

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, January 16, 2001, at 7:00 p.m.

Present:

Robert Kozakiewicz,	Supervisor
James Lull,	Councilman
Christopher Kent,	Councilman
Edward Densieski,	Councilman
Philip Cardinale,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Kozakiewicz called the meeting to order at 7:00 p.m.

Supervisor Kozakiewicz: "Call tonight's Town Board meeting to order. Would you lead us in the Pledge of Allegiance, please? Gus, would you do that?"

(The Pledge of Allegiance was recited, led by Gus LoPorto.)

Gus LoPorto: "Thank you."

Supervisor Kozakiewicz: "Thank you. Would the Board join me down below for a Proclamation? Can all of you hear me? I don't need the mike. I ask the Labor/Management Committee to come forward. Those of you who watch Town Board meetings or have been at other Town Board meetings know that periodically we recognize employees who have shown that they've been able to go above and beyond the call of duty and are recognized on an annual basis as well as a quarterly basis.

It's a pleasure today to recognize an individual who has been with us 11 years and who works across the way at the Senior Nutrition Center. Is Andrea here? Andrea, would you come forward? Judy? Okay, who don't you do that?"

Maureen Fagan: "My name is Maureen Fagan. I'm part of the Labor/Management Committee. Along with my Committee here is Matt Hattoff, Jim Lull, Jack Hansen, Kerri Fenton, Diane Stuke, Barbara Grattan. Every quarter we chose an employee who is over and above in

what they do in their job. They're nominated by their Department Head or Supervisor.

Tonight we have Andrea who's worked for the town for 11 years. She started off as a home aide at part time, and she went to dial-a-ride full time. Two years ago, she became site manager. Not only is she getting this proclamation and being awarded the Employee of the Quarter, she is also now given a promotion of Senior Citizen Nutrition Manager. I'm going to hand the mike over to her- I'm going to hand the mike over to her Department Head, Judy Doll."

Judy Doll: "Congratulations is such a little word for such a wonderful person. We're very proud of her tonight."

Supervisor Kozakiewicz: "Andrea, on behalf of the Town Board and all the town employees, we just want to congratulate you and briefly recognize that she's been with us 11 years.

Whereas, Andrea Weber has spent the past 11 years as a valued employee in the capacity as a home aide, that was from '90 to '94; senior citizen Dial-a-Ride driver from '94 to '98; senior citizen aide and site manager for the senior citizen nutrition center from 1998 to 2000, and now as mentioned, promotion to senior citizen site manager.

She- it also points out that during her off hours she provides rides for senior citizens to BINGO and also does some grocery shopping and running errands for them. It's my pleasure to present this proclamation to you, Andrea. And, I don't know, do you want to ask your husband to come up and join you?"

Andrea Weber: "Thank you very much. It's a nice job. I love all the seniors and I have a good boss, good staff, good husband. I get him involved in lots of jobs for the seniors. He does a lot on the side helping them, too. So thank you very much."

Supervisor Kozakiewicz: "Congratulations."

Judy Doll: "Okay, not only does Andrea get the Proclamation, she also gets a \$100 savings bond and a day off with pay."

Supervisor Kozakiewicz: "Is there a motion to approve the minutes of January 2, 2001? It say 2000 on the agenda. 2001."

Councilman Densieski: "Motion to approve the minutes."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The minutes are approved."

Supervisor Kozakiewicz: "Reports, please."

REPORTS:

Scavenger Waste District	2000 Influent Gallonage Report
Tax Receiver	Annual report for utility collections, total collected \$2,538,463.11
	Utility collections report for December, 2000
	Tax collections \$23,078,673.31
Juvenile Aid Bureau	Monthly report for December
Riverhead IDA	Budget proposal
Animal Control	Statistics for 2000
Recreation Department	Statistics for 2000
Open Bid Reports	Grit and screen, opened on January 11 th at 11:00, 2 bids were received

Barbara Grattan: "That concludes Reports."

Supervisor Kozakiewicz: "Thank you, Barbara. Correspondence- I mean Applications. We have no Applications. Correspondence?"

CORRESPONDENCE:

Petition	60 names opposing the proposal to close off Fishel Avenue Extension
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Barbara Grattan: "That's it for Correspondence."

Supervisor Kozakiewicz: "Thank you. Any Committee reports?"

Councilman Kent: "Well, we do have a couple of resolutions on tonight that are coming out of the Rec Advisory Committee that Ed and I sit on. One of the resolutions actually- is just an addition of \$10,000 to move forward with the engineering and designs- design work for the specifications for the improvements to Stotzky Park. This is a full project that's going to include a skateboard park, a roller rink, and connection to the remainder of Stotzky Park with 51 additional parking spaces and some sidewalk improvements and restroom improvements. So we're adding just \$10,000 more for the engineering."

In addition, there's some money that's going to be approved for Grangible Park. I think- Ed, you might want to talk more about that or it's the pump house project."

Councilman Densieski: "Yeah, the pump house as you come into town on Peconic Avenue is going to be renovated into an open air gazebo with security lighting, with cedar shake roof and it's going to look nice. When you drive into town, it's going to be something that, hopefully, we'll all be proud of and that's going to be done through the Rec Committee."

Councilman Kent: "And these were approved unanimously by the Committee. There is a resolution on here for the bulkheading and the footbridge at Grangible Park but I don't believe that that was reviewed recently by the Rec Advisory Committee and I think- "

Supervisor Kozakiewicz: "Back in 1997 actually."

Councilman Kent: "And I think we need to discuss that further when we come up to that one."

Supervisor Kozakiewicz: "Before we go to the first public hearing, is Joan Griffin in the audience? I know she wanted to do a little presentation with Chief Grattan. Chief? And then we'll go to the first public hearing."

Joan Griffin: "Chief Grattan and I met last week and talked in the hallway for a couple of seconds while I was busy paying my taxes and I asked him what to do with old cell phones and he thought I was going to ask him what he did with the cell phones in driving now. He answered my question and the old cell phones can be donated to the

police department for the domestic violence program. This is a program for E911. The police take the phones, refurbish them, and distribute them to spouses that are being abused, whether male or female. This happens all the time. It's a great cause and we have set up at Calverton Deli on Middle Country Road just east of Edwards Avenue, to be a drop off point for these phones. We will pick them up and bring them to the police department for you.

So if you have any old cell phones, please bring them down to Calverton Deli or the police department and they will be glad to take them and refurbish and distribute them. We have seven phones here for you tonight."

Chief Grattan: "Thank you."

Joan Griffin: "Okay. And also Wading River Civic Association is getting on the bandwagon with us to collect these phones. So once again I want to thank our membership that at the last minute we called them and they were able to scrounge up seven phones and start this project rolling. Thank you very much."

Chief Grattan: "Thank you, Joan and thanks to the Calverton Civic Association. Domestic violence is something that always existed, probably from the beginning of time and fortunately in the past few years it has come to the forefront and we are doing everything we can to put an end to it, at least lend a help to the people who need it. And this will be a fine addition. Thank you very much, Joan."

Supervisor Kozakiewicz: "Before the Chief leaves, we probably should give him a round of applause. I understand he has completed 38 years of service with the Riverhead Town Police Department today.

The time of 7:15 having arrived. Time to call our first public hearing."

Public Hearing opened: 7:15 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on January 16, 2001, at 7:05 p.m. regarding the consideration of an application for special permits by Riverhead Centre, LLC."

Supervisor Kozakiewicz: "While the representatives of Riverhead

Centre, LLC are stepping forward, I know many of you said, gee, we've seen this particular thing many times before, what's going on, when is it going to finally conclude? There was a decision October 18th from the court which had found that the town's failure to have witnesses sworn in at the prior hearing concerning the special permits as well as our failure to adhere to our code, 108-6 Subsection 3, regarding complete site plans was such that the case had to be returned to us for further proceedings.

So, that being the case, I think I will at this point ask the Town Attorney to swear in the witnesses who are going to give testimony today. That's what I thought to save time."

Dawn Thomas: "I think maybe just state your name separately for the record and then we'll do a group- "

Charles Cuddy: "Charles R. Cuddy."

Dennis R. Mincieli: "Dennis R. Mincieli."

Barbara Grattan: "How do you spell that?"

Dennis R. Mincieli: "M-I-N-C-I-E-L-I."

Patrick Smith: "Patrick Smith."

Barbara Grattan: "Would you spell- oh, sorry."

Richard G. Leland: "Richard G. Leland."

Dawn Thomas: "Would everyone raise your right hand, please? 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?"

(Collective response): "Yes."

Charles R. Cuddy: "Good evening. My name is Charles Cuddy. I represent Riverhead Centre. For the few who may not know, this is the site that's at the north side of Route 58 and the east side of Mill Road that consists of 49.7 acres which this Town Board has zoned as 13.3 acres Industrial A; 36.4 acres Business B.

The application tonight is for a special permit in two parts. One, to have the area coverage, the building coverage increased from 15% to 16.32% and the second is to have the Board adopt the definition

from the town code for lumberyard so that the Home Depot may come to the Industrial A zone site.

This Board and probably this audience has heard this application a number of times. I would say to you that as far as the increase in coverage, the Board is aware and they have previously testified that our coverage certainly is in line with the coverage of such sites as TJ Maxx which is in excess of 17%; the Peconic Plaza which is in excess of 17%; both of those are Business B as is the WalMart new building that's being worked on presently which is not only in excess of 17% but this Board approved by Resolution of March 8th, 2000 an increase to 22.4%. And I'm going to ask that this be accepted- a copy of your Resolution of that date as part of the record.

The Industrial A situation is based on the definition of the Town Code and the Town Code says that the lumberyard is a premises where building materials are offered for sale. That's precisely what Home Depot does. We're going to have testimony concerning the types of building materials. We are also going to point out to this Board that in addition to the lumberyard definition, that part of our application is to have an accessory use garden center and that we believe and we will have testimony that will show that this is both customary and incidental to the Home Depot use.

This application has been studied, re-studied. It has certainly passed all of the environmental examinations that could possibly be pushed upon or imposed upon an applicant. The Planning Board has time and again approved the application. It did so as recently as December 21, 2000, just a few weeks ago. As part of the approval process from the Planning Board, that is the recommendation to adopt our application.

The Planning Board went through the various findings that are necessary to be made by this Board and adopted those findings and I would point out to you that as part of it and I ask that that application be made part of this record, not only the application, excuse me, but the Resolution be made part of this record. They pointed out that the site was suitable, that it was sufficient for the use, that the access facilities for traffic had been examined and were satisfactory, that the parking was satisfactory, that the municipal sewer line was going to be at the site, that we had water at the site, that there were adequate buffer yards and landscape areas.

We submit to you that in accordance with the necessary findings, there is no adverse effect upon the community, there is no adverse

effect upon the health, safety, welfare, comfort or convenience and that this application as submitted which has annexed to it certified plans, site plans, and that is more than is now actually required under the Town Code. But it's there, certified, signed and sealed. That the application meets all of the requirements.

I would like to have testify further, Dennis Mincieli who was sworn in. He's a planner and he's going to testify in connection with the garden center at the Home Depot."

Richard Leland: "Before Mr. Mincieli testifies- Richard Leland. I want to clarify although I think the Board is aware of this, the request for an increase in lot coverage is only with respect to that portion of the Riverhead Centre site which is zoned Business B. There is no request for any increase in lot coverage with respect to the Industrial A portion. I know that's in the application but for the completion- completeness of this record I thought that ought to be pointed out to the Board and to the public."

Dennis Mincieli: "Good evening. My name is Dennis Mincieli and as Mr. Cuddy has said to you, I'm here to describe to you why the garden center is a customary and incidental use to the Home Depot.

First, I'd like to give you a little background into who I am and my firm. I'm a Vice-President with Allen, King, Rosenman and Fleming (phonetic). We're a planning and environmental consultant firm headquartered in New York City. We have offices in White Plains, New York, Buffalo, New York, and in Smithtown on Middle Country Road. I'm in charge of the firm's socio-economic work and one of our fields of specialization is in economic analysis. We do market studies, feasibility studies, economic and fiscal projections, and economic impact analysis. About 50% of our work is done for public sector agencies like yourself. For example, we prepared very recently the local waterfront revitalization plan for the Town of Southold. We've done the harbor management plan for the Village of Greenport as well as environmental studies for the Calverton Naval base and planning studies for the Town of Southampton.

We've also worked in Nassau County for the Nassau County Department of Commerce and Industry on the Grumman Aerospace site, we did a reuse plan there and we're working in the Village of Freeport doing a redevelopment plan for a five acre parcel on their Nautical Mile. We work for large agencies, the Port Authority. We're an on call economic consultant for the Port Authority of New York and New Jersey, and we have a long standing relationship with New York State-

Empire State Development Corporation.

We also do work for the private sector. We work for shopping center developers and for retail chains, including Home Depot. Some of you may have heard of our firm and know our work in Riverhead on the Tanger project. We did an economic impact study for Tanger II which this Town Board reviewed in August of 1996 and we're also working for another large shopping center developer, the Talman Company (phonetic) in the Town of Oyster Bay.

For Home Depot, we've provided a number of economic and environmental and engineering services on 17 of their sites in the northeast including Patchogue and Valley Stream in Long Island; in New York City as well as several communities in Westchester County, New Rochelle, New York; Port Chester, New York; Mount Pleasant as well as sites in New Jersey- Englewood, New Jersey; Milford, Pennsylvania; Waterbury, Connecticut; and Rochester, New Hampshire. So we've done quite a bit of work for them.

I myself have personally directed several of the economic impacts for some of those Home Depot sites. I've had an opportunity to work directly with Home Depot managers in Atlanta over the past couple of years so I've had the opportunity to have access to operational statistics and information that are not typically available to the general public or to investors or to many other consultants. And so I've developed a fairly comprehensive understanding of their operations.

In this particular case, we've been retained by Riverhead Centre to prepare an analysis of the garden center for this proposed Home Depot on Route 58 and to provide some comparisons of its principal competitor, Lowe's, to demonstrate that a garden center is an accessory use that is customary and incidental to the operation that you've previously permitted and that's a lumberyard.

The project before you is a Home Depot of about 118,000 square feet and a garden center, uncovered garden center, of about 18,000 square feet, for a total size of about 136,000 square feet.

So let's talk a bit about why this garden center is customary to Home Depot. I have a few statistics that I'd like to give you that I think would help explain this for you. Home Depot currently operates 1,004 stores in the United States. Every one of those stores, every one of the 1,004 stores has a garden center attached to it. The same is true for its competitor Lowe's. They operate 576 stores in the

United States. Every one of their stores has a garden center attached to it. So the fact that the project proposed here in Riverhead is no different than any other Home Depot in the United States nor any other Lowe's in the United States, I think strongly indicates that garden centers are customary- a customary use to these types of stores.

Second, let's look at the plan for the proposed Home Depot and see if the garden center is customary to that plan. Home Depot has a few different prototypical stores that they build throughout the United States. This particular store is called a type 5 store. Type 5 stores range from about 116,000 square feet to 118,00 square feet and the garden centers attached to those stores typically range from 15,000 square feet to an 18,000 square foot footprint. So, again, as I previously mentioned, the store proposed for Riverhead is precisely the same type of store that's built by Home Depot throughout the United States.

Now to the question as to whether or not the garden center is incidental to the operation of Home Depot and how do we define incidental. I suggest to you that you can define the incidental nature of the garden center in terms of the goods that are sold in the garden center and the sales volume in the garden center. I'm going to address both of those points here tonight.

The garden center sells a mix of products that complements the products sold in the main store and the sales volume represents quite a small percentage of the total sales volume in the store. The typical Home Depot carries between 40,000 and 50,000 different items what they call stock keeping units and they are divided among 11 departments in Home Depot including lumber, building materials, walls and floors, paint, hardware, plumbing, electric, kitchens, millwork, decorating and the garden center.

The types of goods sold in the garden center vary by region but items typically include products that support the store's principal function as a lumberyard for do it yourself home improvement. The typical product mix in a garden center will include building materials such as decorative stone; power equipment such as chain saws; tools such as shovels and trowels; watering supplies such as flexible hoses, and hand trucks and dollies that help people move lumber and building materials around as well as the power equipment.

The garden center carries other products as well. They carry a variety of home accessories such as gas grills and outdoor cooking equipment, fireplace and hearth accessories, swimming pools supplies

such as chemicals; pet supplies and animal care products such as pet food and bird seed; landscaping supplies such as fertilizers, potteries and planters; and finally live plant material that is commonly found in nurseries, decorative plants, annuals, perennials.

The garden center is also used sometimes to provide extra storage for lumber for the main store. So while the mix is quite varied, it is pretty clear that what the garden center sells contains a mix of goods that complements the lumber and building materials that are sold for the do it yourselfers doing their own home improvements.

Let's talk now about the volume of goods sold, the sales there that occur in the garden center and I think that this might be the clearest way to define what is the incidental nature of this use. Taken as a whole, the garden center accounts for no more than 10% of the total sales in Home Depot nationwide- 10% nationwide. I asked Home Depot, the Atlanta office, to give me some statistics for their Long Island stores. And there are 13 stores on Long Island, seven of them here in Suffolk County, and here are the results. Garden centers in Home Depot's Long Island stores account for only 3% of the total sales, not 10%; 3%.

In addition, 78% of the sales in the garden center are for hard goods, not live plant material but for hard goods. That's for the building materials, the decorative blocks, the power equipment, the landscaping supplies. So less than a quarter of the sales in the Long Island Home Depot's are for live plants. As a portion of the total sales of Home Depot, live plant materials count for less than 1% of the sales in their Long Island stores and I think that that is a good example of why the garden center is really incidental to the overall use of Home Depot.

So in summary and conclusion first, based on the fact that all Home Depots in the United States have garden centers attached to the main stores as well as their competitor Lowe's, I think it's pretty clear that garden centers could be considered a customary use.

