor Cardinale: "Yes, the next one is Carla Esposito."

Carla Esposito: "Good evening. The woman here was speaking about Flanders and the quarter acres. Twenty years I've been asking Senator LaValle and now I'll ask you guys, that Flanders, Riverside and Northampton happens to be surrounded by conservation land and such, there's a greenbelt all around it. And then there's the developed land and the river and Riverhead.

I've been- and it's only because of the stupid man made laws with arbitrary numbers that this land can't be assimilated into Riverhead's township. I would like to see Flanders, Riverside, Northampton be part of Riverhead township, not a part of Southampton township. Because we are all part of the school district.

I'm wondering if this Board would talk to New York State and get them to disregard this stupid numbers and just look at the logistics. You know, it's the 21<sup>st</sup> century and draw the lines that are appropriate to how the school district is now. That's all I'll say there.

Over at Modells, their entrance, exit, parking lot configuration has a four way stop sign. You know what I'm talking about? Everybody that comes out the Modells- everybody who comes out of the Modells parking lot, all right, me including, it says don't make a left turn, right turns only. Yeah. Oh, well I make left turns there. I wish that sign would be taken down because I think we're all pretty mature adults and we know how to make the left turn, four way stop and I don't want to be getting a ticket because all of a sudden someone wants to enforce that law. I think the sign should come down.

Okay. Okay. I'd also ask that maybe this municipality be a leader in New York State, maybe America, the world, the universe to

create the philosophy of owner occupied real estate. Any landlords are to be given a nuisance tax. Because I'd like to see the promotion of owner occupied real estate. I happen to be a renter, and I don't like it. And the landlords only get richer and have the capability to buy everything at the high prices and that's what I want to end.

I would ask that- I'm looking at the new condos being built over on Elton- right, okay. Hate condos. Co-ops, yes. But when there's a landlord and they don't relinquish their hold on the land, evil. It's not- we're not chiseling out a civilization out of the wilderness, you know. We're very civilized. Now we've got to get fair.

Whoever lives there, they should own the land. They shouldn't be paying rent. And I look at how many strangers are going to be moving into Riverhead township, into the school district, when I'm a renter that wants to own something. And I'm not going to be able to pay the prices of that and I know they are overpriced. Whatever. All right.

And then what's- I'll back up to my first thoughts that- concerning the people in the mobile home park next to Taco Bell. Two things, if no place will take them, no other mobile home parks will take them, will the municipality grant Reeves Bay Park water district land, that big lot, for these people to put their houses on until they die and if they pass them onto their children until they die, and once they die, then it reverts back to town land.

And if not that land, or along with that land, the land that's on the northeast corner of Church and Crystal, Church Lane. There's a new little development, Crystal Lane, Crystal Drive, whatever it is. The northeast corner is owned by the town, that land. You could put- you could put- it wouldn't maybe exactly pretty, but I don't care about the pretty. I don't want to see these people foisted with crazy bills. They can't sell their house, they lose there. They have moving costs, whatever. I don't like- I don't like landlords. I think they should be eradicated from the face of the earth. They're the biggest parasite on the planet in modern society.

Yeah, and, okay, bring into written law that persons who develop their land for mobile home parks, which I don't really see that happening nowadays, but that these said persons waive their right to evict tenants for the sale of the land in the future. And that even all existing mobile home parks now be assimilated into the philosophy within five years, if your mobile home park turns into a co-op. And the people who live there own it."

Supervisor Cardinale: "Thank you."

Carla Esposito: "Thank you."

Supervisor Cardinale: "Okay. Next one is Maximum Neumus who I think spoke earlier. Bernadette, who has only a few comments she'd like to make."

Bernadette Voras: "Bernadette Voras, Reeves Park. One, I'll start with thanking Councilman Bartunek. I finally saw two beautiful signs replaced on Park Road and fixed and they are (inaudible), God bless you, and they are in excellent shape. The no parking, no standing. So I appreciate that. It took a while but it's done.

And, secondly, I came here this evening looking for a continuation of the discussion started on Thursday about airports and things. I want to know what happened to that. I thought I was going to hear some closure tonight but-

Supervisor Cardinale: "Obviously not paying attention. We passed a resolution concerning that which indicated that attached- which number is it?"

Councilwoman Blass: "I think it's the second to last- "

Supervisor Cardinale: "Second to last resolution that was passed."

Bernadette Voras: "I must have blinked."

