

Minutes of a Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, March 18, 2003, at 2:00 p.m.

Present:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Barbara Blass,	Councilperson
Rose Sanders,	Councilperson

Also Present:

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

Supervisor Kozakiewicz called the meeting to order at 2:02 p.m. and the Pledge of Allegiance was recited, led by Vince Tria.

(At the beginning of the Town Board meeting, there was a CD error.)

Minutes of the Regular Town Board Meeting of March 4, 2003 were approved by Councilman Densieski and seconded by Councilman Lull.

REPORTS:

Receiver of Taxes	Total collected to date: \$41,659,882.74
Juvenile Aid Bureau	Monthly report for February
Police Department	Monthly report for January
Open Bid Reports	Kitchen equipment opened on 3/7/03 one bid was received
	Old Steeple Church - oven range and refrigerator
	Stotzky Park Basketball Court opened 3/14/03, seven bids were received

APPLICATIONS

Shows & Exhibition
Permit

Sunshine Acres beginning in April and
ending in November -Dressage Horse Show

Darlene Raynor - commencing in May and
ending in September - horse show

Site Plans

25 Manor Lane - Jamesport Fire District
cell tower replacement

Liz Strebel - construction of a new
retail store

North East Christian Book Store -
amended

Committee Reports: Councilwoman Blass regarding the Master Plan

Public Hearing opened: 2:08 p.m.

Barbara Grattan: "I have affidavits of publishing and posting
for a public hearing to be held at Riverhead Town Hall, Riverhead, New
York on March 18, 2003, at 2:05 p.m. regarding the special permit
petition of KKNY, LLC, Krispy Kreme, Riverhead Centre, to allow the
construction of the Riverhead Centre, located at County Route 58,
Riverhead."

Speakers:

- George Tsunis - Rivkin-Radler
- Wayne Muller
- Supervisor Kozakiewicz
- Art Binder
- Councilwoman Blass
- Councilwoman Sanders
- Councilman Densieski

Public Hearing closed: 2:32 p.m.

Public Hearing opened: 2:32 p.m.

Barbara Grattan: "I have affidavits of publishing and posting

for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on March 18, 2003, at 2:10 p.m. regarding the special permit petition of Paul Martin/Riverhead Commerce Park to allow the construction of a 4,600 square foot 150 seat restaurant upon property located at County Route 58, Riverhead."

Speakers:

Christopher Kent, Esq.
Robert Krueber
Councilwoman Blass
Richard Israel
Supervisor Kozakiewicz
Ann Spade
Councilman Densieski
James Spano

Public Hearing closed: 2:48 p.m.

Public Hearing opened: 2:48 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York, on March 18, 2003, at 2:15 p.m. regarding the special permit petition of William and Frances Schaefer to construct a residence with attached apartment constituting a two family dwelling on premises located on Herricks Lane, Jamesport."

Speakers:

William Schaefer
Supervisor Kozakiewicz
Councilman Densieski
Ted Stagg
Art Binder

(The CD started recording with the following unidentified speaker)

using them. It's across town when they need that. It's progress I guess but it's something that we're going to have to get involved with eventually. Thank you."

Supervisor Kozakiewicz: "Thank you. With respect to that issue, Mr. Schaefer, can you state for the record the size of the parcel and whether there will any issue with respect to off street parking?"

William Schaefer: "Yeah, the property is roughly 640 feet deep and we've located the house centrally on the property and there is- there are provisions for at least a half a dozen cars. It's roughly 300- actually about a 400 foot long driveway and we're not- "

Councilman Densieski: "Yeah. How many houses from Sound Avenue up are you?"

William Schaefer: "I believe we're the fourth or fifth house."

Councilman Densieski: "Okay. I know that area very well and I don't think there's much chance of off street parking there."

William Schaefer: "Yeah. There's absolutely no way we'd be parking on the road."

Councilman Densieski: "Yeah, I know it very well."

Supervisor Kozakiewicz: "Okay. Thank you very much. Anybody else who would like to address the Board? Not seeing anybody indicate a wish to do so, time being 3:56 p.m., I declare this public hearing closed."

Public Hearing closed: 3:56 p.m. (2:56 p.m.)

Supervisor Kozakiewicz: "I think that's our last public hearing. And at this point in time, open up to discussion on resolutions, resolutions that are being considered by the Board for action today.