Second, based on the fact that the sales volume in the garden center at Home Depot is typically only 3% of total sales in their Long Island sales, I think that garden centers could be considered incidental to that use and, third, because of the mix of products that are sold in the garden center in conjunction with the products sold in the main store, they are supportive, that is, that's what I mean by that, I think that the garden center could also be considered an accessory use to the main store. Thank you."

Supervisor Kozakiewicz: "Thank you."

Charles Cuddy: "I would ask also Pat Smith who is from Home Depot to briefly testify. Thank you."

Patrick Smith: "Good evening, Mr. Supervisor, Council members. My name is Pat Smith. I am an associate with Home Depot in our northeast regional sales office. I'm here to reconfirm Home Depot's commitment to Riverhead and to Riverhead Centre and also to confirm Dennis' statements.

As most of you know who shop in the Home Depot stores, Home Depot is a mix of lumber, building materials, tools, hardware and garden supplies, and the tools and building materials associated with garden supplies. That's all I have to say. I'm here to answer any questions if anyone has any. Thank you."

Supervisor Kozakiewicz: "Thank you."

Charles Cuddy: "Just a procedural point, Mr. Supervisor. I would like to have the prior testimony which I have sworn to tonight but also have swearing to that testimony from the prior hearing incorporated by reference in this hearing."

Supervisor Kozakiewicz: "You want to- unless there's objection from anybody, I don't see any reason why- are you going to swear to what you previously testified to?"

Charles Cuddy: "I swear to that testimony and ask that it be incorporated- "

Supervisor Kozakiewicz: "Last February meeting- "

Charles Cuddy: "That's right."

Supervisor Kozakiewicz: "-- I think that was- was that long ago."

Charles Cuddy: "That's correct."

Supervisor Kozakiewicz: "All right. Is there anybody else who would like to address the Board with regard to this particular public hearing? Mr. Ciarelli. Mr. Ciarelli, we need to have you sworn. Dawn?"

Dawn Thomas: "Oh, I'm sorry. Mr. Ciarelli, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

John Ciarelli: "I do. Mr. Supervisor, members of the Town Board, my name is John Ciarelli from the firm of Ciarelli and Dempsey. We represent citizens of the Town of Riverhead that are objecting to this special permit and the intensification of the use on the site--"

Supervisor Kozakiewicz: "Excuse me. I know I heard a few- it wasn't very loud, but if you could, please let the speaker speak without any interruption. It will help the proceedings move along. Thank you for your cooperation."

John Ciarelli: "Thank you. They are Eileen Miller who resides across the street on Mill Road, North Fork Environmental Council, Griffing Hardware, Revco Electric and Paints Plus. These are long standing, long term businesses and citizens of the Town of Riverhead.

We have- object to the proposal for the following reasons. The first reason is that a lot has changed on the developmental landscape since the last time that you looked at this project from an environmental point of view. There is a proposed Target shopping center. A Serota project if you will that's been publicized in the paper that is seeking a 25% intensification of its retail use. There is the Lowe's or Headriver application that was referred to by the applicant which is a similar use as the Home Depot. There is the Applebee's Restaurant that is already up and running on Route 58. There is the I think under construction or almost completed Tanger expansion that has been developed since the last time that this project was looked at from an environmental point of view in April of 1999, and there's also the proposed movie theater at the- as part of the Tanger III shopping center I believe which is in the development stage or proposal stage which obviously has an effect on traffic patterns and needs to be considered.

These are external factors which we believe require another look at the environmental consequences of this development in and of itself and also the proposed intensification. There are also internal- reasons internal to the project, changes that have occurred since April of 1999. They're- apparently from newspaper reports, there was no theater. When we were last looking at this project, when you were last looking at it, you had traffic patterns that were essentially based on overlap or non-overlap of peak uses that were related to the theater. That has changed. I don't think the proposal as presently

before you shows a theater use that changes traffic flow both inside and outside the site. We believe that this requires another environmental look.

We also believe that the changes in the developmental landscape require- have an impact on the adjacent wetlands. The expansion of Riverhead Landing, the current Riverhead Centre project and the other projects that I've mentioned, in particular the Tanger- well not- the Serota project which is a short distance down the road, all of these are going to create intensifications and would have an impact on the adjacent wetlands that warrant further look.

Essentially it's been our consistent position in this case that the intensification of this project and the nature of the project has resulted in Town Board actions that have apparently given this project preferential treatment. The code of the Town of Riverhead- "

Supervisor Kozakiewicz: "Excuse me, please."

John Ciarelli: "The code of the Town of Riverhead has been changed five times to accommodate the projects and I think that if other projects have to abide by the Town Code, so must this project. And if other projects need to update their environmental impact statements as we're reading in the papers because of changes in the development landscape over the last couple of years, then so must this project.

The second basic objection, and this is one that has also been outlined by the Suffolk County Planning Commission in its recent and again memorandum to the Town Board disapproving the project and urging that it not be approved, is that it represents an unjustified and unnecessary over-intensification of the site. Now I understand and the nuance that is essentially created by the fact that the Home Depot property is on industrially zoned property, but we- our clients look at this project as a shopping center and I think it is a shopping center. I don't think that anybody would disagree that fundamentally this is a shopping center. And it's a shopping center of primarily retail uses. In fact, Home Depot in its- on its website, considers itself the world's largest home improvement retailer. They are essentially a retail use. And as a retail shopping center, it is increasing 23% above the 15% lot coverage that is mandated by the code if you consider it a shopping center.

Now the zoning of part of the property as industrial use doesn't change the fact that it's a shopping center. So when you consider the

intensification of this use, I urge you to consider it not as a 1.3% over the 15% required as I think the application is something like 16.3%, but it actually is asking for an intensification up to almost 23%.

And it's not justified for a couple of reasons. One, economically. We haven't heard any economic justification that supports the proposition that the developer of this shopping center can't make a reasonable return from the development of this shopping center at 325,000 square feet as opposed to 395,000 square feet.

Now, we're not saying that the developer should, you know, should make less of a return on his property. All we're saying is that he should make- that if the code allows the developer to make a reasonable return and if the developer has not show that he cannot make a reasonable return within the limits of the code, then there's no reason to increase the intensification of the site at the expense of the environment and at the expense of other adverse impacts on the town.

It- as I understand- as we understand the current plan, there being no specific theater tenant identified, no specific supermarket tenant identified for the spaces, there is no specific tenant identified for approximately 189,000 square feet out of the total project of 395,000 square feet. And that suggests- and I urge you to consider that, as an indication that the town really doesn't need 395,000 square feet. It would be- it could accomplish the economic and social objectives of the town to build a 325,000 square foot shopping center which would accommodate all reasonable uses and would not have an adverse impact, particularly on the downtown business district. And that was also an item that was identified by the Suffolk County Planning Commission as an adverse impact of this project. That it would have an adverse impact on the downtown shopping district.

According to your change of zone conditions, the Riverhead Centre is allowed- this is not just big stores like Home Depot and Circuit City, etc., etc. That Riverhead Centre is allowed to have according to the conditions of the change of zone, 11 small stores that- of 3,500 square feet within the parameters of that change of zone. And those 11 small stores we believe will adversely impact the downtown shopping district.

We think that the increased development is unwarranted and sets an improper precedent and that is also an observation of the Suffolk

County Planning Commission. We've already seen in the newspapers at least a developer by the name of Serota come in for 25- intending to ask for 25% intensification. There is no way that I think responsibly and legally and fairly, that this Board is going to say to subsequent property owners they can't have an intensification if they've given an intensification with no justification either economically or socially in this case.

We think that- we think the garden center is a problem from the point of view of the code. I think that- I don't think there's any question and I've been to many Home Depots, that a garden center is part of the Home Depot presentation, part of the Home Depot store. And while a garden center may be customary and incidental to the Home Depot retail store, it is not customary and incidental to your definition of what a lumberyard is in the Town code which is more like you might see at 84 Lumber of Nassau-Suffolk Lumber or even Riverhead Building Supply.

So I think that a problem exists with respect to what a garden center is, whether it's properly defined in the code, and whether it is a permitted use. I ask you to look at the code. It is our contention that the garden center is not a permitted accessory use under the provisions of the code in an industrial area. If this was a retail shopping center as it really looks like from the casual, you know, from the outside observer, then it might be a different story. But we're talking about industrial property and a lumberyard is permitted on industrial property and while it is- and there is no definition in the Town code of a garden center, a greenhouse, or any similar type of use that would make it permitted on industrial property. And I believe that for that reason this Board, this application- not that I want to come here again, believe me, but this application is premature and can't be considered with the garden center as an accessory use.

Again, Home Depot is America's- the world's largest home improvement retailer. It's not a- it's not a lumberyard and if it wants a garden center it needs to be identified as a retailer and it needs to be on Business B property, not on Industrial property.

Our clients believe that the positioning of the Home Depot as proposed would have an adverse impact on the residential property across Mill Road; that this- that the Home Depot should be located on the northeast corner of the site. I believe it's the northeast corner of the site or at least on the opposite side of the property away from Mill Road. Home Depot is a high intensity use. Some of them operate

24 hours a day. I don't know- nobody knows what- how long this Home Depot will operate. I'm talking about in terms of daytime hours.

It has significant trucking activity, not only for deliveries but also for customers. Customers, I'm sure they attract a significant number of small and even large contractors who are going to drive there and pick up trucks and other kinds of trucks. So, it has an intensification that you should recognize and you should insist that if this project is approved in any form, that the Home Depot be located away from the residential area and away from Mill Road.

I think the proximity of the Home Depot to the residential areas makes it difficult for you to find that the applicant has satisfied those provisions of the code that are in 108-3 under the special exception criteria.

The Suffolk County Planning Commission has noticed and also based its disapproval on the fact that a master plan has not been completely developed for the Town of Riverhead. And this master plan might- will probably be consistent with what I think is your vision of the development of the Town of Riverhead for, at least along Route 58, for commercial shopping center use. And that is inconsistent with both the location of an industrial piece of property- creating an industrial piece of property in the middle of this commercial shopping center use and also with an ad hoc intensification of shopping center uses as they're proposed along Route 58.

Finally, I think that certainly this project and other projects that are going to be proposed along Route 58 have a very desirable potential for generating tax revenue. I think that- I urge you not to look at the benefits of short term tax revenue at the expense of long term adverse consequences. If you- if this Board approves aq 325,000 square foot shopping center, it will be consistent with the code. It would generate significant tax revenue. It would have all of the uses that the citizens of Riverhead think they want in this particular shopping center. And it would have the development- and it would create a development of this site without adverse precedent that you have to live with for developers down the road, without the increased traffic congestion and adverse impact on the environment that it's going to create, and it's going to send a message to the property owners that they will be treated consistently and they will be treated according to the code of the Town of Riverhead.

Thank you very much."

Supervisor Kozakiewicz: "Thank you. I have- just a couple questions, just so I'm clear on the record. You point out that there were five code changes. I assume one was the PDD legislation. Is that correct?"

John Ciarelli: "Yes."

Supervisor Kozakiewicz: "And more recently maybe the change to 108-3 which was to amend- to remove the necessity of a complete site plan?"

John Ciarelli: "Yes."

Supervisor Kozakiewicz: "That was not certainly done for any particular applicant. There were a number of individuals who were caught in that particular (inaudible). As a matter of fact, there is one individual sitting here tonight who has been around since February, so- Mr. Davis, who is caught in it as well as a number of other applications, so that was certainly not done for any one particular application."

John Ciarelli: "There was also the parking overlap that was changed to accommodate the fact that the theater hours were going to overlap with some of the other proposed uses on the site. There was a change to the code which limited the number of uses to accommodate the fact that banks and restaurants and other uses were proposed to go into this particular site. There was also the change to include an industrial zone at the request- we understand-- at the request of Home Depot because they wanted to be on industrially zoned property even though they are the world's largest home improvement retailer."

Supervisor Kozakiewicz: "And I have a couple questions with respect to that. I know there's an application just up the street, Lowe's- "

John Ciarelli: "Yes."

Supervisor Kozakiewicz: "-- which is coming in under a similar application. Your clients are also opposed to that use in light of the fact that that's coming in as a lumberyard in an industrial zone?"

John Ciarelli: "Our clients- I know that the NFEC has spoken against it. I have- I don't think their opposition in this particular case is to the nature of the Home Depot use as a lumberyard itself. I think their opposition in this particular case is to the fact that the

project is 23% in excess of what the code requires and they have been on Old Country Road in Westbury and they have been on Jericho Turnpike and Route 347 near the Smithaven Mall and in other places where they have seen the consequences of over-intensification of use and they don't want that to happen in the Town of Riverhead.

So if that- if Lowe's comes in here or Headriver comes in here and seeks 25% or 23% additional intensification, then I assume that they would make the same kinds of objections. These people are- have been criticized as being anti-competitive. They are people that have invested a lot of blood, sweat and tears in the Town of Riverhead; have been residents of this town and contributors to this community for a long time and they don't need to be criticized as being anti-competitive."

Supervisor Kozakiewicz: "I'm not saying that. I'm- excuse me, excuse me, please. I'm not saying that- if I heard your previous comments, you had raised a number of reasons why the application should be denied- change in circumstances, change in the project and the fact that it's not a lumberyard, therefore it's not entitled to a special permit under the Industrial A zoning. That was, I think, what you stated."

John Ciarelli: "No. We're saying that- "

Councilman Kent: "Percentage of coverage."

John Ciarelli: "I think that it is a retail use. I think- this is a shopping center, Mr. Supervisor, and Home Depot is a retail- in some places it defines itself as a retail use. In some places it defines itself as a lumberyard. It takes whatever it can from the zoning laws in each particular jurisdiction that it goes into. And that's fine. I mean, I think that's the American way. That's not a problem. Our problem is associated- our problem is directed to the, I think, the reality that this is a retail shopping center and creating an industrial portion of the retail shopping center does not take away from the fact that this shopping center is getting a 23% more yield or intensification of use if you will, than a shopping center would under the code if it complied with the 15% lot coverage under the code.

It really doesn't have anything to do with it being a lumberyard or not a lumberyard. This is a shopping center. It's a Business B shopping center. If it's the direction of the Town Board to zone Route 58 Business B for shopping centers, then that's all well and good. And then it's the obligation of this Town Board to consider

this as a 23% intensification and not a 1.3% intensification. That's what we're saying."

Supervisor Kozakiewicz: "But I think your argument is missing the point. If we accept what your clients are asserting to us, that Home Depot is not a lumberyard, then we really need to revisit what we are doing with Lowe's because that application is being treated as a lumberyard in an Industrial A zoning district, and if, in fact, it's a retail use. Because the use as I understand it from watching the commercials and seeing what goes on in both of these particular enterprises are not that dis-alike. I mean, they're very similar. So what we need to do is reconsider that application, whether there should be a change of zone and whether they're exceeding the 15% lot coverage. You're disagreeing with that point?"

Joan Ciarelli: "I don't-- I'm not in a position to- "

Supervisor Kozakiewicz: "Sorry. Please."

Councilman Kent: "I don't think he's representing Lowe's here or anybody- "

Supervisor Kozakiewicz: "I'm just trying to understand, just so we're consistent, if that's the position. Because then we're going to have to treat it accordingly if that's in fact, the way it should be treated."

Joan Ciarelli: "I think that you should- yes, I think that you should consider the fact that this is a retail- that Home Depot is a retail use and it's not permitted on industrial property and this is a shopping center and it's getting a 23% intensification. And what you do with other applications is your responsibility and it's your business. I have a responsibility to represent my clients- "

Supervisor Kozakiewicz: "That's why I'm asking the question, because you are bringing out a point that your petitioners are raising, that you're representing your clients. Obviously I know that they have asked you to raise this point. You have researched the issue and you're here arguing it, that it's not a lumberyard, it's a retail use."

That being the case, then I think we have to take a step back and look at other applications if they are similar and consider whether they are going past the 15% rule, whether, in fact, they're a retail lumberyard or not and whether they're a retail use. I'm just trying

to- just further- "

Joan Ciarelli: "You know, look. Our position has been consistent throughout this proposal, that everybody- every property owner in the Town of Riverhead should be treated fairly and equally under the same laws- "

Supervisor Kozakiewicz: "My point."

John Ciarelli: "-- so that they know what the law is before they come into this Town with a proposal. If I were a property owner along Route 58, I would want to know what I could get from my property, how I could use it without undergoing some sort of an ad hoc process and without having to have the code changed four or five times to help me along. And I think everybody should be treated equally. And I think it's your responsibility to do that. I don't have any question about that."

Supervisor Kozakiewicz: "I have a couple of cards from people who want to come up. Is it possible for me to have the other people come up first, Richard? All right. Tom Bozza? Tom Bozza, you had- so you're going to relinquish- I want to keep things moving along. I'd like- there's going to be other comments and that's what I probably have a chance to rebut thereafter. So, Tom, if you could come forward and have you sworn? Thank you."

Tom Bozza: "My name is Tom Bozza. I live in Glenwood Village. Do you want to swear me in?"

Dawn Thomas: "Yes."

Tom Bozza: "Okay."

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

Tom Bozza: "I do. My name is Tom Bozza. I live in Glenwood Village. I'm the president of the Mobile Homeowners Association. I am not a lawyer and I'm glad that I'm not. But I think I know what the will of the people--"

Supervisor Kozakiewicz: "Hold it, hold it, hold it."

Tom Bozza: "I'm sorry. I think I know what the will of the

people means and I think I know what common decency means. We haven't seen it. We listened to Bob Gianos. He presented his case in a forthright manner. We heard him speak at Board of Education meetings; we heard him speak at Glenwood Village. He has answered our questions, the opposition has not. I don't want- I'm not here to praise or condemn anybody but I do know that we are 100% in favor of what they're doing at the Riverhead Centre and I'm glad to see such a big turnout from Glenwood Village and people of the MHOA. Thank you."

Supervisor Kozakiewicz: "Mr. Leland. I'm going to ask you if you can hold your applause, too, because I think it's going to be a long evening. I really do, so if we can keep things moving along, if you bear with me, bear with us."