Supervisor Cardinale: "Yes. And it- 1129 which indicates that we have posted for a final public hearing to be held on the 21<sup>st</sup> day of December- "

Bernadette Voras: "Okay."

Supervisor Cardinale: "-- to consider a local law. We've attached the law as amended at the last work session."

Councilman Densieski: "Phil, is that an early Christmas present for me?"

Supervisor Cardinale: "That was indeed, Ed. We wanted to err on the side of public openness to let everyone have an opportunity to see it, talk about it, to discuss it before any action is taken. We

anticipate passing it subsequent to that- it's at 2:00 p.m.- "

Bernadette Voras: "2:00 p.m."

Supervisor Cardinale: "-- on the 21<sup>st</sup>."

Bernadette Voras: "There was a remark that I don't know if I can wait that long, to the 21<sup>st</sup>, but the person that I want to answer to it isn't here.

Mr. Houraney, I believe his name is."

Supervisor Cardinale: "Houraney."

Bernadette Voras: "Houraney, made a remark about how grateful we in Riverhead should be that rich people like himself, I believe he considers himself as one of those rich people, that would come to the town and would do us a favor by putting their businesses and using that airstrip, that- and I will tell you this, I disagree. I don't want people with a lot of money if they come with an attitude like his. His picture was in the paper this past Thursday, News Review, Riverhead edition, and he's standing on a runway like this and I'd like to stand on that runway and say, like this, because I know that this is a redundancy but I have to say it.

I voted in a referendum, I take voting very seriously. The majority of the people in this town, I think, even though it was a poorly worded referendum, cleverly worded, I should say, their intent was we said for whatever reasons, no to flying objects over us. Every afternoon between four and five helicopter after helicopter not going to the hospital, they're going to Southampton. Okay.

Rich people have a tendency to use little pieces for their own advantage. I know that we need tax dollars. Well lots of people can do things with that property over there. But I'll tell you this, if you are going to allow businesses as big as UPS and Fed Ex to come in with the planes, I will and I will tell you this and it will be a sight, I'll lay down on that airport runway- "

Supervisor Cardinale: "Please, don't- "

Bernadette Voras: "-- and I'll have others with me, all those people that voted, there will not be anything. I know the (inaudible) company has this little thing. I know it was done, shall I say in the dead of night practically at the end of November. All of a sudden

he's got an extension of a contract, I remember that very distinctly. Well, I consider that dirty. Nasty is the word you like to use. That's a good one.

I will not along with all the other people that voted, I will not see these things. It's bad enough to have to have this little (inaudible) flying over my head and I've said this before, the skydivers, they haven't ended up in my backyard yet, I only think because my property is too small. But I will not have to endure planes. I don't mind them up a couple thousand feet because they're heading that way. But I'm not going to have them circle over my head.

So I'm telling you, think about it, I really am very aggravated. You know, I don't get like this too often but believe me this is fighting words. There are so many other opportunities for that property, that- if I wasn't such a law abiding person, I'd bomb that runway with such a big hole the town couldn't afford to fix it up.

And, you know, you said that it was a public venture all these years, and I said it at that work session and I'll say it again, if I had ever gone onto that woman's property, I would have been arrested. What were those signs there? No taking of photographs. That's not public. I'm sorry I'm letting what I'd like to say to him at you but I had to get it out. Thanks."

Supervisor Cardinale: "It's a pleasure- always a pleasure to see you. Thank you for your moderate and balanced presentation. Nick, you're the last guy on the list, come on up. Because I heard from Bud Papish and Gordon Danby and now it's you, Nick, and then Sal and then last but not least Mr. Schmelzer."

Nick DiPierro: "Yes. Nick DiPierro. In my haste to get here tonight, I did have a prepared text but I forgot the text because I was working late and I think that's the situation of a lot of people in this town. They're working two jobs. And after following the lady that was just up here, maybe I better stop right here, but I won't.

The second referendum- second meeting that was postponed? The second public hearing?"

Supervisor Cardinale: "No. We anticipated- oh, you're talking aviation again."

Nick DiPierro: "Yes."

Supervisor Cardinale: "We have a- we had anticipated taking a vote tonight on the proposed- the clarification of that statute or the modification of the statute. But we decided in the interests of good public involvement and also on the advice of counsel that we would hear it one more time because the hearing was September 21<sup>st</sup>, then we've done some work on it at the last work session extensively for a few hours so we're going to have a hearing on the 21<sup>st</sup> at 2:00 p.m. I've indicated repeatedly that I want to get language that very clearly reflects the policy of this board and I'm inviting the public to participate in the process so we'll have a hearing on the 21<sup>st</sup> and then presumably we will adopt it at the next meeting which will be on the 29<sup>th</sup>."

