

12/01/2009

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, December 1, 2009 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

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

Supervisor Cardinale: "December 1st town board meeting, so welcome, and we're going to begin with the Pledge of Allegiance, Warren McKnight is going to lead us."

(The Pledge of Allegiance was recited, led by Warren McKnight.)

Supervisor Cardinale: "Thank you. We have an unexpected pleasure to begin this meeting. Warren McKnight is here and has accompanied Harriet Haas who is our singer extra ordinaire and since they'll be out of town, at least Warren will who is the transport. For the 15th meeting, we're going to get in to the holiday spirit early with a couple of songs by Harriet Haas who is one of our more extraordinary senior citizens and Warren, a patron of the arts and a sponsor of Harriet's talent, has brought a corsage for Harriet which she has asked Barbara to pin on Harriet so I won't hurt her, and after we're going to come down and she's going to do that and then we're going to listen to you sing. Okay? And thank you, Harriet for coming.

I guess you can sing right here. You don't have to go down. And you can stay and watch after she takes care of that. Thank you, Barbara."

Harriet Haas: "Well, a solution to a problem. Can everybody hear me? Is it too loud or too anything else? Okay, we'll get the holiday spirit. I hope more people come. That's good."

(At this time Harriet Haas sang holiday songs)

Harriet Haas: "And one more thing to say. I'm extremely sad that we're not going to have Phil and some other people down here for the next two years. We're not going to have Barbara.

12/01/2009

I mean, when people vote I don't know what they're thinking of because if we have a national recession, how in the world can you blame a Riverhead Supervisor for a national recession? And that's how your opponent's literature read to me, like it's your fault. The whole country is in a recession but it's your fault. You know. It's a recession. Under the circumstances, I think we're doing very well. So good luck in whatever you do for the future and good luck to Barbara."

Supervisor Cardinale: "Thank you very much and thank you for coming."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "And you are one of the people and one of the events, your singing, that I will miss. I was just saying that with Barbara while you were singing."

So keep it up. I want to see you back here in the next holiday which I think is probably around mid-year. Doesn't she come in around July 4th, Memorial Day? So I want to see you singing."

All right. Thank you so much. Thank you for coming and, Warren, thank you for bringing her here. It's a very nice touch, that corsage is beautiful and so is Harriet."

We have a approval of minutes from the November 17th and special board meeting and the November 12th and November 19th board meetings so if one councilperson would move them and another second, please."

Councilman Dunleavy: "I move the November 17, 2009 special town board meeting of November 12th also and special town board meeting of November 19th. So moved."

Councilman Wooten: "I'll second."

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

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

Supervisor Cardinale: "And we have also applications, town hall reports, correspondence which the town clerk, Diane Wilhelm, will read and I have seen that she has placed the 2010 town board meeting dates and times on the rear of this program so you should keep it so you will know when the newly constituted board is meeting and be here to entertain them. Go ahead."

APPLICATIONS:

12/01/2009

Special event permit

Thomas Luongo - family
holiday light display Dec. 4
(That is thru 1/3 also)

Riverhead BID - 12/31/09

Fireworks permit

TOWN HALL REPORTS:

Sewer District discharge
monitoring report
October, 2009

Town Clerk monthly report
November, 2009 -\$6,391.97

CORRESPONDENCE:

William Esseks, Esq.

Letter regarding town property
Esseks, Hefter & Angel adjacent
to their offices at East
Main Street

Robert Kozakiewicz

letter regarding special permit
of John and Sandy Reeve

Robert Hall

letter regarding "The Shops at
Foxwood Village Riverhead"

Dick Green, President

Letter regarding "The Shops at
Foxwood Homeowners Riverhead
Assoc.

Gary Haight, Dept. Of
Coastal Sustainability, Local Gov.

letter regarding special permit
& application of John and Sandy
Community Reeve

Diane Wilhelm: "And the next town board meeting will be
Tuesday, December 15th at 7:00 p.m. here in town hall."

Supervisor Cardinale: "Thank you. We also have public
hearings scheduled for 2:05, 2:10, 2:15, 2:15, 2:20, 2:25."

Public hearing opened: 2:15 p.m.

Supervisor Cardinale: "It being 2:15, we can begin. The
first public hearing is to consider a local law amending Chapter 108
entitled Zoning Article LII, entitled rural corridor (RLC) zoning
use district, Section 108-282 of the Riverhead town code.

12/01/2009

And that's a relatively modest minor change but it makes clear that the specially permitted use in the rural corridor zoning use district is professional offices but limited to attorneys, architects, medical doctors or dentists provided that the subject real property conforms to the following conditions and then we have indicated those conditions in the existing text.

So the only thing we're clarifying is that they are professional offices that are available for professional use limited to attorneys, architects, medical doctors or dentists.

That's that area from 105 to the town line on the Main Road."

(Some inaudible discussion)

Supervisor Cardinale: "Right. Okay. Okay, we are going to place that comment on the record in a moment as to language. The town attorney had a point she wanted to make with the code revision committee and the board.

So I'm going to put that on the record and then ask anybody that wants to make a statement to come on up.

The point that she made is that you may need in addition to the language I read, limited to attorneys, architects, medical doctors and dentists, some language or-- some language broadening it to include, for example, specialties related medical offices similar so we'll think about that and we'd like to take further comment."

Jim Cain: "Jim Cain, a resident of Aquebogue. (Inaudible) here for another reason but seeing that this did come up, I would totally agree with expanding the zoning use as it stands now to (inaudible)-- possibly expand it now to other professionals. Am I correct on this, Phil?"

Supervisor Cardinale: "Yeah. The question is what professional office."

Jim Cain: "Because I don't really know what brought this up to begin with or how this thing even go brought up to-- "

Supervisor Cardinale: "Code revision-- what does it presently read?"

(Some inaudible discussion)

Councilwoman Blass: "It says professional offices of attorneys, architects, medical doctors or dentists."

Jim Cain: "So what are we doing?"

12/01/2009

Councilwoman Blass: "Now the suggestion is to strike the word of and say limited to because it was- the original intent was to provide for attorneys and those- "

Jim Cain: "Then I've got to take objection to it because if you're going to just restrict it to that, what are we talking about professional people like therapists or something like that that could absolutely work out of the same environment that a doctor does or a dentist.

So to try and take this and try and squeeze it into just a few select professionals, I don't understand then why we're doing it. I- "

Supervisor Cardinale: "You know what the funny thing about this is?"

Jim Cain: "I don't even know how this thing even got- "

Councilwoman Blass: "Well, it came up actually in response to your coming to the town board and asking, because you are in that area, to somehow- if the town board would consider expanding the zoning that was currently in place within a quarter of a mile of village center/hamlet center that provided for these kinds of businesses. And you said you had difficulty with resale of your home and if it could possibly consider certain circumstances under which a professional office could locate beyond that. And that's what we did."

Jim Cain: "Which I thought- "

Councilwoman Blass: "And that's what we did. Then the town attorney's office said we really didn't want general professional offices there because the term professional office is defined in our code and it lists about 25 different professions and the idea was not to have another commercial corridor along 25- "

Jim Cain: "I agree with that and when I originally approached the town board on this problem is that right now with the existing businesses along that corridor, and like I said before is that I can step out on my front lawn and the winery is across the street. I have the Village Commons to my right that I could see. I have the caterers down the hall and I really don't want to see any more restrictions as far as giving me the possibility. Because right now it's not so to speak, it's more of a business corridor now than it is a residential corridor and I don't want to see the town restrict with just down to a handful of professional that could go in there.

12/01/2009

I don't think that you'd be changing the landscaping or the look of the buildings. If you could include other professionals that have the same decor as the- what you already allow in there to begin with right now.

I don't get it. I just don't understand it."