Richard Leland: "Richard Leland again for the Riverhead Centre. With all respect to my predecessor, I am a lawyer and I'm proud of it. I just wanted to briefly- "

Tom Bozza (From the audience - inaudible)

Richard Leland: "I know. I just want to talk briefly about a few of the things that were just said by Mr. Ciarelli. First of all, with respect to SEQRA. Justice Dunne in his October 18th decision determined that the SEQRA review that was done of this project which consisted of a full environmental impact statement in 1996, a scope-fully publicly scoped supplemental environmental impact statement in 1999, and fully detailed SEQRA findings made by this Board were proper and that challenges made to the special permit on the grounds of SEQRA at that time were without merit, and that twice Justice Dunne so ruled both in the October 18th case and the prior case in July.

With respect to proposed Target projects, a proposed Lowe's project and even a change in the proposed Serota project, those projects are coming along after Riverhead Centre. The impacts that those projects generate are the responsibility of those developers. Not the responsibility of Riverhead Center. If there's an- but Mr. Ciarelli points to nothing that's in the pipeline that will be here when Riverhead Centre is up that wasn't already studied with respect to traffic.

He also made a reference with respect to that the fact that there's no theater tenant at the moment with a signed lease. The application we have before you tonight is for a special permit for a specific site plan. It includes a theater. We will also be- we also have a site plan pending before the Town. If, as and when there is a

change in what we want to build, we're going to have to come back. So we are asking- you have studied, the Town has studied and approved that for which we are seeking approval at this point.

Let's talk about preferential treatment and ad hockery. You recently amended the code to allow that a site plan- that you could bring on a special permit application with a conceptual site plan. That is not what you have before you today. You have before you today a special permit application with a fully engineered, sealed and certified site plan. So that is not a change in the code for the benefit of Riverhead Centre. Nor is it a change in the code of which Riverhead Centre has availed itself. Riverhead Centre has presented you with what was required under the code as per Mr. Justice Dunne's ruling.

Now let's talk about Home Depot as a retail use rather than a lumberyard. Let's go back to Mr. Justice Dunne. This Board found that- this Board found last spring that under the definition in the Town code, the Home Depot, which is a store that sells building materials, is a lumberyard. That was your finding when you passed the special permit the last time. Mr. Justice Dunne in his opinion in October- of October 18th, upheld that finding on your part, upheld the finding that it was a lumberyard and, therefore, there was a propriety to granting that special permit, that's a special permit that is permitted under the code. That is not ad hockery.

That is a code that existed long before Riverhead Centre. Sometimes I wonder whether anything existed existed long before Riverhead Centre. But that is a provision of your code. A lumberyard as a special permit use in an industrial area, long before we were here. Riverhead Building Supply availed itself of it. They were entitled to. We fought them on it, they won.

Let's talk about the request to show the economic justification for the increase in the lot coverage on the Business B portion, which is not anywhere near 20%. I'm not real good at math; I have a fuzzy math problem. But if you go from 15% lot coverage to 16.32% lot coverage on the Business B portion, that is not a 20% increase. And if you're taking an industrial portion where the Home Depot is where the permitted coverage is 40% and using far less than that, that is not intensification. Moreover- "

Councilman Kent: "I think his argument though- to stop you right there- I think his argument was that if you viewed this as a shopping center and you viewed a shopping center only being allowed in

a Business B district which would allow 15% coverage, and you took the total square foot coverage by this improvement, by this proposed improvement to the site, you would have greater than 15% coverage to the tune of approximately 25%."

Richard Leland: "You're saying if you- "

Councilman Kent: "That was his argument- if you assume that it is one shopping center on one 50 acre plus or minus site, it would not allow 395,000 square feet. That was his argument, whether it's accepted or not I'd like- that's what he was stating."

Richard Leland: "I see but there's an assumption there though that you haven't already zoned the Industrial A portion Industrial A, which you have and that has been the subject of litigation in which the Town Board was upheld, there's an appeal pending, not yet perfected. However, this Board has already ruled that that's an Industrial A lot. And, therefore, you have- in connection with this application unless you feel the need to reverse yourself on your prior zoning determination, you've got to deal with the zoning the way it is in connection with the special permit application."

But the other argument that was made was that we need to show an economic justification for the increase in lot coverage. And I submit that Mr. Ciarelli has the wrong legal standard. Were we seeking a variance, we'd have to make an economic justification; we'd have to determine that we couldn't earn- that we had hardship as a result of not having this change. We don't even have to show economic proof on that kind of variance because that is an area variance, not a use variance.

However, this is a special permit. Your code and the law of the State of New York say if you meet the criteria, you get the special permit. There is no economic criteria in your code as to how one shows entitlement to that special permit.

Let me go back to preferential treatment. We're not using parking overlap here. We're using landbanking. So any change in the code with respect to parking overlap doesn't affect this site.

I think we've made the showing, we've made the showing with respect to SEQRA, we've made the showing with respect to the special permit. This Board has already found several times that we've met the criteria. I don't think there's anything new here. I think we've met the procedural requirements and we would respectfully request that the

application be granted in all respects."

Supervisor Kozakiewicz: "You have a question? There's some questions."

Councilman Kent: "Yes, I just have a question on the last issue about the parking. If no theater use does- if no tenant comes in with a theater use, are you going to come back with parking based on whatever uses you do propose in lieu of a theater?"

Richard Leland: "We have to for site plan purposes."

Councilman Kent: "Okay. Because I know part of this- part of the past approvals was based on peak and off peak parking based on theater use peaks which are at night whereas shopping center uses are during the day, peak uses, so you would come back with- and that's why you're banking- landbanking?"

Richard Leland: "No. We- at some point, the application sought overlap but I think that was changed through these various processes by which the project has been refined by the public hearing and Town Board inquiries."

Unidentified: "Can Mr. Gianos be sworn?"

Councilman Kent: "He has to be sworn."

Supervisor Kozakiewicz: "He has to be sworn in, yes."

Bob Gianos: "All right, Bob Gianos, Riverhead Centre."

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

Bob Gianos: "I do. Very- well, first of all, thank you to everyone who turned out here tonight and greatly appreciate everyone who took the time to drive down here on a cold night. So, thank you.

Very important point to make about the parking as depicted on the site plan. Under the Town code, movie theater parking is one per three seats. That is a more intense parking requirement than your retail parking requirement which is five spaces per thousand square feet. This site plan before you that you are being asked to approve that's attached to this special permit application, has 100% the

required parking for that movie theater as depicted. There is no overlap whatsoever. We are not availing ourselves of any of the overlap allowed under the Town code.

So you have a far more parking than probably is ever needed in reality but meets every specification of the Town code. Nobody is asking for anything. There is landbank parking shown on the plan as allowed under the Town code. There is no overlap.

If, as and when there is ever a change down the road on the site plan that has to come before this Board again, it will come before it meeting the Town code in all respects. Thank you."

Supervisor Kozakiewicz: "Do you have any other questions, Chris? All right. I'm going to call the other cards. Eileen Miller? As Ms. Miller is stepping forward, once again I want to remind everybody, so that we can get through the hearing process and move forward, please keep your comments to yourself, let the speaker have the courtesy of the floor and be able to say what it is that she would like to say. Miss Miller?"

Eileen Miller: "Thank you, Bob. I'd like to be sworn in."

Supervisor Kozakiewicz: "Yes."

Dawn Thomas: "Miss Miller, would you raise your right hand, please? 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?"

Eileen Miller: "I do. My name is Eileen Miller. I've lived on Mill Road in Calverton for 29 years and I've worked in the Town of Riverhead since 1975.

I need to clarify a few things that have been and are being said about my position separately from what my attorney has said about my position. Personally I don't think that a big box store like Home Depot or Lowe's will be in the best interests of the Town. However, I have never publicly opposed a Home Depot or a big box store in Riverhead and I won't do it now. What I am adamantly opposed to is the construction of a Home Depot and a garden center in the northwest corner of the Riverhead Centre property directly across Mill Road from the 92 family residential community that I've called my home for all these years.

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When I spoke to you, Phil, at least two years ago, I made a request that the Home Depot be located on the easternmost side of the property or on Route 58 and you told me I had a reasonable request. I made the same request of Ed Densieski when you were campaigning and you told me I had a reasonable request. Apparently my reasonable request didn't deserve a reasonable response because the site plan and the zoning still show the Home Depot in the northwest corner of the Riverhead Centre property.

This is a photocopy of an article that appeared in Newsday in September of 1998 and I'll give it to you when I'm finished. It lists residents' complaints with Home Depots that are located in residential areas. Among other things, there are complaints about lumber being thrown around, employees partying, forklift beeping 3:00, 4:00 in the morning. One man from Selden says we can feel the vibrations. You get so aggravated, you want to kill. Another man says it's dirty, noisy operation. They belong in industrial parks.

Now that brings up something that I don't know if you even know about. About a year and a half or two years ago, I submitted to the Riverhead Development Corp. a proposal of about 14 points suggesting an exchange of properties between the Town and Mr. Gianos which would give Mr. Gianos the exclusive right to market and develop a piece of the industrial zoned property at Grumman specifically for Home Depot. The only thing Mr. Gianos would have been asked to do in return would be to landscape the entire west side of his shopping center, the Riverhead Centre to buffer it from the residential community across the street. And to maintain the rural character, excuse me, of Mill Road.

I was told that while it was an excellent proposal, it would never fly because the Town didn't want any retail uses on the Grumman property. So what it did was since Home Depot claims that it isn't a retail use, the Town rezoned the northwest corner of the Riverhead Centre property industrial. You know, I might be a lot of things, but stupid isn't one of them. And I know there have been a lot of comments about what I say and what I don't say and this is what I'm saying. Home Depot wants to 40% density it can get from an industrially zoned property. It wants to use Mill Road as a truck route. It wants a freight entrance on Mill Road, and that's why it wants the northwest corner.

I've been involved in litigation against Riverhead Centre and I'll stay involved in litigation against Riverhead Centre. I have to protect my community from the irreparable harm that will happen if a

Home Depot is allowed in that northwest corner of the property; if Mill Road becomes a truck route; if there is a freight entrance directly across the street from us and if we have to be subjected to the 24 hour noise, traffic and dirt that is produced by this kind of operation.

I don't really think anybody can truthfully say that they want a Home Depot or a Lowe's in their front yard which is where it's going to be, in our front yard. So I'm asking the Board, again, whether my objections may indeed be reasonable and whether you are willing to fix the problem you have created before issuing these special permits.

Maybe Mr. Gianos and the Home Depot would be willing to look at an alternative site. The only project, I'm not saying I'm in favor of Lowe's, but the only one of these projects that's going to directly affect residential communities is the Riverhead Centre. One of those communities is mine and the other one is the one developed by Mr. Gianos himself. Now I feel that the arguments that Mr. Gianos has made against Lowe's are just as valid when somebody else makes them against his project. And that's what I'm doing.

Please, reconsider. Thank you."

Councilman Densieski: "I want to make a point, Bob."

Supervisor Kozakiewicz: "Go ahead."

Councilman Densieski: "I'd just like to make a point about that. I believe the Home Depot has moved 200 feet off of Mill Road. Is that correct?"

Bob Gianos: "In response to comments received from the opposition earlier in this process, we sought to address in numerous ways the concerns that they had. The first thing we did was relocate the Home Depot building substantially eastward so that I think that at the narrowest point we're almost 200 feet away and at the widest point considerably more than that. We also went to a berm and buffer system there and eliminated at the request of the opposition led by Ms. Miller the freight entrance that was proximate to the entrance to her mobile home community. That entrance was eliminated totally and there are only two entrances on Mill Road and the entrance is hundreds of feet away from the entrance to her community.

You won't be able to see the Home Depot from that side based on the landscaping that's been approved by the ARB and the site plan

that's before you today. In addition, we had made numerous offers that I don't know, you know, Miss Miller said she represents her community and I respect that. We've made numerous offers to sit down and had made offers including landscaping, playgrounds and a bus stop."

Diane Miller (from the audience): "This is not true."

Supervisor Kozakiewicz: "Excuse me. You can come up and address him. Please, Miss Miller."

Bob Gianos: "Okay. They are true and they have been offered and they ended up going nowhere and we don't know how that was transmitted because we don't exactly know who's representing who. Okay. But in terms of somebody saying they are representing a community, we've made substantial offers to try to sit down and work with any other concerns outside of those addressed on the site plan already."

And may I also add the following. Miss Miller's community is on industrial property and it has always been on industrial property and in this Town Board acting to re-zone the 50 or so acres comprising the Riverhead Centre project, we started out with over 30 acres of Industrial that allowed 40% coverage and we reduced that acreage to 13.3 thereby eliminating a tremendous amount of building that could have been done there.

The other side of Mill Road, the other corner, is and remains industrial where Harley Davidson is, where the office buildings are going up. So in terms of the residential communities affected, Miss Miller lives on industrial land. The community that I built, Riverhead Landing, is here tonight in support. Glenwood Village which is the largest by far residential community in the neighborhood is here tonight in support.

So in terms of understanding the zoning mosaic and how responsibly this Board has acted, this Board has taken over 200,000 feet of allowed development out of the 50 acres that comprise Riverhead Centre by collapsing four zones into two and reducing the amount of industrial land that is on that. You've knocked a third of our development and we worked with you to accomplish that downzoning. Okay. That's one of the most important points here."

Councilman Densieski: "I was going to make the same point about the zoning. Also I would just like to point out that Miss Miller had

the dirty shopping center article. If this is anything like the other businesses that Mr. Gianos has in the Town of Riverhead, every single one of them is one of the cleanest businesses around and top notch and as a community member of Riverhead, I thank him for that."

Supervisor Kozakiewicz: "At this point, another card, Tracy Stark. Tracy Stark."

Dawn Thomas: "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?"

Tracy Stark: "I swear. My name is Tracy Stark and I didn't intend on speaking tonight because I think this has been beaten to the blank, but I'm sitting here- I'm standing here actually because there's so much- so many supportive people here for Home Depot. I'm standing and I'm listening to everybody talk, etc. etc., and I'm watching the litigants' attorney in the back laugh like this is a joke. This is not a joke, people. This is costing you millions of dollars because five litigants don't want this store.

I don't have to reiterate all the stuff that has been said tonight. You know the facts. And just- it disgusts me. It's creating- it's costing us loads of money. It's costing us loads of tension and undue time. I believe the Town Board, and I think I can speak for the community, has been elected to study and research and make decisions that you believe you feel the community wants and needs. And it is by far been shown to you that this is one project the community wants and needs. And whether it turns out negative or positive in the end, you have to make a decision because we believe in you, we voted for you. That's what you're there for.

We can sit and, you know, talk about this for years, it has been years and nothing is going to change until you guys lay down the law. You know what? Whatever you do, you're going to wind up in litigation anyway so the heck with it.

And I would like to address Mr. Ciarelli if he's here. He claimed- I believe I understood that he claimed that social and economic objectives of this Town have changed because Riverhead Centre lost tenants. Is he still here? Yes. I believe they lost tenants because the developer has had to focus his time on litigation and not marketing and he lost those tenants because of that. Not because of the social and economic situation of the town has changed although with the future you are going to find progress and you're going to

find increased population and you're going to find increased needs.

And what are we going to do? Shut down as a community? We have to change. It's nice to be traditional but the time comes when changes are needed.

And I would also like to address Mr. Ciarelli why he's not- why his litigants are not addressing the Serota, the Lowe's, the Tanger, YMCA which are all for the North Fork Environmental Council environmentally sensitive and for the rest of the people, I don't know why they're not bringing up a lawsuit for them."

Supervisor Kozakiewicz: "Tracy, you've got to address us."

Tracy Stark: "Sorry. I was trying to address Mr. Ciarelli because the question was really for him. And I want to know who's funding the lawsuits because I have a feeling that the litigants really can't afford these types of attorneys. And why aren't they coming forward, you know. I was very proud of Eileen Miller tonight because that's the first time I've seen her come forward and speak and that was- it took a lot of bravery. And I'm glad I finally know where she stands and I think maybe she heard some things that she didn't realize before perhaps tonight and she may change.

But those are some questions I'd like answered and that's all I have to say. Good luck."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? You need to be sworn in."

Dawn Thomas: "State your name, please."

Vasso Patrikis: "Vasso Patrikis."

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

Vasso Patrikis: "I do. Well, I be talking about Home Depot- "

Supervisor Kozakiewicz: "We heard a common- is that the common spelling?"

Vasso Patrikis: "What? I've been talking about the Home Depot every time I was here a few times and the will of the people, they

want Home Depot. That's very important. From Calverton all the way to Orient Point, these people have to go to the middle of Long Island to shop. The homeowners, they need to do the work on the weekends, they need to fix their houses so it's very important to have Home Depot.

The gentleman that was objecting before, he was not objecting because of the stores, the little stores, the shopping center. He was objecting because of Home Depot. If it was Lowe's from what I understood, he wouldn't have any objections. That's my feeling. And it is very important. It's been a long time, it's long due. Your decision has to be made and we have to finish with that Home Depot. We're sick and tired of hearing Home Depot, Home Depot, Riverhead Centre. Let's finish it and get it over with. I think it's very important that we do.

I had other things to talk about but I think this has priority today."

Supervisor Kozakiewicz: "Well, this is what we're in public hearing so you've got to comment on the Riverhead Centre- "

Vasso Patrikis: "Right this has priority and that has to be taken care of. If I had to go get a petition from Calverton to Orient Point- "

Supervisor Kozakiewicz: "I don't think that's necessary."

Vasso Patrikis: "-- the will of the people, the will of the people is they want it."

Supervisor Kozakiewicz: "Thank you."

Vasso Patrikis: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address us?"

Councilman Cardinale: (Inaudible)

Dawn Thomas: "State your name, please, sir."

James Golden: "James Golden, Riverhead."