Nick DiPierro: "Okay. On the 21<sup>st</sup> at 2:00 p.m."

Supervisor Cardinale: "That's correct."

Nick DiPierro: "Again, a lot of people are going to be working. You are going to get those people who have time on their hands. You're going to get professional speakers. You're going to get the representatives who are paid representatives for societies, and I might add they are well paid. I wonder how well they would speak if they were not paid members of the societies. The ones who call other people paranoid because they want to speak about the airport. Those people who call names- who are the name callers are those themselves and they should not be calling other people names because they want certain things.

I'm wondering also about the hotels that you are so wholeheartedly welcoming here. Who is going to go to those hotels? How is the traffic going to be impacted? What is the make up of the Long Island Expressway going to be to bring people to those hotels and what, again, the traffic situation. We don't want anything to do with bringing jobs here which we don't want an airport, we realize that.

But I'm now- I guess I can call myself a professional driver and I transport students over to the National Aviation Transportation Center. I asked these young students who are Riverhead town residents. I asked them to give you guys a call to express their opinion about what should happen over at Calverton. Their answer was, why should we? They're not going to listen to us. I said they will listen to you more than they will me.

A lot of people I think have probably given up on their thoughts about anything pertaining to an airport over at Calverton. I'm not-

when I say airport, I don't mean commercial like they have over at Islip. Okay. I mean something to do with keeping- bringing businesses out there and I think what you probably have in your airport reuse plan is bringing some kind of refurbishment of aircraft. Is that what you are doing?"

Supervisor Cardinale: "Yeah. There are two or three principal aviation uses, one is manufacture of component parts- Grumman like use. One is repair, maintenance, overhaul, refurbishment, conversion, modification of planes. That kind of thing. Interior refurbishments.

Nick DiPierro: "Okay, and one of the things that Grumman used to do, which you already mentioned tonight you're not going to allow touch and go. They did at one time have touch and go for pilot training."

Supervisor Cardinale: "Yes."

Nick DiPierro: "But that's not- so it's not going to be entirely what Grumman used to do over there. They had the touch and go type of situations."

Supervisor Cardinale: "They will be able to touch and go, for example, for test- they have- there are 10 other industrial uses and accessory to the industrial use, you can get a runway use agreement and utilize the property. But- and if they were building a component part, an airplane, which is not likely but could happen, they would be able to test it on the runway. That's specifically provided.

You should- if you could get a hold of that 11-9-- I have it here. Just read- it's attached, the proposed law and I'm anxious to get any other insights from anyone who will give them to us before the final clarification of that statute.

But take a look at it, see if it can be improved. We know what the policy is we want to implement. We've stated it. But we want to make sure it's clear in the language. And we're not that far apart. Even-- Ed wants a little broader use but there are significant uses there."

Nick DiPierro: "I think eventually a lot of people who are opposed to any other usage pertaining to aircraft at the old Grumman site, they're not going to be here in a few years because they're up in the years. And the younger people are going to be moving out of town because there are not going to be any jobs around here for them.

So you're going to end up with a lot of people doing service for the hotels. You're going to have landscapers here and you're going to have more shall we say illegal immigrants doing the work that will not be done by the people who are already living here because they're not going to be living here anymore."

Supervisor Cardinale: "We certainly-- I understand your point. We certainly don't want to see that happen. There was an interesting article on Greenport in last Sunday's Newsday about that very phenomenon about the working class village turning into a tourist location."

Nick DiPierro: "That's what's going to happen here if you have big hotels over the Grumman site and may I add the big hotels are going to be where no one will be going to because it's going to be way out in the boonies like the old Grumman guard shack is that was made into a senior citizen center that you're having trouble for people to go to now. I missed the open house that was held there this past Saturday. I don't know how that went."

But maybe a suggestion would be to have Town Board meetings over there and let the people know exactly where that is."

Supervisor Cardinale: "That's a good idea. We should have one over there to see if we can a few people to (inaudible)."

Nick DiPierro: "And one other thing. If you're relying on the civic associations to be the mouthpieces of the community, why don't we ask them, the 10 or 15% that are representative of the community, why don't we ask them to give their opinion as to whether there should be a traffic light on Middle, Horton and Osborne or the traffic circle rather than hire an agency that's going to cost the town money."