Councilwoman Blass: "It's probably something that the new town board is going to take up, I'm sure. But I would just caution those who would consider taking rural corridor out of the original intent and making it another commercial corridor is exactly antithetical to the code."

Jim Cain: "I'm not looking for a commercial corridor. What I'm looking for is professional office buildings along there and- "

Councilwoman Blass: "Right. And that's what- "

Jim Cain: "-- the current residential structures that are there to be utilized and not restricted to just a handful of professionals."

Councilman Wooten: "I think just by removing limited to and just say attorneys, architects, medical doctors, dentists or similar services."

Jim Cain: "Absolutely."

Councilwoman Blass: "Or specialties or something like that."

Councilman Wooten: "I think you have to broaden that."

Councilwoman Blass: "But I think we did want- maybe the future town board will do something else, but we've defined professional offices very, very broadly and I don't think it was the intent when this first come up to have all of the professional offices that exist in 108-23 to be able to locate.

If I'm incorrect about that, then you can certainly correct it at a future time."

Jim Cain: "There seems to be a lot of confusion, confusion on may part, too, and as you know, I spearheaded this thing back a year and a half ago and we go back a long time doing this."

Councilwoman Blass: "Yes. Yes."

Jim Cain: "But I definitely don't want to see a hasty decision today if you're going to act on this and then we'll go back to square one."

12/01/2009

Councilman Wooten: "This is a public hearing. That's why we take the comments."

Jim Cain: "Well, I'm giving you my public opinion."

Councilwoman Blass: "Square one had none of those in there so I don't believe that the board would consider going back to square one. We responded to your original request and felt that there was a way to accommodate your needs and not compromise the corridor, and so we'll put it back to the drawing board for language that- "

Jim Cain: "I'd be very happy if you did that and I'd be more than happy to come and talk to you at a work session and maybe get something hammered out seeing that I do have roots in the community and that I've lived on the Main Road for 40 years and I know what the deal is."

Councilwoman Blass: "Code revision meets at 10:00 on Mondays, so come on down, it's just them."

Jim Cain: "I'll be there. If you want to schedule it, I'll be there."

Councilman Wooten: "So, Jim, your objection actually is to the limited, you want to see that expanded- "

Jim Cain: "I want to see it to what I envisioned in my mind when we did this. Right."

Councilman Wooten: "Right. Some expansion on that. Understandable."

Jim Cain: "And the objection I'm taking is who cares what, you know, as far as the professional in the building as long as it looks like you intended it to be when this board passed it, and that's what it should be. I mean to just take and limit it to a few people, then you are going to hear a lot of applications and a lot of unnecessary stuff."

Supervisor Cardinale: "Yeah. I don't want to burst anybody's balloon here but I would like to suggest that we not pass this, period, ever."

But I would also like to point out to you, Jim, that the current code as a result of your spiriting effort reads, get this, guys and this is one of the things, Harriet, I will not miss about this job.

The current code as passed after your effort- "

12/01/2009

Jim Cain: "Okay."

Supervisor Cardinale: "-- reads, professional offices of attorneys, architects, medical doctors or dentists are permitted. Previously nothing was permitted.

The change is professional offices, strike the of, say limited to attorneys, architects, medical doctors and dentists. That is a ridiculously idiotic change that doesn't need to be there but it doesn't change anything.

So what you really want to talk to the new board about is changing what exists. We should do nothing, ever, about this but the new board, if they're going to have to expand the offices, because right now if we take no action, you can put an attorney, architect, medical doctor or dentist on that corridor. That's it. And those old houses that we're trying to get used because nobody could sell them for residences-- "

Jim Cain: "Absolutely, right."

Supervisor Cardinale: "-- that's what you could put. Now if you want to put other professions, you're going to have to delineate it in that and that might be something among the millions of things you guys have got to do when you get in here.

Another good thing about leaving this job, as I'm cleaning through my files, you have a lot of issues to hit and I don't know if this is going to be top on your list, but right now it reads, we're going to take no action, I promise you."

Jim Cain: "Right now then-- "

Supervisor Cardinale: "Attorneys, architects, medical doctors or dentists."

Jim Cain: "And if you didn't touch it right now I take it that somebody could come in and propose to the board something similar to it and there could be an adoption or something like that, it could make a-- "

Supervisor Cardinale: "I don't think there's any value to this change, period. But if there's any value, it makes it more clear that we don't want to do anything but those four, but right now it only says those four.

What you really want to do is-- if you really want to broaden it, figure out what you want to put there and then put the words in."

12/01/2009

Jim Cain: "Well, I would think they would. I mean, go from 105 and start heading east and there's a lot of vacant buildings that are in disrepair and if you did decide to go that way and keep it with the intent that I'm trying to tell you, you know, or ask you, with the professional buildings or the professional people that could go in there, you may clean up the corridor while you're still at it."

Supervisor Cardinale: "You know, if this is what you didn't want to talk about, I can hardly wait until we get to the hearing you did want to talk about."

All right, so we're going to get started. We're not going to do anything, I promise you. We're going to continue our tradition of not doing anything."

Councilman Dunleavy: "Thanks, Jim."

Councilwoman Blass: "Thank you, Jim."

Councilman Dunleavy: "What this— this was to save the older homes."

Supervisor Cardinale: "Larry, you had a thought on this."

Larry Oxman: "Yes. Larry Oxman. I'm talking on behalf of the Riverhead Business Alliance and I've also spoken to some property owners that own property that this zoning affects and you are quite correct that this is just kind of an innocuous change and doesn't seem to change much."

However, certainly I think that this whole zoning for the rural corridor really needs to be addressed. This is— the change is under special permit item 6. However, if you go to special permit #1, the way it currently reads is professional offices provided that they are within a quarter of a mile of the hamlet center or village center zoning use districts.

So this appears to be professional offices that are outside of a quarter of a mile?"

Supervisor Cardinale: "That's what I always thought. Yeah."

Larry Oxman: "So— "

Supervisor Cardinale: "That has to be clarified."

12/01/2009

Larry Oxman: "-- within a quarter of a mile you can have any professional office. Outside of a quarter of a mile, you're only limited to these four uses."

Supervisor Cardinale: "Or any others you'd like to add, but you are right, that has to be made clear if it isn't."

Larry Oxman: "All right. That seems to make little sense. The limitations also seem to make little sense. An architect but you can't have an engineer. No survey. Real estate office. The list goes on. So as Barbara said, there are 20 plus professional uses defined. I think it should be just simply be a professional office.

You do- if there's a concern about the aesthetic character, there are guidelines in here with under the code suggest that it should be in keeping with the rural makeup of the neighborhood.

But for the record, the RBA is opposed to limiting the uses of professional uses. I think that this whole code really has to be addressed and taken apart and put back together so that you can maintain the rural corridor in a scenic way but yet encourage business and not restrict business."

Supervisor Cardinale: "Thank you."

Larry Oxman: "Thank you."

Supervisor Cardinale: "Any other comment? If not, we're going to keep this open for 10 days for any further comment from anyone."

Public hearing closed: 2:30 p.m.
Left open for 10 days for written
comment

Public hearing opened: 2:30 p.m.

Supervisor Cardinale: "And we're going to move to the second hearing at 2:30. At 2:10, the second hearing is scheduled which is hear all interested persons with regard to the adoption of a final order concerning the petition to construct a lateral water main extension comprised of approximately 400 linear feet of eight inch diameter water main and appurtenance to provide water service to the proposed subdivision known as Cedar Cove subdivision at sole cost and expense to the developer and at no cost to the district and the payment of key money pursuant to Chapter 105 of the Riverhead town code.

12/01/2009

This is off of West Lane in Aquebogue. This is a seven lot subdivision and we have a representative of H2M, the engineers for the water district here. We also have an attorney for the applicant here, Mr. Strauss, and why don't you begin, Dennis?"