Dawn Thomas: "Do you swear the testimony you are about to give

will be the truth, the whole truth, and nothing but the truth, so help you God?"

James Golden: "So help me God. My intent was to talk about snow removal which is a sore subject with me. I'm a walker. And I walk on 58 and that happens to be what we're talking about tonight. The condition of the sidewalks on 58 are deplorable. And to this day, we had snow two weeks ago, to this day you can't navigate the sidewalks. Now I'd like to know whether Mr. Gianos is going to remove the snow for us when he puts his sidewalks in, which he'll have to, because you're going to have a problem, sir. I don't want to take up issue about whose responsibility it is, but like there's a lot of people who live and I see them walking the streets with carts out in the gutter. These are old ladies, young ladies, and they're pedestrians. The sidewalks are not cleared on 58.

I don't care whose responsibility it is, we're all Riverheaders and we're all subject to being hurt or even crippled falling down on this damn ice. Now, you know, Riverhead is no longer a horse and buggy town. We used to have a man running around on a horse and I think his name was Wilmot but he used to plow all the sidewalks in Riverhead free and now here we are 50 years later or 60 years later and we're struggling to walk.

But, Riverhead has to grow and develop. Like Route 58, we're considered a little city now, really. My son came home from Australia, he was shocked. He's been there for 10 years. He said it's no longer a little town, Dad, it's a city. And he shocked me. And I'm looking at it. It has to grow and develop. We're the County Seat, let's look like a damn County Seat.

And I mentioned before about putting- crossing golf clubs or something over the highway, you remember that. But I think a theater is needed desperately in this town. We haven't had a theater- when I was a boy, we had two, right on Main Street. Beautiful theaters. And the town just has to grow and develop. And besides all this, we do have a merchant in Riverhead who sells geraniums to Home Depot. So it's a benefit for Riverhead to have the flower display or flower garden there. Thank you, gentlemen."

Supervisor Kozakiewicz: "Thank you."

Dawn Thomas: "Please state your name?"

Jean Hudson: "Jean Hudson."

Dawn Thomas: "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?"

Jean Hudson: "I do. Jean Hudson from Riverhead. And I heard the gentleman lawyer speak about the area surrounding Riverhead Centre and I live on this side- what is that north?"

Supervisor Kozakiewicz: "South."

Jean Hudson: "South side. My community is on the south side- I don't know my direction. And we want Riverhead Centre, so we have no problems whatsoever with Riverhead Centre. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to comment with regard to the particular application, the special permit of Riverhead Centre? All right. I was too slow. Oh, man. Okay. And then Larry. Okay."

Jim Davito: "In response to the man- "

Supervisor Kozakiewicz: "Hold it, wait a minute. Okay."

Dawn Thomas: "Would you state your name, please?"

Jim Davito: "Jim Davito."

Dawn Thomas: "Mr. Davito, 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?"

Jim Davito: "I do."

Dawn Thomas: "Thank you."

Jim Davito: "In response to the man who was worried about the snow, I live at Riverhead Landing and the job of removing the snow is done immediately. There is no problem whatsoever in Riverhead Landing."

Supervisor Kozakiewicz: "Right. Okay, thank you. Larry Williams. Folks, folks. Please, please. Steve, everybody, please. Keep your comments. I want to keep moving forward. Yes."

Dawn Thomas: "Mr. Williams, could you state your full name,

please?"

Larry Williams: "Larry Williams."

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

Larry Williams: "Yes."

Dawn Thomas: "Thank you."

Larry Williams: "My name is Larry Williams and I live in the Clearview, probably around the block from Miss Jean Hudson who just previously spoke. My only concern- I have no problem with the Riverhead Centre. I have no problem with that. My concern is the traffic on Mill Road. With the addition of Riverhead Centre, I believe there is going to be additional traffic on the road. Now, could Mr. Gianos speak about that or the attorney? Thank you."

Supervisor Kozakiewicz: "Thank you."

Bob Gianos: "The entire intersection as per the submitted traffic plans of Route 58, all of Route 58 in front of our property, all of Mill Road in front of our property, and the balance of the rest of the intersection is all scheduled to be completely rebuilt according to the County specifications and it's being done on private dollars, not on taxpayer dollars. So those County funds are available to improve other parts of Route 58 or other parts of Riverhead that are eligible for those funds.

In addition we are putting a traffic light and doing intersection work at Mill Road and Route 25 which is- has always been a difficult intersection around a difficult turn right by the veterinary hospital there. So it was part of our plan and it would have been there years ago but we won't go there, but that intersection is also part of our traffic improvement plan.

We are also making traffic improvements to the intersection of Osborne and Route 58, so well beyond our property lines. We are- we have studied all the impacts and the directions that we believe traffic will be generated from and go to and are making somewhere in the area of \$2 million dollars of traffic improvements to the town on private dollars, including Mill Road. So I hope that addresses Mr. Williams' concern because it will be significantly better than what we

found.

Just to add. When we did our studies it included all the background of every project that had been approved, including Tanger II, Serota and the old configuration, etc. We found that there were numerous intersections that were not functioning correctly without the addition of Riverhead Centre, that needed to be addressed either by the county or the town. By us going ahead with our development plan, we are taking the responsibility for stuff that wasn't working already. You add us, and we fix it all. Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Not seeing any hands, the time of 8:35 having arrived, I declare the public hearing closed."

Public Hearing closed: 8:35 p.m.

Supervisor Kozakiewicz: "At this time, the time of 8:35 still being here, I open the second public hearing. No. We'll take a brief break. If there's a lot of people going to break and take an exit at this point, let's adjourn for five minutes."

Meeting adjourned: 8:35 p.m.

Meeting reopened: 8:44 p.m.

Supervisor Kozakiewicz: "Ready. Barbara, you're all set? Everything's running. I'd like to start. The time of 8:44 having arrived. I'd like to reconvene the meeting and at this point in time open the second public hearing scheduled for tonight."

Public Hearing opened: 8:44 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on January 16, 2001, at 7:10 p.m. regarding the consideration of a proposed local law to amend Chapter 95 of the Town Code entitled Taxation Senior Citizens Exemption Section 95-3 Conditions for Exemption; Exemptions for Persons with Disabilities and Limited Incomes Section 95-22 Exemption Granted."

Supervisor Kozakiewicz: "Laverne."

Laverne Tennenberg: "Thank you. Laverne Tennenberg, Chairman of the Board of Assessors. Mr. Supervisor, if I could just digress for a moment. I would just like to make a public service announcement to the taxpayers that if they have to renew an exemption for property taxation, that the deadline is March 1st. Those exemptions would be for the disabled, for senior citizens, agriculture and for enhanced Star. If you have basic Star, you do not have to reapply. If you are a new taxpayer and you do not have a Star program, applications are available at our office, at the library, and on the State's internet website and the deadline for filing is March 1st. But I did want to make that announcement."

Supervisor Kozakiewicz: "Thank you. Now with regard to tonight's public hearing."

Laverne Tennenberg: "Okay. Currently there are two exemptions on the books, one is for those who are disabled with limited incomes and the traditional senior citizen exemption which has been on the books for 30 years. The state recently passed legislation to increase the income amount from \$27,900 to \$28,900 for both exemptions and that is the nature of the public hearing tonight."

Supervisor Kozakiewicz: "Thank you. Anybody who would like to address the Board with regard to the proposed hearing, or with regard to the hearing concerning the proposed changes may be a better way to say it. Steve Haizlip?"

Steve Haizlip: "Steve Haizlip of Calverton. Laverne, my question is you say that we're going from \$27,900 to \$28,900. Now, how does this get reported to your office? Does the homeowner or the senior citizen that's not making very much has to come each and every year to report this?"

Laverne Tennenberg: "Yes. That's correct. Every time there's an exemption that requires an income filing, you do have to renew every year because income does change every year. We ask if you file a tax return, the tax return must be submitted with the renewal application. If you don't file a tax return, all those documents you would have used if you filed a tax return are the documents we would use to consider income. And what we're talking about is social security, your annual social security statement which I believe just came in the mail the other day to those seniors, bank interest statements, pension statements, dividend statements. All your 1099's that you get at the end of January. All that we ask as a senior, bring those documents to us, make copies and attach them to the

application. We will determine the percentage that they would receive off of their county, town and school taxes. Thank you."

Supervisor Kozakiewicz: "Thank you."

Steve Haizlip: "Very good. Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board on this particular public hearing? Not seeing anybody raising their hand- "

Laverne Tennenberg: "Could I just make one comment? The county and the school district both adopted the exemption increase limits for both exemptions."

Supervisor Kozakiewicz: "Thank you. Any other comment or anybody else? Not being the case, I can't see the glare from the clock. Is that 8:47?"

Barbara Grattan: "I think so."

Supervisor Kozakiewicz: "8:47, I'd like to declare the public hearing closed."

Public Hearing closed: 8:47 p.m.

Public Hearing opened: 8:47 p.m.

Supervisor Kozakiewicz: "The time still being 8:47, I'd like to declare open the third public hearing on tonight's agenda."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on January 16, 2001, at 7:10 p.m. regarding the consideration of a local law to amend Chapter 101 of the Town Code entitled Vehicles and Traffic Section 101-3 Stop and Yield intersections, railroad crossings, parking fields."

Supervisor Kozakiewicz: "On the face what this resolution is doing is removing from Chapter 101 the posting of a stop sign from Fishel Avenue onto Northville Turnpike. The reason this particular public hearing has been called is due to the fact that we had received a petition and concerns addressed to us by residents of Fishel Avenue

Extension to address speeding and other traffic hazards that were occurring at that place.

The proposal is to eliminate the stop sign on Fishel Avenue Extension as it leads onto Northville Turnpike in order to ultimately create a dead end or a cul de sac. That's the concept of Fishel Avenue Extension. This would eliminate the flow of traffic obviously from Fishel onto Northville Turnpike and vice versa and that once again is the proposed change to 101 that's the subject of tonight's public hearing.

I know there was a letter we had received. The individual asked that that particular letter be read into the record. If you would do that, Barbara?"

Barbara Grattan: "To the Town Board of Riverhead regarding the public hearing on the possibility of making Fishel Avenue Extension cul de sac. Please read this into the minutes of the public hearing held January 16th, 2001 on Fishel Avenue Extension also known as North Fishel Avenue.

Regarding the possibility of turning Fishel Avenue Extension into a cul de sac, we would like to express our strong support for such a move. In the over 40 years that we have lived on this street, we have seen a rise in traffic using it as a shortcut between Northville Turnpike and Elton Street. Especially when traveling south on Northville Turnpike, vehicles tend to swing off Northville without slowing down creating a dangerous situation for the children and visiting grandchildren on our block.

Posted signs limiting speeds are conveniently ignored. We taught our youngsters not to play in the street and they do not. However, for them even crossing the street can be a challenge. Creating a cul de sac would virtually eliminate the possibility of a serious accident.

Obviously there are concerns about accessibility for emergency vehicles. We have seen many police cars hurry down Fishel Extension through the years but very few fire vehicles or ambulances. We can't really feel it would jeopardize public safety in any way to have our street a cul de sac.

If, however, you decide that making Fishel Extension dead end is unworkable, a simpler solution which might prove almost as effective would be to make the street one way from Elton to Northville. With no

easy access, vehicles traveling at high speeds would be forced to proceed to the traffic light on the corner of Northville and Elton. They would not be able to use this convenient shortcut. Another possibility might be to close the street to all but local traffic. Large signs posted at both ends of Fishel Avenue should take care of this.

Thank you for considering all possible alternatives that would make Fishel Avenue Extension a safer and more pleasant street for all of us who live there.

Paul and Laurel Sisen (phonetic)."

Supervisor Kozakiewicz: "Thank you, Barbara. I know I saw a couple cards being signed with regard to Fishel Avenue public hearing. Did those come up here by any chance? Barbara, do you have any cards?"

Barbara Grattan: "Oh, I'm sorry. Yes, they did."

Supervisor Kozakiewicz: "I noticed looking over a couple people's shoulders as they were signing them. John Dunlevy."

John Dunlevy: "Supervisor, John Dunlevy, Riverhead. Town Councilmen. I don't rarely come up here- I rarely come up here. But I think that making Fishel Avenue Extension a one way street, you're going to be setting a precedent for other busy streets in the Town of Riverhead. They- the county just reconstructed that intersection about five or six years ago when Northville Turnpike was widened, where you cannot come off of Northville Turnpike and speed up that street the way it used to be. You have to come to almost a stop to make that left turn onto Fishel Avenue Extension.

I just think there's other streets like Riverside Drive that are shortcuts. Fishel Avenue is a shortcut and I think if you start with Fishel Avenue Extension, you're going to have to treat every road that people are using as shortcuts the same way. And I just don't think it should be made into a one way street or a cul de sac. I think it should be left the way it is.

And I live on King's Drive, right across the street from there. I come out of King's Drive every day, Northville Turnpike, on the weekends and I only see one or two cars coming out of Fishel Avenue Extension. So I cannot see how busy that street is. Thank you."

Supervisor Kozakiewicz: "Okay. Thank you. James Ellwood."

James Ellwood: "I'm James Ellwood. I live on 400 Fishel Avenue Extension. I've actually lived there all my life. Originally my parents- it was their house. They're deceased. I now own the house. I can testify over the years as I've lived on that street, that there's a steady increase in traffic cutting across Fishel Avenue Extension. And let me tell you, living on that street, there's a lot more than one or two cars in any given time. There are certain times of the day when it's like almost impossible to get out of- to back out of my driveway. And because I live near to the Elton Avenue end, even though I look both ways sometimes those cars come around that corner off Elton so fast that all of a sudden they're right in back of me."

There's been an increased number recently in younger families moved there with children. As I say, and obviously not everyone speeds through but a lot of people do. As far as people going slow, a lot of people do come down off that Northville Turnpike and swing right in there really fast.

So I have to say that even though there are times that even for myself it may be convenient- be able to go out onto Northville Turnpike, I would gladly go out of my way a little bit just to have that street dead ended just so that it would slow the traffic down or almost limit it to local traffic.

It's a very short street. It's not like it's- like Riverside Drive is a much longer thoroughfare that was mentioned before, it's a very short street and as I say because of that fact that it is a residential area and there are children, an increasing number of younger families, I think out of safety I would encourage the Board to consider closing that street off at the northern end. Thank you."

Supervisor Kozakiewicz: "Thank you. Carolyn Hogan."

Carolyn Hogan: "Carolyn Hogan, Elton Street, Riverhead. This morning I filed a petition with the Town Clerk with 60 signatures of people who are against the proposal to close off the access of or exit of Fishel Avenue Extension. As a resident of Elton Street, one house from Fishel Avenue Extension, I do not believe this is a good idea because traffic would be diverted to the corner of Elton Street and Northville Turnpike. This very busy intersection is already known to have many accidents. The next block down, the intersection of Elton Street and Ostrander Avenue, has approximately 12 to 15 accidents a year. This is probably a conservative figure."

More traffic in that area would not be a wise decision. I personally walk Fishel Avenue Extension in the morning and sometimes in the late afternoon. I have never experienced seeing excessive speeds. It is only one block with 13 houses, 12 of them occupied. There are two 30 miles per hour traffic signs on this street, one on each end. Perhaps it would be wiser to lower the speed limit if the residents feel 30 mile per hour is too fast.

I do not believe that one can gain a tremendous speed in a one block area with a full stop sign at each end.

We may be setting a precedent. Should we close Oliver Street between Northville Turnpike and Route 58? Or East Avenue Extension between Elton Street and Franklin Street? Or even Robinson Parkway between East Avenue Extension and Ostrander Avenue?

Thank you. I appreciate having the opportunity to speak at this public hearing."

Supervisor Kozakiewicz: "Thank you. Just a short observation. The 30 mile an hour speed limit is the minimal that can be set for an area on limiting speed. The only lower speed limit can be set if it was in a school zone at which point at which point you could actually set a lower speed limit. So 30 is the lowest that the State will allow in a non-school zone.

Anybody else who would like to address the Board with regard to today's public hearing? Yes, Bob- I mean Jim. I'm sorry. I don't know what I want to keep calling you Bob. Maybe I'm Bob. You're Jim, I'm Bob, right?"

James Golden: "I might remind you of yourself in a way. I don't know. Good looking guy like you. Listen- "

Supervisor Kozakiewicz: "You're flattering me, I'm starting to blush."

James Golden: "About the Fishel Avenue Extension, I use it coming down to the Town Hall sometimes because I live up Fanning Blvd. and I take Northville Turnpike, so I have an alternative suggestion to the problem which I think is a darn good idea. How about speed bumps? I don't know what it would cost but if it's not a good idea, okay. I just think speed bumps would do it."

Supervisor Kozakiewicz: "I know that with regard to speed bumps

or similar type of traffic calming devices, I know there's some studies I believe at the State level that are looking at this. Mark Kwasna, the Highway Superintendent, did mention this as an alternative but he doesn't know if it can be legally done. We need to get some clarification from the State DOT and others who would have some-whether, in fact, it can be allowed and I don't know the answer, so maybe we'll know a little more."

James Golden: "It seems like the easiest way, so, you know."

Supervisor Kozakiewicz: "Okay."

James Golden: "Thank you."

Supervisor Kozakiewicz: "Yes?"

Councilman Kent: "Only if you only speak one at a kind."

Patricia Seaman: "Okay, well we're teams."

Councilman Kent: "Every other word?"

Patricia Seaman: "Patricia Seaman, Fishel Ave. Extension, Riverhead. I'd just like to address to address the Board. I have written and I also signed- wrote and signed the petition that was submitted previously regarding closing Fishel Ave. Extension. What I would respectfully say to the individuals who spoke against closing the road, is that their experiences have been positive. I've lived there for seven years and it's been quite the opposite."

Mike and I are the parents of a legally blind boy and I fear for my child's life on that street. If, as Mr. Dunlevy suggested, cars were to follow the curve on the road, certainly they would have to reduce their speed. We find and I'm home- I'm a stay at home mom- the cars travel across the double yellow line and sometimes they just blow right down the middle of the road. You know, I'm also concerned for other children and grandchildren who are either visiting or living on the block as well, not just my own children."