Councilman Densieski: "I could answer that."

Supervisor Cardinale: "Go ahead."

Councilman Densieski: "I believe that was part of the criteria to get the DOT grant money. We had to do a study first. So it actually will pay off."

Nick DiPierro: "Okay. So it's not going to cost the town money then. Okay."

Supervisor Cardinale: "Very little cost- interestingly enough,

it will cost exactly the same as a light because lights cost about 50 but we would get a \$500,000 roundabout by paying 50. So there's no great- there's no difference in- we think this will work better though. And we might be right."

Nick DiPierro: "What will work better? I missed that."

Councilman Densieski: "The circle."

Supervisor Cardinale: "The circle."

Nick DiPierro: "Oh, okay. So do I. Yeah. Okay."

Supervisor Cardinale: "Thank you very much, Nick."

Nick DiPierro: "Thank you."

Supervisor Cardinale: "In- yeah, we have- if you like this copy of the- Nick, we have an extra one that if George will make available to you. Okay. It's right here and he'll give it to you. Sal, you had a few comments."

Sal Mastropolo: "Quick question. I focused on the prices before on those two CDA's and then after what's her name spoke, I realized that it's not very clear who's paying the money. Then I started reading it and it's still not clear."

Are we going to get compensated on the sale? Because it says over here this (inaudible) of said real property to Pike Realty Company LLC as part of the sale of the Suffolk Theater pursuant to the proposed agreement of sale. Are we including the \$38,000 worth of property in the \$700,000 sales price? Or are we getting compensated the \$38,000 on top of the 700 from Pike Realty?"

Supervisor Cardinale: "Good question. We're getting- the town will be reimbursed \$738,000."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "However, the 707 of it will come from Castle and the balance from other sources. But we will get the 738."

Sal Mastropolo: "Other sources outside of the town?"

Supervisor Cardinale: "Other sources being not for profits that

are kicking in to make this happen."

Sal Mastropolo: "Okay. As long as we're not upping- we're not spending the 38 to make a \$700,000 sale."

Supervisor Cardinale: "We actually were made whole, but that wasn't one of the issues we had to get through."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Thank you. Is there any other- if there's no other, oh, George, how could I leave without you? Chief, you can- Chief, I think we're safe enough with George. Yes, do you have anything you wanted- "

George Schmelzer: "Somebody mentioned illegal houses before."

Supervisor Cardinale: "We may need you to remove George in five minutes but other than that we'll let you go."

George Schmelzer: "You didn't enforce five minutes on the others."

Supervisor Cardinale: "I know that. I knew you were going to say that. Right. Go ahead. Be nice."

George Schmelzer: "Yeah. So anyway, if two individuals bought a house which had an illegal apartment and they both lived in it as owners, what are you going to do about it? Nothing."

Supervisor Cardinale: "Yeah, well, I don't think I'd do much about it- "

George Schmelzer: "Huh? You can't stop an owner from living in it. They can buy it by tenants in common or joint tenants. It'd be the same thing. Anyway, that's that."

About this airport, the town in the past has listened to those wagtails in Wading River instead of the real population here. They want to control the town. They didn't have to move in. Now when you had that referendum a couple years ago, they failed- the Supervisor failed to explain the state law. An advisory referendum has no legal bearing. You've got to tie it to a package of money. So they tied it to the package of money, people didn't want the money spent, so they voted against. If you had a real- if you'd explained it right, it

would have passed. So the tail wags the dog. I wish you'd not listen to the tail, listen to the dog from now on.

And about the schools. I've been working on the schools for several years. This is- what is happening now is just what I expected and you expected it, too. I explained to you a couple times what we can do possibly to do it. Hope you can get that research done fast though because Southampton is using us for a succor. We are succors. And the Board itself is the biggest succor what they did in Calverton. They were educating kids for 20 years in the back road and the Manorville school district, they were just laughing at us.

When I showed the tax map to Mr. Suprina, the Superintendent, he looked at me sickly and never said a word. A year later I heard the school district took it over. Eastport was laughing at us.

They only took the street over where the houses are, not surrounding hundreds of acres what you could have gotten with no kids could have gotten taxes."

Supervisor Cardinale: "Wagtails from Wading River. You have one right behind you."

George Schmelzer: "What?"

Supervisor Cardinale: "Jill, my deputy is a wagtail. I thought he said whack tail."