I will tell you that there is for consideration coming off of the floor a resolution which would be to accept a cash security from the Island Water Park Group. That is cash that is a performance bond in the amount of \$40,500. And that looks like- is that it? Okay. That looks like it's it. So anybody who would like to address us on resolutions. Rolph Kestling."

(Inaudible - from the audience)

Supervisor Kozakiewicz: "On resolutions? Okay."

Rolph Kestling: "Rolph Kestling. On Resolution 301- "

Supervisor Kozakiewicz: "Got it."

Rolph Kestling: "This temporary permit for the manufacturing plant, I agree with that. I have no problem with that. The only problem I have, is this going to be a time certain, that after a certain time they have to remove it or apply for a continuance?"

Supervisor Kozakiewicz: "It's going to run- I wouldn't say co-terminus, but and around the same time period as the contract we have with regard to the landfill reclamation."

And the reason I say that is because our contract is with the landfill, the lead contractor on the site Grimes (phonetic). When that contractual obligation ends, it's my belief and I know our consultant is here and if I'm speaking in any way, shape or form incorrectly he can further clarify on the record, the subcontract, which is what this is, should end at about the same time.

There is no desire, no intention to make this a permanent part of the landscape, I'll tell you that. We're not looking to make this a permanent fixture."

Rolph Kestling: "Yeah, that's what I'm worried about, because- "

Supervisor Kozakiewicz: "In fact, the way this has been designed and the way it's been structured is such that it came in on wheels, it was transported there. It's set up and it can be taken away the same way."

Rolph Kestling: "All right. The only reason I'm mentioning that, you know, during the Spanish-American War, you put a tax on our telephone bills and the tax is still there. It was a temporary tax."

Supervisor Kozakiewicz: "So we should put a- we should repeal that tax."

Councilman Lull: "I think we're still paying for that war."

Rolph Kestling: "Just a fast one. Oh, come on, I lose everything. On 324, you appoint a new ordinance inspector. What is

he going to take care of hand grenades, (inaudible). I mean it's all- "

Supervisor Kozakiewicz: "To- "

Councilwoman Blass: "It's a town ordinance."

Supervisor Kozakiewicz: "It's a town ordinance and it's a title that's established by New York State Civil Service and then, of course- "

Rolph Kestling: "I thought it was (inaudible)."

Councilman Densieski: "Hey, Rolph- "

Supervisor Kozakiewicz: "Ordinance as in code enforcement or town ordinance."

Councilman Densieski: "He brought up a good point though. This ordinance or town ordinance inspector is going to be working on weekends because a lot of illegal activities happen on a weekend, so we're going to eventually pretty soon have seven days a week coverage."

Rolph Kestling: "I approve that. Thank you."

Councilman Densieski: "Yeah, me too."

Supervisor Kozakiewicz: "Thank you. All right, Eve, I found the card. Eve Kaplan."

Councilman Lull: "I think we're still paying for it."

Eve Kaplan: "Last time I was here until about eleven o'clock and gave up so I figured I try the cards this time. Eve Kaplan, North Fork Environmental Council. I want to- I want to thank you for what I hope will be all yes votes tonight for public hearings that will be set on the airport rules and regulations. It's a really important first step towards coming to public agreement on what's going to happen at that site. And I'm glad that's happening as soon as it is."

Also, Resolution 334 on country inns. I'm really excited to see that finally coming up for a vote, hopefully, in the near future and I will definitely be at that public hearing and getting other people out to support what I know is I think general agreement that a scaled down

country inn is what Riverhead really wants to see.

And, lastly, on 291, which is your bid for lawn chemicals. I just wanted to let you know that and I have a flyer that I'll bring up, that we're sponsoring a seminar on Monday night at the Riverhead Library on organic lawn care. So if you want to save some money and if you can send anybody from the town, it's a great seminar. Actually something that's been developed by the neighborhood network and it teaches all homeowners on how to keep your lawn beautiful without chemicals.

And I know Suffolk County has been involved in phase out for a number of years and I hope that the town will think about moving in that direction. I'll bring some of those up. Thank you."

Supervisor Kozakiewicz: "Thank you. Is there anyone else- I'm looking through cards. I saw one card from John White, Resolution 313. Mr. Schulman, is it on a particular resolution? Okay. Come on up. I think this is non-resolution but that's okay. We'll take a break. Mr. Schulman is not one of those who comes in to- "

William Schulman: "My name is William Schulman- "

Supervisor Kozakiewicz: "You don't have to be sworn in."