Councilman Densieski: "Do you have a sign on that road that indicates that there is a blind child on the road?"

Patricia Seaman: "No, there isn't."

Councilman Densieski: "Okay. I think we have the ability to do

that. Would you like us to look into that?"

Patricia Seaman: "The only thing I would say in response to that is, that's fine. However, we've got a sign that says children playing, 30 miles per hour. People have to, you know, notice that. I mean they're obviously not reading it- either not reading it, not paying attention to it because it- there are cars that certainly do abide by the speed limit. I don't suggest that there's no one who drives the speed limit. There's a lot of cars who do not. So that's the only thing I want to say."

Councilman Densieski: "Okay. But if this-

Patricia Seaman: "If there's an opportunity- "

Councilman Densieski: "-- I don't know which way this is going to go, but if you're interested in that sign, contact us during the week and I think we can do that, you know, pretty easily."

Patricia Seaman: "Certainly, certainly. Thank you for the suggestion."

Supervisor Kozakiewicz: "Mr. Seaman?"

Michael Seaman: "Yes, hi. Michael Seaman. I, too, am in favor of closing the street. With issue of cars swinging off Northville Turnpike, that happens all the time. We sit on our front stoop and watch it. One time we had a car bounce off the curb and almost landed in our front yard. It's a serious problem. It needs to be addressed.

The only way I feel it could be addressed is the closing of the street, the cul de sac. You know, I can sit there at noontime, there are days when I've waited for my son when he was in pre-school, and I counted over 30 cars in a 10 minute period. It is way too much traffic for a street that is barely a quarter of a mile long, if it is that long at all. So I am in favor of the closure of the street for safety issues."

Supervisor Kozakiewicz: "Okay, thank you. Anybody else who would like to- yes?"

Ed Iberger: "Gentlemen, I can't believe I'm doing this but I live on Fishel Avenue- "

Supervisor Kozakiewicz: "Your name, sir?"

Ed Iberger: "My name is Ed Iberger and I live on Fishel Avenue. Our road has been discovered. People are coming off 105, down River Road, and like that lady says, they're just speeding there and we have the Highway Superintendent, Mark Kwasna, and he can verify this. It's just getting worse. And once the- Wal Mart opens up, God forbid we'll be in danger of our lives there forever. It's really going to be a speedway. It's bad now and it's going to be worse. And that's going to happen very shortly here. Thank you for your consideration."

Supervisor Kozakiewicz: "Thank you. Is there anybody else who would like to comment or address the Board with regard to this public hearing? Not seeing anybody's hand go up, I declare the public hearing closed at the time of 9:04."

Public Hearing closed: 9:04 p.m.

Public Hearing opened: 9:04 p.m.

Supervisor Kozakiewicz: "The time of 9:04 still here, we open up the fourth public hearing scheduled for tonight."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on January 16, 2001, at 7:20 p.m. regarding the consideration of an addition to and the reconstruction of the municipal garage."

Supervisor Kozakiewicz: "This public hearing is to consider an addition to the existing municipal garage up on Route 58 which is adjacent to the Highway Department grounds on Osborne Avenue. The proposal is to add a structure that's 121 feet by 80 feet in dimensions which is approximately a 10,000 foot addition to the existing municipal garage. That extension will result in an addition to three additional mechanic's bays and a welding and paint bay area.

In addition to those improvements, there would be a storage-- mezzanine area that's set aside for storage. The plans, just in case anybody is questioning, are outside on the hallway wall. There would also be storage on the first floor as well as a lunch room, an office, and a second office that combines with a lobby.

The reason for the second office and lobby area is due to the fact that when our police or others impound vehicles, often time the

people would come to the municipal garage in order to retrieve those vehicles and the lobby office area would be set up to attend to these people who are there and provide them a common area where they're not going to be venturing out into a work area, a mechanic's bay which is obviously a dangerous condition.

If you've been following the press, what we've done as well is we've combined the pre-existing-- two mechanic's are here tonight in case there's any technical questions regarding the operation, with three additional mechanics from the Highway Department.

We have over the years computerized all of the fleet vehicles for the town such that the vehicles are scheduled for maintenance-- there's a tickler system. When the time comes for these vehicles to be maintained, the two individuals from the mechanics who are part of the municipal garage, James Bugdin and Richie Warner, bring those vehicles in. It's a system of preventative maintenance which has resulted in an extremely increased life span for all these vehicles.

The present highway barn, highway facility as I understand includes approximately 10 bays. In those bays, if anyone is familiar with the highway barn, I am told that historically it was built somewhere around 1967, 1968. There is not-- oh, I see some of the highway guys here, too. I'm sorry guys. I didn't mean to ignore you.

Those highway bays-- there's four of them that are being used as I understand, three of which obviously, we're going to try and clear up in order to bring over to this extension. The highway barn is also in need of repair. It's in need of a possible extension but in lieu of having an extension at the highway barn, it seemed to make sense to combine all of them so that all of the fleet vehicles could be repaired at one location.

The present system involving the highway barn does not involve, as I understand it, any lifts. There are no lifts at that location. Is that right, guys? So that when they work on equipment, there is no ability to lift these vehicles up. Instead what they use is payloaders or bulldozer or a front end loader in order to lift up a vehicle in order to work on it.

Clearly, anybody who's been to a shop or who knows what is a proper way to do things, would know that that is a no-no.

What we're trying to do is, you know, provide a safe working condition. The highway barn has outgrown itself and we have a couple

of vehicles which need to be placed inside. Anyone who is familiar with our street sweepers has seen them out there, you would know or it should be noted that they have water that is part of their system. On cold days such as what we had, the snap that we had a couple of weeks ago and up to very recently, if these vehicles are being used on the streets the water has to be emptied in order to leave them outside. The idea is to try and get those vehicles inside, again, to increase their life span which I think makes a lot of sense and also results in taxpayer savings.

If there are any specific questions, as I said, hopefully, the gentlemen who are here, who are there on a daily basis, can address them. Saying that, is there anybody who would like to comment with regard to this particular public hearing? I saw Steve's hand go up first, then Bill. Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. Mr. Supervisor and the other Board members. I guess you know me by now. What is it going to cost and how are we going to get the funding for it?"

Supervisor Kozakiewicz: "It would be done by a bond and the cost is about 1.5- have I got the numbers right? One and a half million dollars is what it would cost. That would be the building, the lifts, and the equipment to make it an operational facility."

Steve Haizlip: "Very well."

Supervisor Kozakiewicz: "Okay? Bill Kasperovich."

Councilman Densieski: "Bob, I would like to add something to that if we could. Almost every vehicle you buy these days is computerized and to work on the new vehicles- I see some guys shaking their heads, they know. To work on the new vehicles, you need all kinds of electronic equipment and most of it is very, very expensive. And by bringing the- all the vehicles that the town owns to one facility, is going to eliminate the need to duplicate equipment. In other words, two sets of electrical repair diagnostic centers. Two jacks, two lifts. Everything we need, we need double of. This is going to eliminate that and we will be able to have one of everything and put everything under one roof. So that's another added addition to the program."

Supervisor Kozakiewicz: "I also want to add because Ed reminded me of another point, what we're looking to accomplish here as well. Presently, especially, I think with our highway guys, when we have a

vehicle that needs to be inspected, the present system is the mechanics, who do a splendid job, get the vehicle all set up and they send it down the road to be inspected. Once in a while it fails. So they have to come back and, once again, take a stab at it and this is obviously not a very efficient way to operate. So this would also- is envisioned as a proposal as part of his and would include an ability to do the inspections on premise. Bill."

William Kasperovich: "William Kasperovich from Wading River. I noticed the floor plan out in the hallway and I do thank whoever put them up for being there. It enables me to stand up here and talk with some intelligence and understanding.

Mr. Supervisor, you mentioned lift one time and then you used the plural lifts, more than one. This being a major item in the floor plan, its location and if you're going to have two more so because you have to anticipate what kind of a lift you're going to have. If you're going to have to go down into the earth for the cylinders it's one thing. It's another thing to leave everything above the floor level, but, again, you have to beef up the floor.

Now, normally people seem to lean into prefabricated buildings. The kind that exists there now is a prefabricated building. The pieces come, they assemble it, put it together, put the roof and the siding on and that's it. Now, these prefabricated buildings come with the minimum strength in the steelwork. You can't tie or hang anything from the structure. Consequently things that are going to require a lift in the sense of block and tackle or a (inaudible) frame or whatever you have is independent of the building structure itself. And where it's located, where you have to be concerned with the foundation itself, and the floor and the drainage. These major items should be designated. Not in detail but in approximate floor area requirement and the location in the building.

If you don't do this now, you'll forever be hounded for resolutions for changes and additions to make it a modern, up to date garage. So beforehand thought on this is well worth the time and effort and you've got to get somebody that's a little more experienced than the workmen within the building.

And so I think we need such a building but the major features of equipment should be shown. And if you're going to use some of the large trucks as well as the police passenger vehicles, the large trucks are going to need different accommodations in size doors, roof, what have you.

You have to ventilate this building more so than just an ordinary storage garage. There are different accommodations that should be made and the time to do it is now. Because I know the people- everybody leans towards a prefabricated building. All you've got to know is the width and the height and you buy it out of the catalogue or the contractor goes to the catalogue and picks it out. So, with that in mind, you actually should build the garage without the shell over it. And that means you accommodate everything and then you put the shell on top of it. I thought I'd extend this thought since I've run across the problem and this design thing in the past. And I know if you don't do it now, it will catch up to you later. And we do need a modern garage. That's all there is to it. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else?"

Councilman Cardinale: "Bob, I have a question. The existing highway barn, what is its size and what is the proposed future use of it if we build the new building?"

Supervisor Kozakiewicz: "The use would continue as a highway barn. With regard to the area that's presently being utilized as mechanic area, the four bays, the three that would be freed up as a result of this addition to the municipal garage would be used to store the sweepers and other equipment so that we can extend their useful life. In absence of that, we would have to do an extension to the municipal- to the highway barn to provide the proper mechanic's bays. So, again- "

Councilman Cardinale: "It would be a storage area then."

Supervisor Kozakiewicz: "It's to take new vehicles that we have and vehicles that need to be taken out of the elements and put inside. Correct."

Councilman Cardinale: "And how large an area is it?"

Supervisor Kozakiewicz: "I don't know the total dimension of the current highway barn."

Councilman Cardinale: "And can you tell me how many vehicles are in the town's fleet?"

Supervisor Kozakiewicz: "There's approximately 90 that are in the Highway Department but that does not include mowers and other items of equipment. That's what I think they presently have

registered that are on the street and there's 160 otherwise in town or 120- that municipal garage. The municipal garage can respond to how many vehicles they presently handle. I forget the exact number. I know it's well over 100."

Jack Hansen: "Outside of highway, there's about 150 vehicles that the municipal garage handled last year."

Supervisor Kozakiewicz: "I was 10 over. I thought it was 160. Okay, 150. And as far as the Highway Department, it's somewhere around 90. Is that right, guys? As far as the vehicles that you handle? That does not include mowers and those type pieces of equipment."

Councilman Cardinale: "The last question was in regard to this building, do you have a- you quoted 1.5 for 10,000 square feet but it included some equipment?"

Supervisor Kozakiewicz: "Yeah, that includes three lifts? Jack, you're going to have to refresh my memory on this."

Jack Hansen: "Currently there is one lift in the municipal garage in the current existing building that is kind of old. It's been there since 1978 and it needs to be replaced and that is a piston type and they're going to get an above floor lift that's two stanchions and there's another one in the new extension that's proposed for a four stanchion lift that will lift 40,000 pounds."

Supervisor Kozakiewicz: "Yeah, that's to handle the largest piece of equipment that the Highway Department presently has which is a vac vehicle."

Jack Hansen: "There are two hoists in this proposal, a two ton hoist. One is to go in the new section and the other is to go into the paint and welding shop. The walls are 20 feet high so they can lift all the vehicles they have and they're also talking about a portable jack for the other two bays so they can move it around when a truck is laying up and holding one of the bays."

Councilman Cardinale: "Do you have- "

Supervisor Kozakiewicz: "Also it should be noted with regard to the height in the area that's being added on, that the doors will be a roll-up door so- as opposed to having tracks, so there won't be a problem with the overhead clearance."

Jack Hansen: "So the trucks can be lifted straight up."

Councilman Cardinale: "I understand that there's unique aspects to this construction but it's \$150 a square foot for 10,000 feet. Do you have any breakout of what the building cost is as opposed to the machinery or equipment?"

Jack Hansen: "Approximately half a million dollars worth of equipment is going in this, \$60,000 strictly for an inspection machine."

Councilman Cardinale: "So then the construction of the building would be \$100 a square foot?"

Jack Hansen: "That's the estimate from the architect."

Councilman Cardinale: "For a prefab building? That seems high, that's why I ask."

Supervisor Kozakiewicz: "Just as pointed because I don't think it got caught on the tape. There is going to be an eight inch floor in order to handle the loads, so that's part of the reason why."

Jack Hansen: "Plus there's a lot of requirements for containment for oil, waste oil, water runoff and all that type of thing that's required now by the Health Department."

Councilman Cardinale: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board concerning this public hearing? The time of 9:20 having arrived, I declare the public hearing closed."

Public Hearing closed: 9:20 p.m.

Public Hearing opened: 9:20 p.m.

Supervisor Kozakiewicz: "And still being 9:20, open the last public hearing."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on Tuesday, January 16, 2001, at 7:30 p.m."

regarding the granting of the right to use streets, highways and public places by community organizations and individuals as required by Town Law Section 64(7)."

Supervisor Kozakiewicz: "I should have Dawn explain this because I know every time I try to explain it, I certainly don't get it right on target. I know one of the individuals who always questioned me on it, George Schmelzer is not here tonight, but essentially what we're doing is in accordance with Town Law 64 where we have a right to open up our highways, streets and public areas for community organizations, individuals who wish to use them. The thought is rather than have an individual hearing for each and every time one of those applications comes in, instead we have a public hearing at this time for that purpose so it's all encompassing.

If we have individuals who come in later to use our streets and use the parking lots, as you probably heard at various times during the year we have the right to approve those events by a Chapter 90 application which is special events approval, such as the Polish Town street fair; such as the- oh, boy- Jim, Town country fair, correct. I lost it there for a second.

So that's the purpose for tonight's public hearing. Dawn, if you can add to that, please do. Hopefully it's understood what the purpose is."

Dawn Thomas: "I think you explained that perfectly, actually. Under the Town Law, as you said Section 64 Sub 7, the State is authorizing the town to allow the use of our public places, streets, highways or any part thereof, or space above or under them, or any of them for any specific purpose authorized by law as we may deem proper and as may be permitted by law. So I think as you said the essence of it is to simply allow one public- and this permission may only be granted with a public hearing. So by doing one public hearing we can kill many birds with one stone."

Supervisor Kozakiewicz: "Saying that, anybody who would like to address the Board with regard to this public hearing which is to allow for the use of public streets and other areas pursuant to Section 64 of the Town law. Not seeing anybody raising their hand, I close the public hearing at the time of 9:23."

Public Hearing closed: 9:23 p.m.

Supervisor Kozakiewicz: "We now come to the public comment period. Anybody who wishes to address the Board can do so. Once again, I remind everybody that we try to adhere- and I say try and I'm going to make mention of it when we get to the five minutes. When anybody gets up to five minutes, if you can please sum up and be considerate of anybody else who would like to speak with regard to general matters.

Let me point out that with regard to resolutions, if you wish to comment on resolutions, there is an additional resolution which we are going to take off the floor or it's not in today's packet. That is a resolution which follows our public hearing earlier this month dealing with the independent group home proposed by the group known as ADD. There was a public hearing regarding establishment of a residence on Roanoke Avenue. The substance of the resolution is that we are going to direct the Town Attorney to notify ADD that we believe there are three other locations that are more suitable and if there's any questions with regard to them, we can address that- those comments as well.

That being said, I have a number of cards and I'll try to go in the order- I don't know, Barbara, did you shuffle these?"

Barbara Grattan: "Yeah, I did."

Supervisor Kozakiewicz: "Okay. Steve Haizlip."

Barbara Grattan: "Sorry."

Steve Haizlip: "Steve Haizlip of Calverton. On this resolution 44 about the changing of the community block grant, is that going to reduce the- I believe it's \$175,000 grant. Are they trying to reduce it or what- "

Supervisor Kozakiewicz: "It's an amendment to the year 1977 and to the year 1999 and what it's doing is it's removing- 1997, I'm sorry, what did I say? '77- "

Steve Haizlip: "'77- I was- "

Supervisor Kozakiewicz: "1997 and 1999 we're- with regard to the 1997 amount it's removing \$13,550 from affordable housing rehabilitation in downtown Riverhead and taking those funds and putting them into affordable housing rehabilitation at Millbrook Gables. With regard to the year 1999, it's doing the same thing in

the amount of \$8,000."

Councilman Cardinale: "These are funds we actually never spent I presume."

Supervisor Kozakiewicz: "Right."

Steve Haizlip: "I'm catching on to that, Phil. In other words, it has nothing to do with this \$175,000 the public hearing that we just recently had."

Supervisor Kozakiewicz: "That's right."

Steve Haizlip: "All right. The other resolution that I would like to hit on is 77. If I remember correctly, I was over at the highway barn somewhere in the neighborhood of about three years ago I would say, I'm just trying to guess- bring back my memory. They're talking about awarding a bid for the roof replacement again. Well, I remember the secretaries, they were all upstairs because the rain was coming in. Now if it's been like three or four years, I don't even know but I know it hasn't been too long, they must have been a very poor roofer over there, that it has to be done again already. So is anybody watching these people or checking on their quality or their type of work? What's happening here that we- "

Supervisor Kozakiewicz: "Well, the area where Sue Beal and Mark sits- you're talking about the area where the office is where the work was done. This is over the shop area, the second floor, that's distinct and separate from I think that particular project. We also did a gas conversion a while back where the highway barn was converted to gas use. If you've been over- I was over there earlier in the year, they have tarpaulins all over the place catching water and it's a definite problem. And I don't believe this is one and the same with anything that was done three years ago, Steve."