Dennis Kelleher: "Good afternoon. My name is Dennis Kelleher from the engineering firm of H2M, we are the consulting engineers for the Riverhead water district.

The developer of the proposed subdivision petitioned the town board to provide public water to the subdivision known as Cedar Cove. The property is located on West Lane in Aquebogue. It's just north of Route 25.

It's an eight lot subdivision where seven single family homes will be proposed to be developed on the site.

The property is already within the Riverhead water district boundaries.

To provide water service to the subdivision only 400 feet of eight inch water main needs to be installed.

On the map that's shown, the proposed 400 feet of eight inch water main is highlighted in pink. This eight inch water main will be tied into the existing 12 inch water main that currently runs along West Lane which is highlighted in blue.

We estimate the water use for this proposed seven homes at 3,500 gallons per day on an average day and 10,500 gallons per day on a peak day during the summer.

The Riverhead water district does not have excess capacity at this time to service the subdivision. However, the district is in the planning stages of constructing additional wells to meet this demand.

In order to provide water service, the estimated cost to install the water main and all the appurtenances is \$60,000. This entire cost will be paid by the developer.

In addition to that, the developer will need to pay key money in the amount of \$42,364.00 for the seven units based on \$6,052.00 per unit.

The key money cost is really used to build the additional wells and other water supply facilities throughout the district.

Thank you."

12/01/2009

Supervisor Cardinale: "Thank you. I have a question. You said there were eight lots, but seven houses. What's the other lot?"

Dennis Kelleher: "If you look to the bottom, the big lot is an agricultural lot that's going to remain agricultural."

Supervisor Cardinale: "Meaning that it's not going to have a house on it?"

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "Okay. Ever."

Dennis Kelleher: "Ever."

Supervisor Cardinale: "Okay. The second question- didn't you say something about you don't at this time have the water to service the district?"

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "How do we approve it- the lateral extension, if you don't have the water to serve it?"

Dennis Kelleher: "Because the Riverhead water district is already under construction of plant 15 to increase our capacity. We are in the process of coming in front of the town board, hopefully in the next month or so, for the approval of well 16. We're looking for the finances for well 16 located- to be located on Edwards Avenue and we're in the very preliminary stages of looking at well #17."

Supervisor Cardinale: "Yeah. But they would- what about if they build the houses like tomorrow?"

Dennis Kelleher: "Well, well- the wells of 15 will be up and running next summer and that is our goal, to you know, to increase capacity."

Supervisor Cardinale: "So are you recommending that we approve it or not?"

Dennis Kelleher: "I am recommending that you approve it."

Supervisor Cardinale: "And what happens if we don't do- if we don't approve 15?"

12/01/2009

Dennis Kelleher: "Oh, 15 is already been approved and is under construction. Sixteen has not been approved by the town board."

Supervisor Cardinale: "Can you get the water to them with 15?"

Dennis Kelleher: "Yes."

Supervisor Cardinale: "Okay. So you're saying it's been approved, it's not finished, it will be finished by the summer and, therefore, don't sweat it, they won't have a house up by then."

Dennis Kelleher: "Correct."

Supervisor Cardinale: "Or sold for that matter."

Michael, the plot thickens here because Michael had a discussion with me for about 10 minutes before we came out, attorney for the applicant who bought from the people that got approved.

Did he ever figure out what happened there because that- this hearing was a condition of the final map being filed and the final map was filed and signed by the chairman of the planning department and filed- planning board, and filed two years ago. So I don't understand how- did he explain to you how that happened, Rick?

Come on up and tell me. I'm sorry, I didn't see you standing there. Could you tell me what happened there?"

Rick Hanley: "The condition is worded kind of interestingly. This is the condition of the final plat and it says that Steve Monaco and Nina (inaudible) or their agent files a petition with the town board of the town of Riverhead."

So we're thinking that they filed the petition to the water district for the extension of the lateral but we haven't come to this hearing until today."

Supervisor Cardinale: "Keep reading."

Rick Hanley: "Which acts as a governing body of the Riverhead water district for an extension of the water main and appurtenances and all costs and fees which will be assumed by the applicant and receipts filed with the clerk of the town- "

Supervisor Cardinale: "So before they filed, they- "

Rick Hanley: "They had to file a petition."

12/01/2009

Supervisor Cardinale: "-- and file the receipts for the payment of the water which is the next problem you're going to hear from Michael."

Rick Hanley: "There's a (inaudible), I don't know- it appears that this is the way that we've been doing things, Phil, and I think that going back in time, I think we'd find that they actually did file the petition with the water district."

For some reason, we're having the hearing today a couple years later."

Supervisor Cardinale: "So you will sign a map- I should remember this now that I'm going back into private practice apparently by popular demand, that you're going to sign a map. You sign maps, your chairman signs maps before we know that water is available."

Rick Hanley: "As long a petition is filed with the water district."

Supervisor Cardinale: "That's fascinating. He's got a bigger problem. When you signed the map and told him you wanted the receipts or his predecessor- "

Rick Hanley: "Well, we're saying in the future all costs associated with the subdivision are borne by the developer."

Supervisor Cardinale: "Right but you also said he's supposed to show receipts before he gets the map filed. But that aside, at the time it was 2500."

Rick Hanley: "Right."

Supervisor Cardinale: "Did you bond for 2500?"

Rick Hanley: "There's no bond amount in this resolution. We just have that language. The numbers that we hear have nothing to do with the water hookups. It had to do with rec fees and engineering fees. There's no specific- "

Supervisor Cardinale: "How do you assure he pays the then 25, the now 6052?"

Rick Hanley: "I think it would be predicated upon the decision to approve this lateral."

Supervisor Cardinale: "So assuming we approve the lateral- "

Rick Hanley: "Then the fees would have to be paid."

12/01/2009

Supervisor Cardinale: "And what are the fees?"

Rick Hanley: "The impact fees are now \$6,000."

Supervisor Cardinale: "Yeah, but that's his problem. Why don't you come up, Mike? In addition to the fact that I believe that the language fairly read would suggest that this was never supposed to be signed and filed before this hearing occurred."

Incidentally, you do this all the time? You have a filed map before- is that your understanding, Dennis? We have filed maps out there in the clerk's office before we have water?"

Dennis Kelleher: "Normally the public hearing is held before the filed map is- "

Supervisor Cardinale: "I'm glad to hear that. I thought I remembered that for the last six years."

So something got screwed up here but Michael would like to address the board on kind of a relevant but not directly relevant issue to the lateral. He wants you to approve the lateral, we probably will from what you said, but he also doesn't want you to charge \$6,000 for every one of the lots. He wants to be charged \$2,500.

He bought the property- his client bought the property from the original developer this past summer."

Michael Strauss: "That's correct."

Supervisor Cardinale: "Go ahead, Mike."

Michael Strauss: "Michael Strauss, 1303 Main Street, Port Jefferson. I represent Campo Bros. which now owns the Cedar Cove subdivision, seven building lots actually."

They purchased it and closed in September of this year. The map was filed in July of 2007 and as everyone has been discussing, the final resolution seemed to indicate that all the water fees should have been paid and the receipts filed with the clerk. Turns out that the water key money evidently was never paid.

My client's position is pretty simple. We're happy to pay for the entire cost of the installation of the water and we're happy to pay the \$2,500 per lot that was in effect when this map was approved and filed. Tomorrow, in fact, we'll pay that \$17,500 immediately for the water key money.

12/01/2009

We don't want to have to pay the new fee because the new fees were only instituted last April and based on the final approval which indicates that they should have been paid at that time and based on the fact that under New York law rights are vested in filed maps for three years, during three years under the town law you can't change the zoning or the bond amounts of anything so that people have an expectation that they have what they have for three years after a map is filed.