George Schmelzer: "I don't who is in Wading River."

Supervisor Cardinale: "I was really interested in that, whether- "

George Schmelzer: "And this 58, did you go to 58 exhibit the other day?"

Supervisor Cardinale: "No. But I know you did because you called me at home to tell me all about it."

George Schmelzer: "And well I don't believe the county should spend any money on us, they didn't cause it, the expressway did which was a state job. And if you make a fast thoroughfare out of it, you'll ruin the businesses. You can't have a fast thoroughfare also as a business street. It's one or the other."

Supervisor Cardinale: "Well, it certainly would not be accused as being a fast thoroughfare now, I'll tell you that."

George Schmelzer: "Well, then they should continue the expressway to 105, that would solve everything."

Supervisor Cardinale: "I thought you'd get there."

George Schmelzer: "Yeah. So I gave them some of those letters. I don't know what's going to happen but that school, you've got to watch that school business because we're succors and the town is another succor when the land outside of the fence at Grumman, they gave it to the state, didn't ask them to pay taxes which is done upstate. New York State pays over a hundred million dollars a year in land taxes, especially school taxes upstate for the land they take. And- "

Supervisor Cardinale: "I wrote a letter this very day in regard to that to Senator LaValle."

George Schmelzer: "Yeah."

Supervisor Cardinale: "That Putnam County and in Rockland County they are paying payments in lieu of taxes annually for parkland."

George Schmelzer: "Yeah."

Supervisor Cardinale: "Pataki says that's the way to go and I wish he'd go with it in Suffolk as well as in his own county."

George Schmelzer: "He knows about it and never said a word. That's him. That's his philosophy. He sits on his environmentalism all the time but comes to that, nothing."

Supervisor Cardinale: "It's always a pleasure to see you. How are you feeling?"

George Schmelzer: "Well, I just have no strength in my legs--"

Supervisor Cardinale: "Well, we don't want to keep you standing long."

George Schmelzer: "No arthritis, no trouble, but no strength. I could say something else, but there's too many ladies around."

Supervisor Cardinale: "And besides that right behind you is Larry Oxman and being a farmer, I know he has to get up early tomorrow."

George Schmelzer: "I've got some papers for you on we should have a food store down here. I've got some ideas I'd like to discuss with you."

Supervisor Cardinale: "Okay."

George Schmelzer: "Which I forgot. I'll see you. This will be over in a few minutes."

Supervisor Cardinale: "We're hopeful. Hope springs eternal."

George Schmelzer: "You're hopeful? Okay. It's over now."

Supervisor Cardinale: "Okay. Thank you, George, appreciate your comments."

George Schmelzer: "Okay, thank you."

Supervisor Cardinale: "Larry, are you going to end up with a finale here?"

Larry Oxman: "Larry Oxman with offices on Old Country Road, Riverhead. I'll make it brief. You're not feeling well."

Supervisor Cardinale: "You know it's a pleasure because we're so often addressed by people who are suing us, to be able to address someone who I am suing is really- it's kind of like- it's kind of like a nice alternative for a change. But go ahead. We seldom are in that position, but go ahead."

Larry Oxman: "I, too, attended the hearing or the public information on Route 58 and if you weren't fortunate enough to go down there, you really should become acquainted with what they're talking about."

First of all, just so you know the implementation, he's talking about 2013. Yeah. So that's, you know, who knows what it's going to be like?"

Supervisor Cardinale: "And you don't know- I did go to the meeting- to a meeting about a month ago for what was called Town

officials with County officials, and yeah, and they also don't know where the money's coming from. They have no- they have very little idea where the money is coming from for doing this. They think it's going to be state and federal but they have not identified the sources yet."

Larry Oxman: "One of the proposals which I think George just spoke about and made reference to was a median down the center- "

Supervisor Cardinale: "Right."

Larry Oxman: "-- with very limited turning and I think that a concern would be that the speed would increase drastically on that road. As it is today, people are really flying down toward the Tanger area where it opens up in front of Riverhead Center. If you limit the access, it's going to hurt businesses. It's going to- I don't think it's appropriate- "

Supervisor Cardinale: "George has got it covered though because he's putting speed humps in."

Larry Oxman: "All right."

Supervisor Cardinale: "See our recent work session for more on that."

Larry Oxman: "The other issue. The recreational zoned property in Calverton on the former Grumman property. It seems that we're still entertaining the idea of building houses. In other words, if someone builds a golf course, they're allowed to build homes there."