Steve Haizlip: "So you say it- "

Supervisor Kozakiewicz: "I don't believe so. I'll verify that for you."

Steve Haizlip: "That's all right. Joe Janoski once said that I have a way with words. Well, I'm going to have a way with words on this particular subject. In the two local papers, I see articles in there and one they are both prominent people I would say or strategic people in the town. One is in the Eye on the East End, the last

paragraph, I kind of resent the way that was wrote. You don't have to be stupid to live in Riverhead town but it helps. I think that was directed towards Mr. Villella and I resent it and I don't believe that people should write things like that because you've got to try to depict. Is she picking on him or is she picking on me and other citizens in the town? I don't think that should go. All right.

Now the other thing is where Mr. Yousik was being condemned because he's a gin mill owner. Wait a minute. That don't go. He's a businessman and this is his business that he runs and he's a respectable man of the town, then why does somebody got to come up and say I don't think the town wants a gin mill owner. That's not proper. It shouldn't be and I don't think it's respectful of him.

Now, I want to get here to Cablevision. I don't like what I read in the paper about Mr. Powell. Mr. Powell says that the deregulation of Cable usurped the negotiation that was done here for the senior citizen's discount. Now, the federal government in deregulating has nothing to do with the local town. It's a local town's business, it's a local town that's granting the permissions, it's a local town that had the hearing, so this is a weasel deal. And, now, if I read the paper further where Mr. Powell says I don't think we have a legal obligation to talk to the town about this franchise, in a sense that's what he's saying. Now, if I read it further, I don't want to say anything out of context what I think he's saying. Are you in favor of moving forward and leaving these people alone?"

Supervisor Kozakiewicz: "As far as the senior citizens exemption?"

Steve Haizlip: "Yes."

Supervisor Kozakiewicz: "No."

Steve Haizlip: "Okay, now you're my man. All right. And Mr. Cardinale- "

Suprvisor Kozakiewicz: "I think the whole Town Board is in agreement on that issue. I think it's just a little bit of a difference in the approach. There's maybe some difference in discussion but as far as the senior citizen exemption and the fact that it was in the prior franchise agreement and that there should be an entitlement to it, I think- I would dare say there's a 5-0 vote in that regard."

Steve Haizlip: "All right."

Councilman Kent: "But only Bob can be your man, okay?"

Steve Haizlip: "Now he's my man. Now I want to commend Chief Grattan with his police force. Hey, we had to use him three times this past week. Jim and I was over on Middle Road with his car and it stalled and it got locked accidentally. Boy, just like out of the sky got a policeman and he helped us right out and got that car opened.

And then a friend of ours that we meet with at Micky D's got a flat and he's calling up AARP and they're giving him all kind of run arounds. And here comes a policeman and the fellow is about 80 years old and he says what's the matter, sir? I got a flat. Everything was taken care of. So, Chief- now, I'd like to touch on our senior citizen blood drive. The reason I'm saying this, you know the senior citizen is getting picked on a lot and so they don't get the Older Americans Act renewed and the HMO's are dumping us- "

Councilman Densieski: "Don't forget Cablevision."

Steve Haizlip: "And Cablevision is dumping us, don't want to give us our discount. You know, Col. Pfeiffer can verify this. On the 3rd of January, you know who was giving blood? The senior citizen, 95% of them was there but yet all the young blooded Americans that work in these government agencies and so forth can't go, ain't got time, got to work. Well, when they get up in the hospital, I guess a senior is going to have to donate some blood for them.

Now, I have a last item here- "

Supervisor Kozakiewicz: "That's good because I was going to ask you to sum up."

Steve Haizlip: "Right quick."

Supervisor Kozakiewicz: "Okay."

Steve Haizlip: "I've got a little item here where Clinton made a TV blooper. Clinton says (inaudible) won the election but the Republicans stopped the vote. That's a TV blooper. What he wanted to say was they stopped (inaudible)."

Supervisor Kozakiewicz: "Thank you. Vince Tria."

Vince Tria: "Do I have to raise my right hand?"

Supervisor Kozakiewicz: "Not for this time period."

Vince Tria: "Actually, I don't know who to thank so I'll thank the Town Board and all those who gave us this great sound system. I don't have to worry anymore about hearing, I don't have to go like this, you know, but I would just like to say to the two ladies you've got to talk into the mike or it don't work. Thank you."

Supervisor Kozakiewicz: "Thank you. Mrs. Petrikis, is she still here? Bill Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. There are a number of small items in the resolutions. I'm not picking on the subject matter particularly but the fact that the standards for putting forth resolutions of how and what they are to include and say should be reviewed. I'll try to work backwards here. On Resolution 79, you refer Whereas the bid was awarded to Welsbach Electric in the amount of one million four hundred eighty, etc., etc. Now the one thing that's omitted there is it was awarded by Resolution number so and so. It should say what awarded them, what mechanism awarded them. When we come to big numbers like that, reference back to the resolution is important.

We have the same thing on Resolution 78."

Councilman Lull: "Bill, excuse me, Bill."

Supervisor Kozakeiwicz: "Do you want to go on."

Councilman Lull: "Yes, I guess. Bill, that is-- No. 79 is identified in the first Whereas clause. The title of that resolution that is referred to in the second Whereas clause was awards bid for advanced wastewater treatment facility upgrade and improvements and #617 is the resolution. But I would agree with you that I would prefer to have #617 of which year included there. But it is Resolution #617 that awarded the bid that is referred to in (inaudible)."

William Kasperovich: "Resolution 76 we're in the big money, one million seven hundred odd thousand, and yet in the agenda that the audience gets, this amount is not mentioned. I think when we come to the big money in the agenda that's given to the audience should so designate. That's my opinion. Take it as you would.

Resolution 57, you transfer \$10,000 bucks from special trust to engineer expense. Now is that personnel thing, hiring somebody and covering their cost or is it engineering expenses? If it's for an individual expense that individual should come to (inaudible) who we're talking about.

Resolution 51 and 52, you approve change orders but you don't say how much. This shouldn't be. I'm not questioning whether these change orders have to be verified or we have to validate things but the area that the change order falls into, if it's \$1,500 or \$15,000 or \$115,000 should show up.

Resolution 50 which is authorizing settlement and purchase of 216 Court Street, presented by Councilman Cardinale, and the only question that comes to my mind is was this written by the office clerk or the office boy in Smith, Finkelstein, Lundberg & Yakaboski? You refer to proceedings with respect to acquisition. By what resolution? It don't say. The fourth Whereas item, in light of the costs. In light of the- I never see in legal documents. In light of. Very nebulous, loose thing. And then you come to reputed owner. You are authorizing \$140 million dollar expenditure and you refer to- "

Supervisor Kozakiewicz: "\$140,000."

William Kasperovich: "-- and you refer to reputed owner. Hey, if you don't know the owner- "

Supervisor Kozakiewicz: "It's a legal phrase."

William Kasperovich: "Now I don't think of this as a legal phrase."

Supervisor Kozakiewicz: "Clearly, we're going to order a title- "

William Kasperovich: "You have an owner, you don't have an owner."

Supervisor Kozakiewicz: "Well, clearly we're going to obtain a title- will receive a title report which will guarantee to us the source of title before we actually hand the check over. So- and we'd also want to verify any other details as far as the purchase of the property. But- "

William Kasperovich: "Mr. Supervisor, I fully appreciate this

and I'm sure what's between the lines and what the intent is is well understood by all of the five men. But at the same time, I am haunted by a resolution in 1977 and how it was written and what its intent was, was not there and still haunts me and the town. So I look at these things that 10 years from now, 20 years from now somebody picks them up and reads them, they should be able to read them without question.

Now, the last item is Resolution 46 which is we're publishing for a hearing for demolition of a building but the terminology is the attached public notice- attached? Nothing attached. Certain buildings, this resolution should spell out which buildings, not certain buildings. Now, Mr. Zeh was up here several years back, I don't know, maybe three years, four years, and he brought with him Dennis, the architect, and he brought a consulting engineer with him, all to respond to this- a resolution of this type. And I remember him saying to me, hey, Kasperovich, do you realize how much this has cost me to come up here and defend my own property? And this particular building that I'm referring to it will stand for 100 years providing the termites don't find that it's there.

And so here you're bring Mr. Zeh up again and you're imposing a cost on him. And I say this business of demolishing buildings as a push or shove to get some motion on improving may just be an opinion or might just be somebody's like or dislike is affected."

Councilman Densieski: "Mr. Kasperovich, this is really setting a hearing. It's not ripping anybody's building down. This is to set a hearing."

William Kasperovich: "I can read. I can read. And big letters here. But this man, when he gets this- sees this, he has to prepare to confront the Town Board at a hearing, and as an elderly farmer he readily admits he's not in shape to do this. But you are imposing a hardship on the guy and I think- "

Councilman Densieski: "No, we're not. We're only having a hearing. We're not putting a hardship on him. He doesn't have to come here with a team of lawyers. He just has to come here and speak to the Town Board. That's all we're doing. Don't read more into it than we're actually doing, please."

William Kasperovich: "Well, he has to get somebody to speak for him."

Councilman Densieski: "No he doesn't. He can come and speak himself."

William Kasperovich: "Well, that's your opinion. And that's strictly in an opinion but he's in the audience and I talked to him a little while back and he remembers the dollar hardship you people- the Town Board put on him and after the pros- the professional guys spoke their piece, they perceived that this is not in order, this is no way. But it was a lot of out of pocket money for him. And I say here you write up a similar resolution and I think in a small town when we're dealing with a long time resident, you certainly can sit down and talk with him and resolve differences or tensions."

Supervisor Kozakiewicz: "Thank you, Bill."

William Kasperovich: "I don't know what further to say. But I come to the defense of Mr. Zeh and that I still remember that it was big out of pocket money then and the town couldn't move on it because they went out of order- "

Supervisor Kozakiewicz: "He can still come to the town, he can come to the Building Department and explain his situation. I think he may have been already to the town Building Department to explain his circumstances."

William Kasperovich: "Is it possible, Mr. Supervisor, that he can't find anybody in the town that will talk to him intelligently? And if you're sending him to the Building Department, I know he would have a hard time finding- "

Supervisor Kozakiewicz: "Well, I have to disagree with you."

William Kasperovich: "Well, naturally you have to- "

Supervisor Kozakiewicz: "And at this point- at this point, I have to ask you to sum up."

William Kasperovich: "-- stand by them but at the same time somebody has to stand up and show the other side of the coin. Thank you."

Supervisor Kozakiewicz: "Joan Griffin."

Joan Griffin: "Good evening, Joan Griffin, Calverton Civic Association. First of all, I'd like to say thank you, Mr. Supervisor,

for allowing me to present the phones to Police Chief Grattan. And also we got the calendars for the- "

Supervisor Kozakiewicz: "Recycling for the year."

Joan Griffin: "Thank you. And in there was two brochures. The one in red said you can put this, that and the other thing in and don't put this, that and the other thing in."

Supervisor Kozakiewicz: "Right."

Joan Griffin: "When I was reading it, do not put this in the regular weekly trash, I called up Carol Hogan- "

Supervisor Kozakiewicz: "Correct."

Joan Griffin: "At extension 391."

Supervisor Kozakiewicz: "That's right."

Joan Griffin: "And I asked her about the batteries. I said household batteries, she said correct."

Supervisor Kozakiewicz: "STOP hazardous waste."

Joan Griffin: "Right, and she said definitely twice, possibly three times a year we're doing it."

Supervisor Kozakiewicz: "Correct."

Joan Griffin: "And then I mentioned to her that I came from the township of Huntington and in Huntington with the recycling of household batteries- flashlight- "

Supervisor Kozakiewicz: "They have a drop zone at Town Hall."

Joan Griffin: "They have a drop zone at Town Hall, she suggested that. They also a drop zone at the library and at some of the bigger stores that would be able to hold a collection bin. It's a small bin so it doesn't weigh down to something humongous heavy. So it's just a suggestion that maybe these bins could be made available to us."

Supervisor Kozakiewicz: "I've seen- I think Southold Town Hall has them as well. When you walk in the Town Hall entrance, they have

a little-- a couple containers recycle batteries and that's what they have. You're talking about household as opposed to car batteries."

Joan Griffin: "Household, yes, flashlight batteries, for the toys."

Supervisor Kozakiewicz: "Just as long as we're talking about the same things."

Joan Griffin: "Yes, the little batteries."

Supervisor Kozakiewicz: "Sure. All right."

Joan Griffin: "And my favorite last question is how is the Burman deal doing?"

Supervisor Kozakiewicz: "Still plying forward."

Joan Griffin: "Still going forward? Is it going to close this year?"

Supervisor Kozakiewicz: "We certainly- I should at least say for myself, I certainly hope so, yes."

Joan Griffin: "Okay, thank you very much."

Supervisor Kozakiewicz: "Okay. I have one last card, Zabby. And then I saw someone's hand, I think Sid wants to talk. Sid, you wanted to comment, right? Okay."

Zabby: "Hi. I'm Zabby and I'm here to applaud the efforts of the Riverhead Town Board again. I have a few letters to read here. I usually read some letters to give the people in the television audience an idea of what's going on. I'm also going to submit to the- Barbara Grattan, 19 letters that Phil Cardinale wrote on behalf of the Town of Riverhead in our battle against Cablevision and I'm also going to read a letter from Bob Kozakiewicz, he sent a letter to the FCC, and I'm going to submit that in the record, too. And also I'm going to submit for the record, and this way, the people in town, the- also the press, can also see these letters because they'll be in the public record.

And, of course, Cablevision matters are always public. Cablevision discussions about franchises need to be in the public and not be held in Executive Committee or behind closed doors so that the

public has a right to know everything that's going on. And I can say that this Town Board is doing- the Town of Riverhead is doing the most among the east end towns on behalf of the residents of Riverhead.

And we had some questions last time from Gus LoPorto and Steve Haizlip about the rates, they were- and everybody complaining about the rates. I have here something that I will be giving to Phil Cardinale, who is the- Mr. Kozakiewicz, the administration of Bob Kozakiewicz, he is the front man here, sort of the quarterback, who is, you know, writing these 19 letters and doing this work on behalf of the team here. And, of course, I'm the team's kicker, the field goal kicker, precision, you know.

So, at any rate, I have from franchise negotiation seminar that I attended that actually now Mr. Cardinale may, in fact, file a 329 complaint to the FCC about these recent rate hikes. And so I'm going to give him that information.

And another thing. I was so happy that Steve Haizlip had pointed out that he sees no conflict of interest between the cable- any law that could deregulate or regulate Cablevision and Cablevision's volition, that is their desire to give to the senior citizens freely of their own accord and, you know, this is what I got the impression that Cablevision when they signed that contract 17 years ago, wanted to do something for the community, for the senior citizens, and so it has no bearing on what rate is charged and the government does not- the government does not preempt Cablevision from following through.

But right now Cablevision is in breach of contract because they have a few people working that I think Mr. Dolan would fire if he knew what they were doing. Some of the people are giving out misinformation. For instance, like Steve Haizlip quoted this Mr. Bill Powers from Cablevision why it's not- so, it says here Cablevision disagrees. It feels that provisions of the franchise agreement was superseded by the enactment of the 1993 Federal Cable Act according to Cablevision spokesman Bill Powers. But it wasn't.

Then he says how he wants to- he also said that we'll give you 25%. They only just recently gave East Hampton 15% and that was with a high paid attorney fighting for them. So this is- we can't listen to Cablevision to get our information and this is why the Town Board of Riverhead has so astutely appointed me as advisor. So that I can, in fact, do the homework required to feed them.

Maybe the Town Board needs to know how it came about. This is a

flag given to me from Calverton Cemetery when my dad, for his burial. And I have a spiritual home here in Riverhead. My parents are both buried in Calverton and so I believe in the freedom of speech and that's where I come from.

It happened in 1999 in September, that's- three was an article published by the Southampton Town Press local producers champion better cable access rules. And I produce Fight Back so also I'm going to ask people like Steve Haizlip and George Schmelzer and different people who feel that they need more than five minutes. I invite them on my show Fight Back and I'll be arranging to have the camera here and people can come and make comments. And that airs at 7:30 Saturday evenings, Fight Back, and you can see more of my testimony and I talk about these Cablevision matters.

What has- in this press release by the way, the producers who produce programs on Channel 70, and we have many of them. There's, in fact, I network 200 but we have 50 on the east end that I am the director of Public Access Television Association and that protects the public and the producers. And we had wanted supporters seek one or two more channels. Thanks to the town of Riverhead, we have another channel now. And, soon- and we have asked, you'll see in the letters that will be on public record, we have asked for the third.

Also, Cablevision tried to impose these rules that would have violated free speech and this is why I bring the flag here. And luckily the town of Southold led by Jean Cochoran and Greg Yakaboski (phonetic), he wrote this wonderful letter and- "

Supervisor Kozakiewicz: "Zabby. Time to sum up."

Zabby: "But at any rate- oh, okay. Well, in that case, you'll have to read these letters and especially this- the one that Bob wrote to the FCC and I have (inaudible) many things here I wanted to give out. One bad thing is that these new rules, there will be a new rule kit. We fought down this rule kit and they're coming out with another one but they're going to limit our free speech to 13 weeks and we need the towns to fight against that. In fact, Supervisor Cannuscio (phonetic) made a resolution fighting this kind of a thing and we have a lot of support in this community. It's a great place here and it may impact the whole state of New York. In fact- "

Supervisor Kozakiewicz: "Zabby."

Zabby: "Yes? Okay. Well, you see- you'll have to tune into my

program at 7:30 for the rest of the story. Okay?"