So we're within the three years of the map being filed. The fees changed during that time. The final approval indicated that the receipt should have been filed and paid so my client doesn't want to be at a disadvantage because that may have never been picked up that I'm gathering should have been picked up at that time.

And we have no problem paying the full cost of the water. We have no problem paying the \$2,500 per lot key money immediately and we respectfully suggest- request that you approve the resolution except substitute that proposed number of 41,000 and change whatever it is to 17,500.

And that's really it."

Supervisor Cardinale: "Thank you, Michael. Rick, could you come up for a second?"

There's a discrepancy between what you said earlier and what Dennis said. Dennis says the right way to do a subdivision is you do this hearing before you approve the- you sign off on the subdivision by the chairman allowing it to be filed.

If that's the case and it had been done- this one was not for whatever reason done that way. If that's your normal procedure and that had happened in this case, what would you then do to assure- and we had then approved it, the town board had passed a resolution approving the lateral extension, how would you have handled the 41,000- how much is it to- 42,000 for the lateral extension and the then 17,000 for the key money? Would that have been bonded or how do you do that?"

Rick Hanley: "Cash."

Supervisor Cardinale: "Okay. So unless there's another one out there like this- "

Rick Hanley: "I doubt it."

Supervisor Cardinale: "-- with these unique circumstances, the new board will never have to hear about this again."

Rick Hanley: "Right."

12/01/2009

Supervisor Cardinale: "All right. So what they're asking you to do is when you approve this, find out from the board Thursday at the work session whether they feel under the circumstances of this case, we should take 25 as opposed to 6,000."

Rick Hanley: "Right."

Supervisor cardinale: "Because he could reasonably have presumed that it was 25."

Rick Hanley: "Make that argument."

Supervisor Cardinale: "All right?"

Rick Hanley: "Yes."

Supervisor Cardinale: "Thank you."

Michael Strauss: "Thank you very much."

Supervisor Cardinale: "All right. Very good. Any other comments about this lateral water extension to service seven lots off West Lane in Aquebogue? If not, I will leave it open for 10 days as I always do until the Friday, a week, which is— what the heck is it? Let's see, one, two, three, four— what is it— the 11th right— the 11th, Friday the 11th, 4:30, any comments to the town clerk and we'll try and consider it and get something on for the 15th at the town meeting, or the 29th, which we have another meeting. And that will end this hearing at 2:40 or thereabouts as it is now."

Public hearing closed: 2:42 p.m.
Left open for written comment for
10 days to December 11, 2009 at
4:30 p.m.

Public hearing opened: 2:43 p.m.

Supervisor Cardinale: "We have a third hearing on— scheduled for 2:15 which is for the consideration of a local law amending Chapter 52 building construction regarding certificate of occupancy."

This indicates that no building erected shall be used or occupied or altered or upon until the CO or temporary CO as set forth in 108-74D shall have been issued and no building enlarged, extended or altered upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the

12/01/2009

alteration or work unless a CO or temporary is issued confirming that temporary CO's can allow occupancy.

And I think this and the next one were passed in order to assist the town planning- the planning board in its effort to assist the bowling alley and entertainment center that everybody is hoping that some day will actually open, which I am told it will by the end of- as my- by the end of this month.

So I think we'll consider one at a time though. That's what this one says. Temporary CO's are added with CO's to assure that you can occupy under them.

Anybody have any comment on that? If you do not, that's great. If you do, come up. In any event, we'll leave it open for 10 days for comment in writing submitted to the clerk by the 11th at 4:30 p.m. And I'm going to close the hearing at 2:45."

Public hearing closed: 2:45 p.m.
Left open for written comment for
10 days to December 11, 2009 at
4:30 p.m.

Public hearing opened: 2:45 p.m.

Supervisor Cardinale: "At 3:45 we are now opening- at 2:45, I'm sorry, we are now opening the hearing scheduled for 2:20 to consider a local law amending Chapter 108 entitled zoning, entitled Article XVII administration, Section 108-74 certificate of occupancy of the Riverhead town code.

This is also relating to a certificate of occupancy and previously it read in case of undue hardships, building and zoning departments may issue a temporary certificate of occupancy valid for a period not to exceed six months although just to let you in on it, that was a rule more honored as Shakespeare would say in its breach than its observance, but in theory you could not exceed six months.

This adds the building and zoning department official may extend temporary CO for no more than two successive six months periods. The town board may issue an extension of the temporary CO beyond those two six month periods if the applicant- which together with the initial period is 18 months.

So if it goes more than 18 months, the town board must look at it and verify if the applicant is able to satisfy the criteria set forth below and prove that the unavoidable delay shall end- proof that the unavoidable delay set forth in subdivision 2 below is related to or caused by local or regional public improvements.

12/01/2009

In other words he has good reason that he can't finish the improvement.

And then there's a technical- there's another change indicated at 4, a cash deposit in escrow in an amount established by the building and zoning department official shall be provided to insure satisfactory completion of all required improvements within a period of six months or such other extension of time granted by the building and zoning department official in case he extends those two months.

So instead of six months, it's six months plus two by the zoning official and no others unless the town board can be- has established to its satisfaction that it couldn't be completed because of- what is that- because of delay related or caused by local or regional public improvements.

Anybody want to comment on that? Again, this is inspired by our bowling alley friends."

Councilwoman Blass: "Mr. Supervisor, I think there is one connection- or correction to be made and that is in paragraph 4. In addition to the extensions that are granted by the building and zoning department, this has to do with the cash deposit for the period of time during which the extension was granted, since the town board is also able to issue an extension, that- "

Supervisor Cardinale: "Should add town board. Yeah."

Councilwoman Blass: "-- the town board should be added there, such that their extensions would also be covered by the cash deposit."

Supervisor Cardinale: "Yeah. In the two initial extensions after the six months, right, by the building department, a cash escrow can be picked up and that would also be true of any further extension by the town board so secure the promise.

Okay, does anybody have anything further to add? If not, I'm leaving this open for written comment through 4:30 p.m. on the 11th of December."

Public hearing closed: 2:47 p.m.
Left open for written comment for
10 days to December 11, 2009 at
4:30 p.m.

12/01/2009

Public hearing opened: 2:48 p.m.

Supervisor Cardinale: "Okay, that allows us to reach the fifth public hearing and I know there are representatives here.

The fifth public hearing is a- I know what it is so I'll just state it. Mr. Yakabowski is here as counsel for the Jamesport Fire Department; Jim Caine is here as commissioner of the Jamesport Fire Department and this is a proposal for 59 parking spaces- "

Frank Isler: "Well, we have 20 some odd right now. This is to add- "

Supervisor Cardinale: "Thirty-nine or so."

Frank Isler: "To add to get us, right, to get us to 59."

Supervisor Cardinale: "And you are asking that the town board waive, right, its zoning authority which it can do under the Monroe case so I'll leave it for you to set forth what you'd like to establish that this is an appropriate case that we should waive."

Frank Isler: "Well, basically, Mr. Supervisor, as you can see from the drawings that we've submitted and I have Mr. Butler here in case there are any questions of the board.

Essentially we acquired an additional parcel of land in August of this year. We badly need additional parking for safety reasons. When there's a drill or an alarm and men respond we have people parking on Manor Lane with emergency vehicles attempting to exit creating dangerous situations.

This gives us requisite parking and also additional land which will not be paved for use for drills off the road in a safer environment.

The provisions that we put in our drawings indicate that we comply with the provisions essentially of the town code as they exist today. I think the only other- the only possible reason we might have had to go to the board of appeals would be that we exceed our impervious area by about four to six percent that varies from the existing code provisions.

Other than that, our lighting, our paving, our curbing, our drainage all comport with existing town code provisions."