Supervisor Cardinale: "This is still entertaining. It's in the zoning. It's been in the zoning since 1999. It's always been in the zoning."

Larry Oxman: "Okay. But, I guess what prompted this is in the newspaper and you can't always believe what you read in the newspaper but it talked about you are favoring a current proposal with a multitude of golf courses and quite a number of homes."

Supervisor Cardinale: "No, actually there's 216 homes and over 700 acres."

Larry Oxman: "Okay. I just would urge the Board strongly to not let residential development take root there. There's plenty of

places in town. The town has just gone through an upzoning where they have the density throughout the town. I don't think that it's appropriate that you sell your property for residential development."

Supervisor Cardinale: "Not to be- and, of course, it would also compete with the people that you represent who are selling the land, but more importantly, let me ask you this. Would you prefer a carnival, a rodeo or some of the other uses that we can use up there?"

Larry Oxman: "I guess I would have to examine them individually. In other words, if it was a class act of whatever they did, possibly. So- "

Supervisor Cardinale: "We've got to work on the recreational zoning because if you look at that, Larry, as you know as a real estate professional, you are going to be owning that land for a long time unless you sell it for a hotel conference center with golf courses and some residential as permitted by statute. Because there are no other uses in that zone which any sane person would use. And you'd know that if you'd just read them."

Larry Oxman: "Well, maybe owning it for a long time is really not- there's nothing wrong with that as you sell it- "

Supervisor Cardinale: "Well, I'm glad you feel that way because we've owned it for six years. So you must love our handling of the theater."

Larry Oxman: "But as you parcel it out, as development takes root there, then that's probably going to guide what comes in the future. It's the same philosophy of the developer when he builds a subdivision. If he builds a spectacular first home, he doesn't build a modest house, he builds a spectacular first home because he's hoping to attract people who will build other spectacular homes. You have good development there, it will attract more good development. And, you know, it's- "

Supervisor Cardinale: "Incidentally, the industrial- if we add as many as 140 or more acres of possibly commercial and 100 or more of new industrial on the west- east side of the property, and you're saying that you don't want to sell the 700 acres of recreational for the permitted uses now, you are effectively saying that you want to put them into industrial use and you are right. You are going to hold that property for a long time that way before you can build out an industrial park of 1200 acres in addition to the Burman 500. So give

me some real alternatives here because we- I'm listening but I don't see any uses in the recreational zone other than the ones that we are getting interest in."

Larry Oxman: "But is the goal for a lump sum or a quick infusion of cash that will be used for the general fund or is it for-"

Supervisor Cardinale: "The goal since 1999 has been to sell the property. That is the objective of the town of Riverhead, is to sell that property and to get it back on the tax rolls and to get it working for the people to make jobs, to make tax money and to protect the environment in the process."

Larry Oxman: "If that hotel- hotels that are being proposed were built, that in turn might bring other types of businesses. I'm not sure what it would bring but I think that it would."

Supervisor Cardinale: "It wouldn't because it's not zoned for business. They could bring all the business they want, we can't do business- "

Larry Oxman: "Recreational types of businesses."

Supervisor Cardinale: "Such as? Give me some examples."

Larry Oxman: "I just- I would have to think about it. But I just- "

Supervisor Cardinale: "Just look at the zoning code. That's all you can do, there's nothing there you can do."

Larry Oxman: "Here is your opportunity to change the zoning code and- "

Supervisor Cardinale: "To what? I'm still listening."

Larry Oxman: "-- we could discuss it. And- but I just think that it's falling short of the mark to offer residential."

Supervisor Cardinale: "We're not offering- it's been in the zoning since '99. If you can't sell property for what it's zoned for, you're not going to sell it. It's just that simple. Tell me you don't want to sell it but don't tell me that I can't sell it for what it's already zoned for. That's what it's zoned for. Exactly what the guy is offering- "

Larry Oxman: "You've just gone through a master plan to guide the town to how you would like to see it and here's your opportunity to do the same."

Supervisor Cardinale: "But here's what I'm asking you to do. You're a smart guy in real estate, you know what you're talking about. Tell me- you are really telling me you want me to change the zoning on the east end of the property and I'm asking you to what. On the west end of the property. We're already changing it on the east end on the other side where we're talking commercial, office park and industrial."

(At this time, the CD stopped recording)

Meeting adjourned: 9:38 p.m.

*Barbara Heaton*  
*Town Clerk*