Supervisor Kozakiewicz: "Thank you. Sid Bail, please."

Zabby: "Here's our coach. Whoops, Bob Kozakiewicz is our coach here on this team that we have fighting Cablevision."

Supervisor Kozakiewicz: "Zabby. Sid Bail."

Councilman Kent: "How do you follow that?"

Sid Bail: "That's a very tough act to follow, Zabby. I can't even sing. I have three quick questions. One is on the Wading River Creek lawsuits. What's the status on that, on both of the suits?"

Supervisor Kozakiewicz: "With regard to the boundary case, that went up to the Court of Appeals, or we made application to- for the Court of Appeals to hear. They have turned that down. So we're at the end of the road with regard to that one."

Sid Bail: "Okay. Yes. Because I just hadn't seen anything in the papers or heard anything."

Supervisor Kozakiewicz: "With regard to the other matter which is the suit against I guess it would be now Lipa or Kepspan- "

Sid Bail: "Keyspan."

Supervisor Kozakiewicz: "That is continuing forward. There are depositions that are being taken or in the midst of being taken by our counsel and that's Mr. Sinnreich, so that suit is continuing forward."

Sid Bail: "Thank you. I have another question, Epcal. Joan asked you the Epcal question of the night and you said everything was going well. There was an article in today's Newsday in reference to the Planning Board- "

Supervisor Kozakiewicz: "Resolution."

Sid Bail: "Resolution."

Supervisor Kozakiewicz: "That's correct."

Sid Bail: "And the phrase comply with regulations allowing instrument landings and there was some question in the article about

where the origins of the term came from."

Supervisor Kozakiewicz: "The- there is in the deed that was conveyed to the town a covenant from the federal government which provides that the grantee, i.e., the town Community Development Agency, would covenant and bind itself, its successors and assigns, to comply with CFR Part 77 which are the issues which deal with navigable air space. I believe that's where the Planning Board looked to and used as its basis for adopting its particular resolution and those particular covenants."

Sid Bail: "Are instrument landings consistent with private airports?"

Supervisor Kozakiewicz: "My understanding is they're not. The issue is- I don't think- there's some miscommunication. I don't think there was anything in the Planning Board resolution which discusses instrument landings. It makes reference to that particular section."

Sid Bail: "Right. It is confusing and it just adds, you know, a little bit more- how to say uncertainty about the situation."

Supervisor Kozakiewicz: "I very much believe we'll still get through it."

Sid Bail: "Yes."

Supervisor Kozakiewicz: "And that's why I said earlier I think it's still going to go forward. It think this is- we've been through a lot with this particular deal and I don't think this is going to prevent it from going forward."

Sid Bail: "One last comment. On the resolution of the group homes, the resolution instructs I guess the Town Attorney- "

Supervisor Kozakiewicz: "Correct."

Sid Bail: "-- to put forth three alternative sites."

Supervisor Kozakiewicz: "That's correct."

Sid Bail: "Is this the first time that the town has done that?"

Supervisor Kozakiewicz: "I believe it's the first time we've suggested alternatives. I do not believe it's the first time that the

town has objected to a group home. I believe it was done with a residence out in Aquebogue. It might have been Hilton Court if my recollection is right and in that case there was an absolute denial based upon the saturation issue."

Sid Bail: "Right. The residents came up with these alternatives."

Supervisor Kozakiewicz: "No, actually this is a result of the Town Attorney and the Planning Director looking at other lots in close vicinity to the existing group home that's presently on Middle Road and looking at other locations that would offer an area that would be suitable for construction of a single story residence of approximately 3700 square feet. So that was where it originated from."

Sid Bail: "So in the future other areas would be subject to group homes could ask the town?"

Supervisor Kozakiewicz: "We are going to look at this. As a matter of fact, I know that I think I may have mentioned this to one of the Councilman. When we had met the beginning of last year at the Wading River Civic meeting, one of the things that you talked about was trying to establish an ad hoc committee to look at these things and that's something that I think may still be valid because some of the residents may know other locations just as well as the town. But this was done through the Town Attorney's offices and the Planning Department offices."

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

Supervisor Kozakiewicz: "You're welcome. Mr. Evans. I was hoping to take up resolutions but I don't want to cut you off. Go ahead."

Mr. Evans: "Mr. Evans, Riverhead. Can you tell us the three locations for ADD homes or not?"

Supervisor Kozakiewicz: "I knew there was going to be that question so I'm going to defer to the Town Attorney. I know one of them is Osborne. That's the one that's pending subdivision approval, is that correct?"

Dawn Thomas: "That's Mill Road."

Supervisor Kozakiewicz: "Oh, that's Mill Road. Okay."

Dawn Thomas: "That's- "

Supervisor Kozakiewicz: "I thought it was Osborne and Mill."

Dawn Thomas: "Yes. It's close to that intersection, right."

Supervisor Kozakiewicz: "Right, okay."

Dawn Thomas: "It's pending subdivision. Those lots have not been subdivided but the application is pending. It's properly zoned and it's on the I should have brought the map- "

Supervisor Kozakiewicz: "The property is if my memory serves me right, on the west side of Osborne Avenue. If you come from town and head north on Osborne, you cross over Middle Road, and you continue almost to where the intersection occurs with Mill Road, on- "

Mr. Evans: "There's a small subdivision going in there, right?"

Supervisor Kozakiewicz: "That's correct. I think it's a four lot subdivision that's being proposed."

Dawn Thomas: "And the other two locations are nearby the existing group residence on- "

Supervisor Kozakiewicz: "Middle Road."

Dawn Thomas: "On the north side of Middle Road west of Old- just west of Old Farm Road. Those properties are currently owned by Timothy Hill Ranch. One has a dilapidated house on it."

Supervisor Kozakiewicz: "Okay."

Dawn Thomas: "And the other's got some dilapidated barn."

Supervisor Kozakiewicz: "I don't know if you heard that. The two structures- "

Mr. Evans: "There's two of them, right?"

Supervisor Kozakiewicz: "That's correct. Well, there's two lots. One has a dilapidated barn; one has a dilapidated house and they are- "

Mr. Evans: "The large house?"

1/16/01minutes

Supervisor Kozakiewicz: "Yes."

Mr. Evans: "Okay."

Supervisor Kozakiewicz: "Yes. Okay?"

Mr. Evans: "Okay, thanks."

Supervisor Kozakiewicz: "Thank you. Anybody else? Vince Tria."

Vince Tria: "If I may, I want to clarify the instrument landing. That was on the application that was filed by the Town of Riverhead to the FAA. In the bottom of the application, there was written in permission for instrument landing. In the letter that came back from Sharon Perry, it said the above was approved but not the instrument landing. It had to be done in a separate petition."

Supervisor Kozakiewicz: "Thank you. Anybody else? That being the case, we'll take up the resolutions."

Resolution #44

Councilman Lull: "Okay, as discussed already. Authorizing publication of notice to amend Community Development Block Grant program. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #45

Councilman Densieski: "Authorizes publication of notice for public hearing regarding the relocation of the National Response Corporation. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull,

Barbara Grattan: "The resolution is adopted."

Resolution #48

Councilman Lull: "#48. Before we do that, I would like to propose an amendment to 48. Second Whereas clause. Whereas the Town Board has by Resolution 314 of 1997 committed \$100,000. Following \$100,000, quoting directly from that resolution, in recreation development fees to match the state funds."

Supervisor Kozakiewicz: "Any objection?"

Councilman Lull: "Make that clear. That's an exact quote from the resolution."

Barbara Grattan: "In recreation development funds, Jim?"

Councilman Lull: "In recreation development fees."

Barbara Grattan: "Oh, fees. Okay, I'm sorry. Okay."

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "Any other changes?"

Councilman Lull: "No. That's it."

Supervisor Kozakiewicz: "There's a motion to move it."

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded as amended."

The Vote: "Densieski."

Councilman Densieski: "Okay. What Jim states is accurate and I really hope this goes through. I hope the other Board members vote it through. I'm going to have to abstain because it wasn't talked about with the current Rec Committee but I think this should go through and I hope the rest of the Board does do it. But I am on the Recreation Committee and out of respect for them, I'm going to abstain on this."

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

Councilman Cardinale: "One other point is that there is no contract attached although there was one at the work session which I looked at but unfortunately the public hasn't had the opportunity to do so. I believe that this is a good use of Rec funds. I'm going to vote yes."

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

Councilman Kent: "And I would ask- kind of join Ed. I'm going to vote yes because I do want it to pass and I appreciate Ed's vote. But I'm going to ask the Supervisor even though we're authorizing him tonight to execute this, that he wait until the Chairperson of the Rec Advisory Committee is informed and has the opportunity to contact the other members of the Committee to take some type of telephone vote, which we've done in the past. And I think that can be undertaken tomorrow. I think you've already made efforts to start that today."

Supervisor Kozakiewicz: "I spoke with Ron Schmidt (phonetic). Unfortunately I don't have the other people's telephone numbers handy, so- "

Councilman Kent: "Well, Rose would actually make the calls."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "You would just have to contact her and I can provide her work phone number to you after the meeting."

Supervisor Kozakiewicz: "Fine."

Councilman Kent: "And I will vote yes to authorize the Supervisor to execute that contract asking that he wait to execute it until after he can poll the members of the Committee."

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

Councilman Lull: "Maybe it would be a good idea to examine some of the other plans that have been made by other boards. Some of this money is already committed. This Grangebel Park plan right here is a three part plan. Whether or not any other Rec money was involved in this multi-million job, this million and a half dollar job, whether any other Rec money was committed previously, I don't know. But it would be a good idea to find out. I vote yes."

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

Supervisor Kozakiewicz: "As already pointed out, this was, in fact, the subject of a prior Town Board resolution #314 of 1997. This contract goes back to 1997 where we received \$100,000 in grant funds from the New York State office of Parks, Recreation and Historic Preservation in order to improve and reconstruct the pedestrian footbridges and bulkheading down at Grangebél Park.

I think part of the reason the project didn't go forward sooner is there was a desire to have as mentioned a three part process here and one of the prongs to the three part process didn't make it through this year. However, given the age of this particular grant and the fact that we need to really address those pedestrian bridges and the bulkheading, the Board has decided it's time to move forward and utilize this grant fund.

It was the subject of a Recreation discussion back in '97 or '96. It was adopted by the Board on April 15th of 1997 but out of respect to this current Rec Committee, certainly I will wait for them to contact me before I actually affix my signature to the agreement. However, I think it's important for us to address this and, therefore, I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #49

Councilman Densieski: "Authorizes the Supervisor to execute agreement for STOP DWI municipal enforcement grant from the County of Suffolk. That's in the amount of \$25,000. It's not for extra personnel. It is actually for overtime to be used just for DWI enforcement. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #50

Councilman Cardinale: "This resolution authorizes the settlement and purchase of 216 Court Street for the sum of \$140,000.

execute a change order- execute multiple change orders No. 1 and 2, Riverhead Water District building renovations contract No. 1, which is general construction. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Lull: "I'm sorry. Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #53

Councilman Lull: "53 is a budget adjustment from recreation repair and maintenance to buildings and grounds- since buildings and grounds does the recreation maintenance. So budget adjustment, Resolution #53, so moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "Got to make a statement. I requested that all budget adjustments have written information on them to let the Town Board members know to what we're actually adjusting and I guess that's not going to be the policy, but we still have to run the town efficiently so I vote yes."

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

Councilman Cardinale: "Yeah, I would vote yes on this and I'm particularly anxious not to give up on arguing for the policy that when they're between department transfers we should have an explanation in writing. This one I would vote yes on."

The Vote (Cont'd.): "Kent, yes; Lull."

Councilman Lull: "I just believe that the text of the resolution is enough of an explanation. The Recreation Department doesn't do the repair work, Buildings and Grounds does for them, so that's being charged back to the Buildings and Grounds. Yes."

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

adopted."

Resolution #54

Councilman Cardinale: "Resolution 54 is a budget adoption, Polish Town beautification project, \$4,800. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Yes. This are grants that are being used."

The Vote (Cont'd.): "Kent, yes; Lull."

Councilman Lull: "This doesn't have to do with signs?"

Supervisor Kozakiewicz: "No signs."

Councilman Kent: "Make Polish Town beautiful."

Supervisor Kozakiewicz: "Shutters."

Councilman Lull: "Yes."

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

Resolution #55

Councilman Densieski: "Small cities fund budget adjustment. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #56

Councilman Kent: "This is the second grant of the Polish Town beautification project. It's a R.E.S.T.O.R.E. which I don't know what it stands for but R.E.S.T.O.R.E. grant program, \$2,300 transfer to the capital project for Polish Town beautification."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #57

Councilman Densieski: "Stotzky Park skateboard complex capital project budget adjustment. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I've got to make a comment here also. It's been reported in one or two of the local papers and some of the reporting is inaccurate, sorry, Tim."

Supervisor Kozakiewicz: "No, I already had this conversation with Tim and he pointed out that his article did, in fact, follow up and- "

Councilman Densieski: "Yeah, seven pages later. Anyway, I would like to just state out that we're not buying a skate park for a million dollars which is what some people might like you to believe. We're getting an inline skate park. The architect says it's a world class skatepark. But it also has a safety drop off area so that parents can safely drop their children off without having to deal with the traffic on Pulaski Street. There's also almost 60 extra parking spots that are going to be included. The lighting, the mezzanine areas, and a lot more is included in it.

It's not just a skate park. It's a complete facility; it's a complete recreation complex, a facility and not one dime of it, not

one, is going to come from the taxpayers. It's all coming from Rec fees. Yes, it's going to be bonded, but the bonding is going to be paid off by Rec fees and our bond rate, we can- we actually can borrow money cheaper than what the interest- we will pay less in interest than we actually receive from the bank in interest. So mathematically that makes sense also. But not one dime of it is coming from the taxpayers and I think that's important for everybody to know because we are trying to expand recreation in the town so our young people have something to do. I just wanted to clear that up."

Councilman Lull: "Ed, before you finally move it, how about changing the second term from engineer to engineering?"

Councilman Kent: "I already did that on mine, yeah."

Councilman Densieski: "Okay."

Councilman Lull: "Thanks."

Councilman Densieski: "Engineering expense, \$10,000. So moved."

Councilman Kent: "No, it's been moved and seconded already."

Barbara Grattan: "It's been moved. I'd like to take a vote. Is that a yes?"

Councilman Densieski: "Yes."

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

Councilman Kent: "In addition to the skate park and the parking and the drop off area and the sidewalks and tying it into the existing park, it's also going to have a hockey roller rink for skating and playing hockey on skates. So not ice skates. So I think that's another added attraction. And the actual skate park, I think, is the least expensive item of the items that are included. It's only about 220 to \$240,000. So, and I agree with Ed said. And besides my son wants this so I'm going to vote yes."

Supervisor Kozakiewicz: "You've got a conflict."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "Just a small observation and, again,

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent."

Councilman Kent: "This is for an increase from 15 to \$20,000 for improvements to the pump house at Grangebél Park. Yes."

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

Resolution #60

Councilman Kent: "#60 is a series of Park and Rec fee transfers totaling \$160,000. These are the actual transfers of the monies into the separate budgets, increases- we're actually transferring the \$35,000 now to the skateboard complex. This is an increase from 25 to 35 for engineering fees; \$100,000 for the bulkheading at Grangebél Park; \$25,000 to capital projects for the Y2K. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #61

Councilman Densieski: "Authorization to discard fixed assets. It's a bunch of keyboards and modems and I wasn't- either I wasn't paying attention at work session or I didn't find out what this was about. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Cardinale."

Councilman Densieski: "No, I didn't vote yet."

Barbara Grattan: "I mean- I'm sorry. Densieski."

Councilman Densieski: "I'm going to abstain because I don't know if this got by me or I wasn't paying attention. But I don't know anything about it. So I'm going to abstain."

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

Councilman Cardinale: "The- this- we see these every once in a while. I'm heartened by the fact that it says that Whereas they have broken computer equipment that's been salvaged for parts and is no longer useable now after careful consideration and the recommendation of the Accounting Department has no residual value and should be discarded and they list it. I'm going to vote yes."

The Vote (Cont'd.): "Kent, yes; Lull."

Councilman Lull: "Just because we don't have to claim it on our inventory any more."

Councilman Cardinale: "Yeah, but just the storage alone is probably expensive."

Councilman Lull: "Yes."

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

Resolution #62

Councilman Lull: "It's a budget adjustment in the animal shelter donation fund. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Councilman Densieski: "I don't think this needed to have a resolution but apparently someone in Accounting did, so I'll vote yes."

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

Councilman Kent: "We're buying food for the deer. Yes."

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

Resolution #63

Councilman Cardinale: "I lose track with these deer, whether we're killing them or feeding them. Each week we do something different. It's remarkable. Anyway, this next resolution authorizes fire marshal to attend classes. He likes classes, he goes often. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #64

Councilman Densieski: "Accepts resignation of Gloria Ingegno in the Community Development Office. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Councilman Densieski: "I'd also like to thank Gloria for her efforts at the Epcal center. Yes."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "I would like to mirror comments from Councilman Densieski and thank Gloria for her service to the town and at Epcal. I did try and convince her to change her mind but she said no that she'd like to move on so I vote yes."

Barbara Grattan: "Resolution is adopted."

Resolution #65

Councilman Lull: "65 appoints a 90 day temporary. This is

position. We must fill it and it needs to be promoted."

Councilman Kent: "Well, you have to have a manager."

Councilman Lull: "She's there already."

Councilman Cardinale: "She's there already anyway."

Councilman Kent: "And she was just Employee of the Year- or the Quarter."

Supervisor Kozakiewicz: "Quarter. Employee of the Quarter."

Councilman Cardinale: "Tonight."

Supervisor Kozakiewicz: "How soon you forget."

Councilman Lull: "On the job, doing the job."

Supervisor Kozakiewicz: "There's a motion. Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, I'm going to vote yes because Andrea does work real hard over there, so, yes."