Supervisor Cardinale: "All right. So if I understand this, the only- you comply with zoning and what you're asking is that we waive any possible ZBA appearance for that- is there anything else? For example, site plan approval."

12/01/2009

Frank Isler: "Site plan approval, that, yes."

Supervisor Cardinale: "Okay. So you want us to waive site plan- zoning you comply with?"

Frank Isler: "We comply with zoning in terms of the use."

Supervisor Cardinale: "Yes. Okay, so municipal buildings can be located anywhere apparently. So they comply with zoning. So the question is will the board waive site plan and- "

Frank Isler: "Possible ZBA."

Supervisor Cardinale: "Okay. And the only variance that you are aware of is four to six percent impervious surface."

Frank Isler: "Right."

Supervisor Cardinale: "And we have a picture of the site plan but we- you would like us to waive the delay occasioned by site plan approval?"

Frank Isler: "By applications and reviews, etc."

Supervisor Cardinale: "Okay. I understand. Anybody have any questions? If you do, the board, welcome to ask them. If the- anybody from the public has comment, we'd like to take it.

One thing I would maybe suggest is when we're balancing ultimately a decision will come out balancing the Monroe factors we feel that we are going to waive or not going to waive, and then you have a choice to look at it and determine whether you didn't like the decision or you did, could you maybe- I'm going to keep it open for 10 days for written comment.

Could you maybe submit something saying why you think the factors weigh in the favor of our waiving this one? There's like six or seven factors."

Frank Isler: "I just have one question."

Councilman Wooten: "This says immediately west."

Frank Isler: "Correct. We- "

Councilman Wooten: "Is it north or west?"

Frank Isler: "West."

12/01/2009

Councilman Wooten: "So it's across the street?"

Frank Isler: "No, no. The existing house is on the west- "

Councilman Wooten: "Oh, it's behind, I see it's behind.
Okay."

Supervisor Cardinale: "So other than that for the file, if we get that by the 11th we may be able to review it, review it with legal and act on it by the 15th."

Frank Isler: "Thank you."

Councilman Dunleavy: "And one question. You're only adding 33 parking stalls, right, for a total of 59."

Frank Isler: "Right. For a total of 59."

Councilman Dunleavy: "Right. Okay."

Frank Isler: "Thank you."

Supervisor Cardinale: "Thank you. How are you?"

Dominique Mendez: "Dominique Mendez, Wading River."

Supervisor Cardinale: "Yes."

Dominique Mendez: "And just a quick question. If you were to waive Riverhead zoning, is that just waiving it for- how would you call it? Is that just waiving it for this instance?"

Supervisor Cardinale: "Yes."

Dominique Mendez: "Right."

Dawn Thomas: "It just applied to other municipal entities. It wouldn't apply to any private business. Other municipal entities being fire districts, ambulance districts, other, the county of Suffolk, for example. It's just a specific process that's used for municipal entities looking to construct municipal structures within the jurisdiction of another municipal entity.

And there's case law that basically says that if the town board or the invaded municipality has to consider several different factors and if they consider those factors, they can waive site plan. They can waive zoning. They could- but it would just be applicable to municipalities, not any private entity."

12/01/2009

Dominique Mendez: "But this specific parking issue in this specific- "

Dawn Thomas: "In this particular application, it's the Jamesport Fire District that would be applying."

Councilman Dunleavy: "If they (inaudible), they would have to come before us again for that to be waived. This is only for the parking lot."

Dominique Mendez: "Thank you."

Supervisor Cardinale: "If you could come up again, Frank. I have a question for counsel."

I know, so we get the decision right, you're going to send in that analysis."

Frank Isler: "My thoughts as to why- "

Supervisor Cardinale: "As to why it should be waived in this instance, how the balancing should be made."

You want us to waive site plan. You want us to waive ZBA. What do we do- I've got the building department. I'll save the new board some trouble if we get rid of this before we reconstitute the board.

Building permit then becomes an issue on these. Do we anticipate (1) making application for a building permit because that guy over there wants you to. I know that because we've been through that before with the fire department house. Do you want a building permit here? Not on just site work because there's no building. So you don't need a building permit for site work. That takes care of that one.

How about- so there wouldn't be any building permit to waive. And, therefore, you avoid the next problem which I was going to get into which is if we insist upon a building permit, do you have to pay for it. But you don't need a building permit so we're fine. So it's just site plan and ZBA."

Frank Isler: "Correct."

Supervisor Cardinale: "So, thank you."

Frank Isler: "Thank you, Mr. Supervisor. Good day."

Supervisor Cardinale: "Okay. That is I think the final hearing of the five we had scheduled."

12/01/2009

Public hearing closed: 2:55 p.m.
Left open for 10 days for written
comment to the town clerk by
December 11, 2009 at 4:30 p.m.

Supervisor Cardinale: "And I would like to move now to consideration of the resolutions. I should add that there are two that were just handed up from the town- let's see, remember the two that we just got that are I think town, they are town board resolutions.

Authorizing the town clerk to publish and post the attached notice to bidders for the Calverton Enterprise Park rail spur rehabilitation. This is, as you know, going to be funded by \$4.8 million plus another six so I guess it's five million and change of federal money from the new- what do they call that- economic recovery money- recovery and reinvestment act.

And they are really fast because they want us to get the bids out, get them advertised, and get the bids back by January 4th so that the newly constituted board will be able to get it out to bid.

So those are the two that are added. Correct? These are both town board or is one town board and one CDA?"

Christine Kempner: "One was a CDA resolution (inaudible). And then the other is a notice to bid. So one was the town- "

Supervisor Cardinale: "They're both town board?"

Christine Kempner: "Yes."

Supervisor Cardinale: "Okay. So you're going to add those to the town board numbers. You've got them? Okay. What numbers are they?"

Diane Wilhelm: (Inaudible comment)

Supervisor Cardinale: "Okay, so 1110 and 1111. Okay. So 1110 and 1111 are those two. Everything else you've got and if you'd like to comment, Sal."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. CDA resolution 17 needs to be cleaned up. There's a lot of broken sentences. There's some contradiction on the not to exceed number which is \$127,549 and a statement down at the bottom that says \$144,298. There's a couple extra words in it that make no sense. You want the details?"

12/01/2009

Supervisor Cardinale: "Yes."

Dawn Thomas: "Yeah, there's two-- there are two separate things we're doing in one resolution. One is some unanticipated work that would have been on the first contract with (inaudible). The second is entirely new and so the increase of the prior budget of 16,749. The new budget is 12759 for the new work, so the total combined work can't exceed the 144,298 number.

So it is a little confusing."

Supervisor Cardinale: "Yeah. It's accurate, Sal, in that they're saying just what she said. The 16749 is added to the prior budget. The 127549 is the new budget and the total cannot exceed 144298."

Sal Mastropaolo: "All right. Well, in the first now, therefore, okay, the statement, the cost of which shall not exceed sum not to exceed. So you need to take some words out of there."

Dawn Thomas: "Just take sum and not out. A sum not to can come out."

Sal Mastropaolo: "Okay. Then in the next paragraph, be it further resolved, the last line, ARRA application in accordance with the and-- something's got to come out of there."

Supervisor Cardinale: "What-- which one is it again?"

Sal Mastropaolo: "It's the first be it further resolved, the last line."

Dawn Thomas: "Take out in accordance with."

Councilman Wooten: "Application in accordance with."

Supervisor Cardinale: "In accordance with the and, that comes out."

Dawn Thomas: "The and stays."

Supervisor Cardinale: "The and stays. Okay."

Sal Mastropaolo: "All right. In the-- in the fourth be it further resolved, the second line."

Supervisor Cardinale: "Yes."

12/01/2009

Sal Mastropaolo: "Okay. You've got to take out I think the word the."

Dawn Thomas: "Yup."