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

Councilman Lull: "Among the other things that she does that nobody mentioned up here when she was standing up here is that she does, in fact, drive the Dial-A-Ride for special events like the country fair and so forth and she does not charge us."

Councilman Densieski: "Yes."

Barbara Grattan: "Is that a yes? No?"

Councilman Lull: "That's a yes."

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

Julia Bowman who will be for 90 days a temporary secretary in the Supervisor's office. So moved."

Councilman Kent: "And she started today. Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yeah."

Councilman Densieski: "This is to replace Tara McLaughlin who is out on maternity leave and we wish her the best of luck and we wish Julie the best of luck, yes."

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

Councilman Kent: "I think Julie is going to need more."

Councilman Cardinale: "Is the luck in any particular- any particular- any particular area or just luck in general that we wish her?"

Councilman Densieski: "In general in this building."

Councilman Cardinale: "All right. I will vote yes on this."

The Vote (Cont'd.): "Kent, yes; Lull, yes; Kozakiewicz, yes.
The resolution is adopted."

Resolution #66

Councilman Kent: "This promotes Andrea Weber to the title of Senior Citizen Nutrition Center Manager. With this promotion, we're actually putting her down in some steps, right? But we're increasing the group."

Councilman Cardinale: "Seconded."

Councilman Kent: "We've analyzed this, Phil, I just wanted to let you know."

Councilman Cardinale: "Good."

Councilman Kent: "And this is the right spot. And I move it."

Councilman Cardinale: "Wait, let me guess. We need this

Resolution #67

Councilman Densieski: "Appoints a contingent provisional assessment clerk in the Assessor's Office, that would be Cheryl Hotchkiss. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent."

Councilman Kent: "That title makes it sound like such a stable position, contingent provisional. But what that means is that if someone comes back, she loses her job. Plus it's provisional because she's subject to taking the next civil service test when it's offered because there's no list. Or actually there's no test that was given for this position."

Councilman Cardinale: "Chris, I wish you would stop explaining that because as I understand it the last person who we appointed as a contingent provisional must have heard you- "

Supervisor Kozakiewicz: "Must have been watching TV."

Councilman Cardinale: "-- because she declined the job. That's why we have to appoint- "

Councilman Kent: "Well, I try to keep our salaries down, Phil. I'm trying to do what you want me to do."

Councilman Cardinale: "You're doing good. Keep it up."

Councilman Kent: "Okay. I'll vote yes."

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

Resolution #68

Councilman Lull: "Authorizes the Town Clerk to publish and post a help wanted ad for a grant coordinator. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'd like to amend this. This says that applications are to be submitted to the Accounting Department. I think applications should be submitted to the Supervisor's office and then forwarded to wherever they have to go. Can we amend that, Mr. Supervisor?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "There's a second to amend it."

Councilman Densieski: "Okay."

Councilman Lull: "We have a procedure."

Supervisor Kozakiewicz: "Discussion?"

Councilman Kent: "I don't care."

Supervisor Kozakiewicz: "All right."

Councilman Kent: "It's more work for you, Bob."

Supervisor Kozakiewicz: "Yeah."

Councilman Kent: "Okay? Make sure Julia (phonetic) knows where to send them."

Supervisor Kozakiewicz: "Yeah, exactly."

Councilman Lull: (Inaudible)

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

Supervisor Kozakiewicz: "Okay, vote on it. Moved and seconded as amended."

The Vote: "Densieski, yes."

Councilman Kent: "Well, you're just amending the notice actually you're amending the notice."

Supervisor Kozakiewicz: "Right."

Barbara Grattan: "Densieski- "

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

Councilman Cardinale: "Are we voting as amended or- "

Supervisor Kozakiewicz: "Voting as amended."

Barbara Grattan: "Voting as- "

Supervisor Kozakiewicz: "On the notice."

Councilman Cardinale: "The- on the notice, yeah. This provision, 68, is followed by 69 and- "

Councilman Kent: "Yeah, I spoke to Jack about this today and our prior accountant was serving in both positions."

Councilman Cardinale: "Right."

Councilman Kent: "So what he's hoping is by putting it in as two we might get a more cross section of people to respond to the help wanted. We're not necessarily hiring two people."

Councilman Cardinale: "All right. Well, that's comforting to hear that because my objection was going to be- in which case, well, I'll spring and vote yes for the advertising but what I'm concerned about here is these positions were previously filled, 68 and 69, by Charlene Kagel at I believe around \$55,000 and if we do this with two separate positions, we're going to wind up spending 45 for each plus two benefit packages where we had one. And I'm not yet prepared to do that. But, what the heck, that's for another evening.

As far as at least seeing who's out there and who's interested, I will vote yes."

Supervisor Kozakiewicz: "Just a point of order or additional observation. I did when we were having the conversation ask the Town Clerk if these had made it to the paper yet and they have not. Therefore it's impossible for them to get in the January 18, 2001 issue so they should be amended to reflect the January 25, 2001 issue of the News Review."

Councilman Cardinale: "I'll vote yes as you just amended it then."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "All right, where are we? Densieski, Cardinale, yes, yes- both amendments on this?"

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

Councilman Kent: "And I'll vote yes, yes, too."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, si, yes. The resolution is adopted."

Resolution #69

Barbara Grattan: "Now we've got #69 and we're going to do the same thing to that, right?"

Supervisor Kozakiewicz: "Same thing, correct."

Barbara Grattan: "And who's going to make that amendment?"

Councilman Kent: "Cardinale is."

Councilman Cardinale: "I move to amend the 25th of January and as amended I move the #69."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; as amended; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #70

Councilman Kent: "Yeah, unfortunately I'm going to make an amendment to this resolution, too. In the conditions which is the second- third Resolve clause, actually fourth Resolve clause, excuse me."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "In B, I'd like it to read that the filing of a covenant acceptable to the Town Attorney which restricts the occupancy of the accessory apartment to the parents of the applicant and which reverts the use of the premises to single family use at the time the applicant's parent vacates the accessory apartment rather than the way it's worded there. And I'll provide this to Barbara."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Okay. So with that, I will move the resolution. This is approving the special permit petition of Zoumas Contracting regarding the construction of a two family residence for Anna LaFata on Herricks Lane within an Agriculture A zoning use district. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Kent: "It should say Herricks Lane by the way in Jamesport, not Herricks Land."

Councilman Densieski: "There's a couple other pertinent pieces of information, too. Also, this is on a three acre parcel and I think the amendment that Councilman Kent made is a wise decision because you could have an onslaught of people trying to make two family homes and I don't think we need to do that."

Barbara Grattan: "So is it three acre?"

Councilman Densieski: "2.9."

Supervisor Kozakiewicz: "2.9."

Barbara Grattan: "Oh, okay."

The Vote: "Densieski, yes, as amended; Cardinale."

Councilman Cardinale: "Yes. I'm comfortable with this with the conditions indicated. I vote yes."

The Vote (Cont'd.): "Kent, yes; Lull, yes; Kozakiewicz, yes.
The resolution is adopted."

Resolution #71

Councilman Lull: "#71 is authorizing the Town Clerk to publish and post public notice for a Local Law which is to repeal Chapter 90 and replace it with a new Chapter 90 entitled Special Events of the Riverhead Town Code, that public hearing to take place on February 6th, 2001. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #72

Councilman Densieski: "Authorizes the Town Clerk to publish and post a public notice for a Local Law to consider the addition of a new Chapter 94 entitled Tobacco Advertising to the Riverhead Town Code. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Basically, what we're trying to do is limit people from tobacco advertising near schools, day care centers, and things like that. Yes."

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

Resolution #73

Councilman Densieski: "Authorization to publish a bid for water service materials. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #74

Councilman Cardinale: "This is an authorization to publish a bid for propane. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "A quick discussion."

Supervisor Kozakiewicz: "Go ahead."

Councilman Densieski: "Considering right now we're at the height of winter and the peak of propane prices, would it be wise for us to or can we prolong this for several months or not?"

Supervisor Kozakiewicz: "I think we're out of contract--contract period, which is the reason why we're doing it again."

Councilman Densieski: "Okay. In that case, I'll vote yes."

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

Resolution #75

Councilman Lull: "Authorization to publish a bid for diesel fuel. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Okay, the Supervisor just said that the same thing goes for this one. We have to re-do it now. So I'll vote

yes."

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

Resolution #76

Councilman Densieski: "Quick discussion on that, I'm sorry."

Supervisor Kozakiewicz: "On which one, the last one?"

Councilman Densieski: "On the last two."

Supervisor Kozakiewicz: "Well, we voted on them."

Councilman Densieski: "Okay. I just want to ask a quick question."

Supervisor Kozakiewicz: "Go ahead."

Councilman Densieski: "Is there any way when these bids come in that we can limit the time or in other words- "

Supervisor Kozakiewicz: "It's usually for a year."

Councilman Densieski: "For a year?"

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "Sorry about that."

Supervisor Kozakiewicz: "That's okay. 76."

Resolution #76

Councilman Densieski: "Awards bid for Iron Pier reconstruction and improvements. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent."

Councilman Kent: "At last. Yes."

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

Councilman Lull: "Four administrations have talked about this. Yes."

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

Resolution #77

Councilman Kent: "This awards the bid for the highway maintenance facility roof replacement. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'd just like to point out that we did re-bid this and we saved about fifty something thousand on the second bid so I'll vote yes."

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

Councilman Cardinale: "Did we get more than one bid?"

Councilman Densieski: "Yes."

Councilman Cardinale: "And this is the low, I assume?"

Councilman Densieski: "Yes."

Councilman Cardinale: "I vote yes."

The Vote (Cont'd.): "Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #78

Councilman Lull: "Authorizes the Town Supervisor to execute change order number 2 for Cliff Road West drainage improvement project. It's simply a- the engineer has seen need for some more curbing and concrete apron and asphalt to improve the drainage. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent."

Councilman Kent: "We finally got it right, it's Cliff Road West. Yes."

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

Resolution #79

Councilman Densieski: "Authorizes the town Supervisor to execute change order number 1 for advanced wastewater facility upgrade and improvements for electrical construction. So moved."

Councilman Kent: "Seconded. This is for a variable speed drive addition, I believe, to our- "

Councilman Densieski: "Yeah, it is."

Councilman Kent: "-- facility there. Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "When I asked whether there are going to be any other change orders, we were told no as far as the electrical contract and electrical construction. And I also understand it came under the total bid for this. Yes."

Barbara Grattan: "The resolution is adopted."

Supervisor Kozakiewicz: "We'll hold them to that."

Councilman Densieski: "Yup."

Resolution #80

Councilman Cardinale: "This approves the site plan of Autozone, Inc. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Councilman Densieski: "I would just like to point out that this Town Board had made some corrections on it and to try to alleviate some of the traffic problems on Route 58. So with that said, yes."

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

Resolution #81

Councilman Densieski: "Authorizes the Town Clerk to post and publish public notice for a public hearing to consider a proposed Local Law for an amendment of Chapter 101 Vehicles and Traffic to the Riverhead Town Code. So moved."

Councilman Lull: "I'll second that."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes."

Councilman Kent: "This is an attempt to limit the weight of vehicles traveling through some of our neighborhoods in Riverhead so to keep some of the bigger trucks off of residential streets. And the public hearing will be February 6th at 7:10. And I vote yes."

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

Councilman Lull: "And this is basically developed to work with the Clearview Civic Association. Yes."

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

Resolution #82

Councilman Lull: "Approves the special permit petition of Michael Davis recreational use within the Industrial A zoning use district. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "Yeah, I just have a question on this. And I know Michael's here but I can't remember if it came up. I know we talked about- he's proposing a food court at his site. Is this going to be limited to only people who come to the recreational facility to use the facilities? You're not going to try to attract- okay, you're not going to try to attract people to come there to eat lunch or- "

Councilman Cardinale: "One other question."

Supervisor Kozakiewicz: "Any other discussion?"

Councilman Cardinale: "Yeah, in regard to the- I don't have the Planning Board resolution in front of me. Did we incorporate the recommendations of the Planning Board or was there any difference between this and the- does anybody recall?"

Supervisor Kozakiewicz: "I believe the Planning Board issues were those in the next to the last Resolve, the question of lighting- "

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "To be sure that lighting does not impact the neighboring properties and that the driveway improvements that are recommended by Dunne Engineering be done. So that was my recollection of the Planning Board report. Otherwise they found in favor of it."

Councilman Cardinale: "Thank you."

Supervisor Kozakiewicz: "It was- was it moved and seconded?"

Councilman Kent: "Yes, it was."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "All right."

Barbara Grattan: "That will be Densieski."

Councilman Densieski: "Okay. I think Mr. Davis deserves a

trophy for sitting through a couple of these meetings, I'll tell you. Welcome to the neighborhood and I wish you the best of luck over there. I'm going to vote yes."

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

Resolution #83

Barbara Grattan: "Resolution 83, bills."

Councilman Lull: "So moved."

Councilman Kent: "I'll second."

Supervisor Kozakiewicz: "Moved by Lull, seconded by Chris Kent. Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #84

Barbara Grattan: "Resolution #84 is the group home. Councilman Densieski."

Dawn Thomas: "I just want to suggest one amendment to this. In the Resolve clause that directs the Town Clerk to forward a copy of the resolution, I'd just like add to the- "

Supervisor Kozakiewicz: "That very last Resolve?"

Dawn Thomas: "Yeah."

Supervisor Kozakiewicz: "Okay."

Dawn Thomas: "I would like to add to the Commissioner of Mental Health."

Supervisor Kozakiewicz: "Where would add that? At the very end?"

Dawn Thomas: "Yeah."

Councilman Lull: "Where it's going to be sent to."

Dawn Thomas: "Yes."

Supervisor Kozakiewicz: "Okay."

Dawn Thomas: "That's all."

Councilman Kent: "You might also want to send it to the Office of Mental Health and Retardation, OMRDD."

Dawn Thomas: "Under the Mental Hygiene Law, it's directing to the Commissioner and it means the Commissioner. We can send a courtesy copy also but I just want to make sure that I have the right- "

Supervisor Kozakiewicz: "She's indicating that under the Mental Health Law, Padaman Law, it requires that it be sent to the Commissioner and, therefore, we're adding that on the last Resolve so that a copy of this resolution will go to the Commissioner of Mental Health in accordance with that procedure. We can also- what was suggested is that we also send it to OMD- "

Councilman Kent: "Office of Mental Retardation and Development Disabilities. OMRDD."

Supervisor Kozakiewicz: "Okay. As an additional referral."

Councilman Kent: "That was just a suggestion."

Dawn Thomas: "I think that's a subdivision of the Office of the Mental Health, so we'll send an additional copy. That's no problem. I just want to make sure I get what's required."

Supervisor Kozakiewicz: "By law. Okay. With that- any objection to moving that amendment? Is there a motion? I'm not sure if we've had a motion by anyone."

Barbara Grattan: "Densieski made it."

Councilman Lull: "I'll second."

Supervisor Kozakiewicz: "Okay. So there's a motion by Councilman Densieski and second by Councilman Lull with the proposed amendment as suggested by the Town Attorney. Vote, please."

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

Supervisor Kozakiewicz: "Sure, go ahead."

Councilman Densieski: "There are about thirty something groups that have these homes for mentally disabled people. They are not for profit. They don't pay any property taxes. And I am all in favor of taking care of all of Riverhead's mentally disabled. I think we should take care of our own, even a few extras. I think we should do our share."

But do I think that we should take all of Suffolk County's in good old Riverhead, the saturation capital of the world? I personally don't. I do think this group, ADD, does a good job with the homes that they have. The ones that I know of are neat and organized. I just think it's a bigger issue. This- the home that they proposed on Roanoke Avenue is a home twice as big as the other homes there and it's also now it's closer to three other homes. It was down the road on Middle Road; now it's up on Roanoke Avenue. There's one on Nadel, there's one on Patti, and there's another one on Middle Road.

If they don't think we're over-saturated, I don't know. We have about 16 in Riverhead right now, roughly, according to the Assessor's office. I think this Board has to find a way to get some of these other towns whose real estate is obviously worth more than ours, to carry some of the burden. I don't think Riverhead should be the saturation capital of the world and I think we are. So with that said, I'm going to vote yes on this, hopefully finding an alternative location."

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

Councilman Cardinale: "With- perhaps with a new master plan and good zoning decisions by this Board and subsequent Boards, we'll raise the real estate values and will not be facing these kinds of issues because of the relative cheapness or inexpensiveness of the real estate. I was impressed by the hearing and the people that spoke. I think that in this instance it's an appropriate action to ask the sponsor to consider alternate sites. So I'm going to vote yes."

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

Councilman Kent: "I'm going to have to abstain."

The Vote (Cont'd.): "Lull, yes, Kozakiewicz."

Supervisor Kozakiewicz: "Just a comment because I know that

there was some discussion about being the saturation capital. I know that with regard to the one we just had, the public hearing tonight that we're proposing for Eight Bells Road, in addition to the notification, I received a packet which details all of the residences that are in the County of Suffolk and the packet is about three inches thick.

That's not to say that we're not becoming saturated. I'm not arguing that point. However, that is a point that we have to sustain if we are to be successful. And I believe with respect to this particular application, as pointed out by Councilman Cardinale, the individuals who spoke up against it cited a number of reasons why it's not a good idea. I believe this is the best recourse which is to suggest an alternative which is one of our three choices under the Padaman Law. One is to approve it; the second is to suggest alternative sites; and the third would be to deny it based upon saturation. And I believe that this is a wise way to do it. I think it's the most appropriate way to do it and I hope we can work out the alternate sites with the sponsor in this case. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Supervisor Kozakiewicz: "Any further business?"

Councilman Kent: "No."

Councilman Densieski: "Mr. Supervisor, I don't have any off the floor tonight."

Supervisor Kozakiewicz: "Motion to adjourn."

Meeting adjourned: 10:48 p.m.

Barbara Grattan
Town Clerk