Sal Mastropaolo: "Okay. And in the next to the last be it further resolved, I think you need— well, read that line, the terms, a professional service agreement addressing the work outlined herein with the office of the town attorney but not to exceed, okay. You clarified that."

Supervisor Cardinale: "Okay. That's #17."

Sal Mastropaolo: "Right. CDA resolution 18."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "Put a date on it. It's got no date."

Supervisor Cardinale: "You want to date today that form resolution (inaudible)."

Councilman Wooten: "12/1?"

Supervisor Cardinale: "Yeah, 12/1/09. Next one is?"

Sal Mastropaolo: "Resolution 1079."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "This thing here is an extension. It's going like— it's a two year extension. I just beg the question. Has anybody checked to see that they can get a better price than the \$9.34.8? I mean you keep rubber stamping this and extending it another six months, but has anybody gone out and actually seen whether this price is good?"

Supervisor Cardinale: "Yeah. The— there are two issues that come up on these. One is can we extend which we asked legal to review and advise and if it gets here— they've advised that it can be extended. You can extend some contracts.

And then, secondly, if you can extend it has anybody bothered to do what you just said. And in each instance, the answer was yes."

Sal Mastropaolo: "Okay."

Supervisor Cardinale: "Whether it really was done, of course, is a whole other issue. We'll discuss that next month."

12/01/2009

Sal Mastropaolo: "Okay. Resolution 1080. In the notice of public hearing-- "

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "Condition #3, I vaguely recall that a lot of the new sign ordinances call for a max of 32 square feet. And I'm just wondering why this one has 50 square feet."

Supervisor Cardinale: "1080 you're on?"

Sal Mastropaolo: "Yes. 1080, the third condition, shall not exceed 50 square feet."

Supervisor Cardinale: "Okay. Yeah. Supplementary use regulation. Because that's what-- why, I don't know. But I know it's not something we're changing, remember. We're only changing the-- shall be removed following inclusion of the 30 day-- 90 day approval period. We're doing a hearing to cut that line out. Why it was 50 feet in the first place is a good question."

Councilman Wooten: "A lot of these portable signs that you tow behind are 50 square feet. Those big LCD signs that they put up, the big orange one they tow behind directing traffic."

Sal Mastropaolo: "Okay. I'm just bringing it up because I recall a lot of the different sign ordinances-- "

Councilman Wooten: "Well, the political signs are 32 square feet."

Sal Mastropaolo: "-- we've gone to 32 square feet."

Councilman Wooten: "Those were political signs. Yes."

Sal Mastropaolo: "Okay."

Supervisor Cardinale: "Okay, thank you. That's been taken out because it's duplicative, I'm advised. There's another section that says 90 days."

Sal Mastropaolo: "1081. Section 52-6."

Councilman Wooten: "We're going to table this."

Councilman Gabrielsen: "This is going to be tabled."

Sal Mastropaolo: "That's good. Because it needs a lot of work. It needs new paragraphs. It needs bulleted lists."

12/01/2009

Councilman Wooten: "It needs to be torn up."

Sal Mastropaolo: "Yeah."

Supervisor Cardinale: "Okay, the next one."

Sal Mastropaolo: "1083. There's no attached agreement."

Supervisor Cardinale: "There should be. I know we've seen it probably at the work session but it is a no cost agreement incidentally."

Sal Mastropaolo: "Okay. 1092."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "You have a statement in here that says in no instance shall a site plan review exceed \$30,000. I would delete that sentence, okay, because I did the numbers and it says, you know, the 30,000 covers up to 250,000 square feet, okay."

As soon as you get a site plan that's bigger than 250,000 square feet, that \$30,000 is a bargain. What happens if you get a site plan that's a million and a half square feet? Are you going to do it for \$30,000 because you have a statement in here that says we'll never have a site plan higher than 30,000?

Just delete the thing. Delete the statement and let it go with the square footage. Because it's definitely more work."

Supervisor Cardinale: "Yes. If I had my director of planning here I would ask him that question why the thinking was that— now, remember, I will say it again. That none of these fees can take in more than the service— the value of the service given out because it's not supposed to be a tax, it's supposed to be a fee."

So the question is exactly as you ask it. If you have a millions quare foot. What you do incidentally, we had a 400— Shops at Riverhead, 400 square feet plan. Why are we doing it for the equivalent of the 250?

Maybe we can take this out and discuss it at the work session. It may be a good reason but it's a logical question."

Sal Mastropaolo: "The point is if you leave the statement in there, okay, then somebody always has recourse to say, hey, you know, there's a statement in the resolution you can't charge me more than 30,000. So just take it out and let it flow the way it does."

12/01/2009

Supervisor Cardinale: "Okay, we'll- I'd like to maybe table that and ask that question of our director of planning."

Sal Mastropaolo: "Okay. 1100, change the date."

Supervisor Cardinale: "Change the date on 1100, December 1st. Yes. 1100 is to be redated today, the day we're passing it."

Sal Mastropaolo: "1103."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "How could you do this? You're going back and changing a budget under the year 2007. Where did the dollars come from? Don't you have to say where it came from? You over expended."

Supervisor Cardinale: "Yeah. We are. First of all, I'm not sure we need to do this but it keeps our financial planner- financial officer happy. But if you look at the first- all the increases, I asked him about this. You look at the increases in the '07 which were done in '07 and you look at the decreases, they add up to the same number.

So what he's doing- "

Sal Mastropaolo: "Huh? Not on this list."

Supervisor Cardinale: "Yeah, they do. If you just look at the- yeah- "

Sal Mastropaolo: "I did that. I added the five increases which come to "2,495,000- "

Supervisor Cardinale: "There's four. The four are the increases. The two are the decreases."

Sal Mastropaolo: "Well, then change the word increase to decrease."

Supervisor Cardinale: "No, because it's not a- it's an increase in revenue."

Sal Mastropaolo: "Oh, an increase in revenues."

Supervisor Cardinale: "Is a decrease in expenditure."

Sal Mastropaolo: "Okay."

12/01/2009

Supervisor Cardinale: "But those two add up to the 1.6. I think it was duplicative because we did this at the end of '07 but I didn't want to argue with him so he said pass it again. I said fine."

Sal Mastropaolo: "Okay. 1107. It's the same resolution as CDA 20. Is that by design?"

Councilman Wooten: "Yes. For the town."

Sal Mastropaolo: "I mean word for word."

Supervisor Cardinale: "We're passing it both for town and—that should be a CDA resolution."

Councilman Wooten: "It is. We're doing it both ways."

Supervisor Cardinale: "Okay. We're doing it both ways because we're not sure which way we're supposed to do it."

Sal Mastropaolo: "Okay. Thank you."

Supervisor Cardinale: "Thank you. If there is any other comment, I'd like to take it on the resolutions. If not, we'll consider the resolutions, take general comment."

Christine Kempner, the director of the CDA is here to— I'm going to adjourn the meeting of the town board— "

Councilman Wooten: "Something you never did is you never asked if anybody had anything from committee or something like that."

Supervisor Cardinale: "Okay, I will do that."

Councilman Wooten: "You'll do that maybe afterwards?"

Supervisor Cardinale: "Yeah."

Councilman Wooten: "Okay."

Supervisor Cardinale: "We're going to— I was just reminded that there was a couple committee reports. We'll do the CDA meeting at this moment."

Adjourn the town board meeting."

Meeting adjourned

Meeting reconvened

12/01/2009

Supervisor Cardinale: "We're now going to break for a moment. I should have asked earlier if there are any committee reports or announcements."

Councilman Wooten: "I just have one because our next town board meeting is on the 15th. It's just a reminder to the residents of the 10th annual Riverhead town barn fire. It's a nice celebration. It's on the 12th of December, Saturday, it starts at 4:00 in the afternoon behind the— on the riverfront behind the stores on Main Street. Santa Claus will come up the river in his usual way.

There's free pictures being taken, free cocoa, candy canes courtesy of the BID management association. So bring your own beverages, lawn chairs, snacks and enjoy a good old— I tell you, it's a good place to go with your family. The price is right, it's free. A lot of town leaders come down there and help support that.

So it's a good time to come. So it's the barn fire, 4:00 on December 12th."

Supervisor Cardinale: "Thank you. Okay, we're going to turn now to the— re-open the town board meeting and consider Resolutions 1079 through 1111."

Resolution #1079

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

Councilman Dunleavy: "And seconded."

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

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

Resolutions #1080

Councilman Dunleavy: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 of the town of Riverhead town code, entitled zoning Section 108-56 Signs E(7)(c) temporary special event signs. So moved."

Councilman Wooten: "Seconded."

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

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

12/01/2009

Resolution #1081

Councilman Wooten: "I'd like to move to table 1081."

Councilman Gabrielsen: "Okay. I second."

Supervisor Cardinale: "Moved and seconded to table 1081 for further discussion. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution has been tabled."

Resolution #1082

Councilman Gabrielsen: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 98 entitled littering of the Riverhead town code, Section 98-10 penalties for offenses. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1083

Councilwoman Blass: "Authorizes the supervisor to execute a memorandum of understanding with County of Suffolk for pilot project data sharing of 2006 building outline GIS data. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1084

Councilman Dunleavy: "Adopts a local law amending Chapter 58 entitled Dogs of the Riverhead town code. So moved."

Councilman Wooten: "I'll second."

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

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

12/01/2009

Resolution #1085

Councilman Wooten: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Section 101-10 parking prohibited, Ravine Road west side and Ostrander Avenue west side. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #1086

Councilman Gabrielsen: "Appoints a call in recreation aide, volleyball official to the recreation department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1087

Supervisor Cardinale: "This is not from our hearing today. 1087, Councilwoman Blass."

Councilwoman Blass: "Cedar Cove subdivision budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

(Some inaudible discussion)

Supervisor Cardinale: "That's a good question. Could you ask Hanley to come in, Bill? Let's put that aside for a minute. I want to ask him if this is- "

(Some inaudible discussion)

Supervisor Cardinale: "I can't imagine how we can be setting up a budget if we haven't made a decision yet. So I want to make sure it's not the same budget."

12/01/2009

Authorization to discard fixed assets is the next one. Let's put that- 1087 we'll put aside until I get- "

Diane Wilhelm: "Okay, 1088."

Resolution #1088

Councilman Dunleavy: "Authorization to discard fixed assets. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #1089

Councilman Wooten: "Awards the bid for heating fuel. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #1090

Councilman Gabrielsen: "We're going to move to withdraw this, correct?."

(Some inaudible discussion)

Councilwoman Blass: "Withdrawn or tabled? Withdrawn?"

Councilman Gabrielsen: "Withdrawn, right? Withdrawn."

Supervisor Cardinale: "All right. 1090, motion to withdrawn."

Councilman Gabrielsen: "So moved."

Councilwoman Blass: "And seconded to withdraw."

Supervisor Cardinale: "Moved and seconded to withdraw 1090. Vote please."

12/01/2009

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution has been withdrawn."

Supervisor Cardinale: "So what does that mean? Do we have to change all- "

(Some inaudible discussion)

Supervisor Cardinale: "Yeah, but I'm just wondering about your numbers."

Diane Wilhelm: "You want to use the number?"

Supervisor Cardinale: "I don't know. What do you usually do when you withdraw one?"

Councilman Wooten: "You void it."

Diane Wilhelm: "No. This goes in as withdrawn under that number."

Supervisor Cardinale: "But the number stays. Okay. Keep going. Okay, good."

Resolution #1091

Councilwoman Blass: "Calverton Park recreational trails budget adoption. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1092

Councilman Dunleavy: "I'd like to table Resolution 1092. So moved."

Councilman Wooten: "I'll second it."

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

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution has been tabled."

Resolution #1093

12/01/2009

Councilman Wooten: "Authorizes the supervisor to execute an agreement with Kenneth Demchak to satisfy an outstanding payment regarding a parking lot lease agreement. So moved.

Councilman Gabrielsen: "And seconded."

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

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

Resolution #1094

Councilman Gabrielsen: "Authorizes the supervisor to execute an agreement with County of Suffolk Office for the Aging (AAA transportation program). So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1095

Councilwoman Blass: "This is a municipal sponsor resolution for the economic recovery project. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Okay. Could I ask you to hold 1096 I guess we're on now and 1087, you want to come up, please, Rick.

On 1087, we notice it's Cedar Cove subdivision. Is that the same- "

Rick Hanley: "Coincidental."

Supervisor Cardinale: "It's not the same?"

Rick Hanley: "It's the same one. Yes."

12/01/2009

Supervisor Cardinale: "Okay, how- the question I guess is how do we set up a budget if we haven't yet made a decision on the lateral?"

Rick Hanley: "I didn't prepare this. This was done by I guess accounting."

It appears, Phil, that they're moving \$57,000 from a revenue account to the various expenditure accounts."

Supervisor Cardinale: "Right. And if they do that- "

Rick Hanley: "Maybe they're anticipating an approval tonight of that."

Supervisor Cardinale: "Well, they don't have it. They don't have a resolution for it."

Rick Hanley: "Right. I think you should probably table this."

Supervisor Cardinale: "Okay. That's what we'll do, and pass it next time if we go forward with the laterals. And if you were going to set up a budget, don't they need to give us the money for the issue of the- "

Rick Hanley: "For the fees, right."

Supervisor Cardinale: "Okay, thank you. So we're going to go back to 1087, would somebody move to table that, please?"

Councilwoman Blass: "Table resolution 1087."

Supervisor Cardinale: "1087, second Cedar Cove budget adjustment. Because we're not ready to adjust the budget until we make the decision on the underlying- "

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded for table. Please vote."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution has been tabled."

Supervisor Cardinale: "Now we're back to 1096."

Resolution #1096

12/01/2009

Councilman Dunleavy: "Transfer a maintenance mechanic II from the building and grounds division of the engineering department to the position of auto mechanic II in the municipal garage. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #1097

Councilman Wooten: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Article XXXIV multifamily residential professional office zone. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #1098

Councilman Gabrielsen: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Article XLVI destination retail center zoning use district. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1099

Councilwoman Blass: "I'm conflicted. So could someone else-- "

Councilman Gabrielsen: "I'll make a motion."

Diane Wilhelm: "I'm a little confused. Yeah."

Councilman Wooten: "You're confused; she's conflicted."

12/01/2009

Councilman Gabrielsen: "Okay, so 1099. Appoints temporary clerks to the tax receiver's office. So moved."

Diane Wilhelm: "What did you adopt right before 1099?"

Supervisor Cardinale: "1098. Authorizes the town clerk to publish and post public notice for the DRC."

Diane Wilhelm: "Okay."

Councilwoman Blass: "Yeah, but I can't read it."

Diane Wilhelm: "Go ahead. I'm sorry."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "So Councilman Gabrielsen offered it, seconded by Dunleavy. Vote please."

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

Resolution #1100

Councilman Dunleavy: "Authorize the supervisor to execute any and all necessary documents on behalf of the town of Riverhead for participation in the Suffolk County Downtown Revitalization Round 9 Program. So moved."

Councilman Wooten: "Second."

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

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

Resolution #1101

Councilman Wooten: "1101 is a general fund police budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #1102

Councilman Gabrielsen: "General fund sanitation department budget adjustment. So moved."

12/01/2009

Councilwoman Blass: "And seconded."

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

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

Resolution #1103

Councilwoman Blass: "2007 general fund budget modification. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1104

Councilman Dunleavy: "Justice Court petty cash. So moved."

Councilman Wooten: "Second."

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

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

Resolution #1105

Councilman Wooten: "1105 is a USDA grant budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #1106

Councilman Gabrielsen: "Authorizes execution and submission of grant application to Suffolk County for fiscal year 2010 community development block grant funds. So moved."

Councilwoman Blass: "And seconded."

12/01/2009

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

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

Supervisor Cardinale: "I'm on the board of one of the recipients."

Resolution #1107

Councilwoman Blass: "Authorizes acceptance of Empire State Development Downstate Regional blueprint grant for Calverton rail access. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1108

Councilman Dunleavy: "Authorizes professional services agreement for final audit of Calverton recreational facilities. So moved."

Councilman Wooten: "Second."

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

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

Resolution #1109

Councilman Wooten: "1109 is make a motion to pay the bills. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #1110

Diane Wilhelm: "Resolution 1110 which is off the floor."

12/01/2009

Councilman Wooten: "Who's next in line to read it?"

Councilman Dunleavy: "George is."

Councilman Gabrielsen: "1110. Authorize the town clerk to publish and post the attached notice to bidders for Calverton Enterprise Park rail spur rehabilitation pin # 093561 project. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1111

Councilwoman Blass: "Authorizes HDR to continue planning for the rail access rehabilitation project at the Enterprise Park at Calverton. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Building and trade? That's a tabled resolution. I don't know if- oh, yes, it's a resolution that was tabled last time, 1044. Okay, 1044."

Councilman Wooten: "I make a motion to untable Resolution 1044 which calls for and adopts a local law amending Chapter 108 zoning of the Riverhead town code. Move to untable."

Councilman Gabrielsen: "And seconded."

Supervisor Cardinale: "Moved and seconded to untable 1044. Vote please."

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

Diane Wilhelm: "Now a motion to- "

Councilman Wooten: "I make a motion for resolution 1044 to adopt a local law amending Chapter 108 entitled zoning of the

12/01/2009

Riverhead town code, 108-3 definitions building trade shop. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Supervisor Cardinale: "Okay. That concludes the business for resolutions. Is there any comment that anyone would like to make, please come up now."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. This is a potential safety issue. On the way here today, I was coming down I guess it's Osborne, the one that goes past the dump, and I got to 58 and the alarm went off and the ambulance came out and there was traffic stopped at 58 going south so he shot around on the northbound lane and proceeded to get out into the intersection and 58 was pretty busy and cars were continuing to go, you know, east on 58 and he just shot out at the last minute.

Isn't there a way to control that light?"

Councilman Wooten: "There will be."

Sal Mastropaolo: "Okay. All right."

Councilman Wooten: "That's part of the new highway visibility traffic (inaudible) devices."

Sal Mastropaolo: "Okay. Second safety issue. On the way home from golf today- "

Councilman Wooten: "Golf did you say?"

Sal Mastropaolo: "Yes. Golf, this morning. Going down Sound Avenue and one of our town vehicles blew a stop sign."

Councilman Wooten: "Did it have red lights on it?"

Sal Mastropaolo: "No. So I mean I think we need to send out a little notice that town vehicles are supposed to follow town law, traffic law, etc."

Councilman Dunleavy: "Did you get the number of- "

12/01/2009

Sal Mastropaolo: "No. I was going one way, he was going the other. I just noticed he blew it. Okay. So that way nobody gets blamed. It's just a general notice. Okay."

I was watching the work session on the budget and I noticed the accessory apartment review board came up again and there was money set aside for them. And I asked this question once before. I don't know if it was last year or sometime during the past year.

I mean how many accessory apartments do we have? Are we still reviewing applications? I mean I think the last time I asked I think we had half a dozen. So are we still budgeting money for the accessory apartment review board for the next year?"

Supervisor Cardinale: "The determination was to cut it in half but-- to have the-- they're going to look at it in January whether the town board should pick that up as a function since there are few applications, I think there is 18 or something."

But in order to do that, they have to amend the law which would take a few months. So we're-- the determination was to leave them in effect at half of the cost for the first quarter and then perhaps to pick up the function under the town board because there's just not that many."

Sal Mastropaolo: "Okay. Sign enforcement. I don't know the gentleman's name but is it possible to give him an internet ID like sign enforcer so that-- I mean I see all kinds of violations in the town, okay. I'd like to be able to just zip them off an internet-- an internet e-mail that says hey, you know, there's a couple of signs on this pole and this pole and this pole on the following roads."

Councilman Wooten: "Does he have an e-mail address for the town website?"

Sal Mastropaolo: "I don't know. I don't know his name so, you know-- "

Supervisor Cardinale: "Leroy, do you know how we can contact the sign inspector?"

Leroy Barnes: (Inaudible)

Sal Mastropaolo: "Yeah, but is it something easy to remember like you know sign enforcer? Info?"

Supervisor Cardinale: "And, also, the e-mails, not that they should be a mystery, the e-mails that we use are generally the last name of the individual-- "

12/01/2009

Sal Mastropaolo: "Yeah, but like I said, I don't know the name."

Supervisor Cardinale: "What's the guy's name?"

Leroy Barnes: "Anthony (inaudible)."

Supervisor Cardinale: "How do you spell Sherbel? S-C-H- "

Councilman Wooten: "You're better going to info and they'll direct it."

Sal Mastropaolo: "I'll do info. Okay, one last question. What is JAD?"

Supervisor Cardinale: "Juvenile Aid Bureau."

Sal Mastropaolo: "Okay. Because that came up in the budget. Okay, thank you."

Supervisor Cardinale: "Thank you. Any other comments please come up."

Dominique Mendez: "Hi, just two things. Dominique Mendez, Wading River.

One, I noticed I'm not surprised, it says- are you guys going to be hearing a special permit for the (inaudible)? I thought that the ZBA kind of (inaudible) their supposed proof of pre-existing non-conforming."

Supervisor Cardinale: "Yeah. We had a special permit in front of us, we already had the hearing and then it was referred to the ZBA onto the issue of what was the pre-existing use that we were expanding and that's where it is right now.

And what I think the ZBA actually said was that letter wasn't very good, try another. So we're- now I believe we're going to have a new issue- a newly issued letter and we'll take a look at that."

Dominique Mendez: "Oh, okay. That makes sense."

Supervisor Cardinale: "But it won't require necessarily a new hearing. Our hearing is complete. We are just mulling over now what action we can take and taking the advice of our legal counsel as regards to what we should do on that pending hearing.

12/01/2009

I think the last thing was that we were awaiting a newly requested letter as to the pre-existing use that is existing prior to the application.

Because you can't make an expansion decision unless you know what you're expanding."

Dominique Mendez: "Right. So that would help determine-- whatever that letter says would help determine what your decision is."

Supervisor Cardinale: "Right. And then the legal department as the building department now knows having gone through the ZBA and the legal, they'll then say how do you justify the letter. You know, what is the underpinning of the conclusions within the letter."

Dominique Mendez: "Right. Because that was at issue with the last letter."

Supervisor Cardinale: "Yes."

Dominique Mendez: "And the second thing is just a follow up since I've got you here. Was wondering (inaudible) the town attorney, what's the status of that Supreme Court case against Great Rock. I know it's been kind of-- you guys decided almost a couple of months now. It's been a little while."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "I have asked that they prioritize so that we can get it-- this is a stipulation violation so it's-- it shouldn't be that difficult to get it in front of a judge and say they signed a stipulation, we don't believe they're keeping their word, what do you think, judge? So that is what the town board voted to do."

Dominique Mendez: "Thank you."

Supervisor Cardinale: "Anybody else have a comment? If not, I thank you for coming and we will be here Thursday for a work session. Thank you."

Meeting adjourned: 3:33 p.m.