William Schulman: "My claim to fame is that in two months I'll be married to the same woman for 56 years."

Supervisor Kozakiewicz: "All right. God bless her."

William Schulman: "And I hope you won't use the three minute rule or the five minute rule because I figure since I pay \$135,000 a year in taxes, I'm entitled to a couple of extra minutes.

My attorney, Charles Cuddy, sent a letter to the members of the Board. Unfortunately it arrived a couple of hours too late or whatever it is and it's not in there. It's not- it's in the hands of the Town Clerk but not being read. I'd like to read this. I'd like to read the letter. It was written on March 13, 2003, addressed to the Riverhead Town Board.

I represent Calverton Links, Ltd. I believe most of the Board is aware that this public golf course and its restaurant and catering facilities are located at Edwards Avenue in Calverton.

The Town Board has authorized a concert over a three day period in June of this year with estimates of those that will be attending ranging from 50,000 to 85,000 people, all of whom will be traveling by vehicles to the former Grumman site for this concert. This will result in a minimum of 15,000 to 20,000 cars traveling to and through Calverton.

Edwards Avenue is a two lane roadway off of Exit 71 on the Long Island Expressway and is also the north end of Nugent Drive. It will have an enormous volume of traffic. Everyone coming from Southampton and virtually everyone coming from the north fork via County Road 105 will make use of Edwards Avenue.

The number of vehicles using Exit 71 will be staggering. The extraordinary volume of traffic passing Calverton Links on Edwards Avenue will not simply interfere with the operation of- the normal operation of a golf course and prevent golfers from coming and going, but will destroy the restaurant and catering business for that entire weekend.

This letter is written to place the town on notice that Calverton Links Ltd. must look to the town to compensate it for any loss suffered as a result of the concert and its attendant traffic volume.

At this point, my attorney did not know what- that there was a second concert scheduled. He writes now:

I understand that a proposed- I understand that a proposed second concert in August is to be held under similar circumstances. It is unimaginable that the town would consider a second concert without determining the adverse effect of the first concert.

As a minimum, Calverton expects to learn of the town's proposed traffic plan and what attempt, if any, is being made to prevent what at this stage appears to be a calamity in having a tremendous impact on the Calverton Links seasonable business.

Hopefully, the huge volume of both people and vehicles is not an experiment to justify large scale use of the site and so on and so forth.

I want to add a few things to what my attorney didn't have in his letter. We sell- Calverton Links sells reserve time to 160 golfers who play on Saturdays and Sundays on an assigned time. This will conflict at the same time with people coming and going from this

concert- from these concerts.

The people who are doing I believe one of the concerts, were also involved in Woodstock and you, Mr. Supervisor, I spoke to you and you said that you had had conversation with the mayor of Woodstock, well, the mayor of Rome, New York, which is where Woodstock is. I had several conversations, I don't sleep, okay? I called the mayor, I spoke to his secretary who by the way said she loves Riverhead. She drives from Rome, New York to Tanger Mall to buy clothing. Okay?

But I also spoke to the mayor. He called me. He called me back. And then I spoke to the people who run the golf course and they said, yeah, they had more people in Woodstock than what is expected here. But their situation is different.

Number one, they have like four different roads that come into this area where the concert was held. And, the local traffic in Rome is negligible whereas we know that the local traffic in June and in August is not negligible. There's a lot of people that come and go.

I am concerned, seriously concerned. We have three people that want to do a wedding, an anniversary and a birthday party on those days that are involved. What do I do? Do I now say, by the way, are you aware that we're going to have concerts on these days? Are you aware that if you are going to have a wedding, the bride and groom may never be able to arrive here? What do I do?

We're talking about tens of thousands of dollars that we need in order to operate this seasonal business and pay \$135,000 in taxes. So we don't know what to do. Either I scrub it now and say I take my licking, approximately \$40,000 each weekend, a total of \$80,000 or do I take them, do I tell them anything?

We have a serious problem here, folks. A very serious problem. There were drugs, there was alcohol that was consumed tremendously at Woodstock and when they finished the concerts, bear one thing in mind. They wanted to burn the town down. The city down. What do we do?

I would like to just say a few more things, okay? I think I'm ahead. So I'll stop."

Supervisor Kozakiewicz: "All right. I'm going to respond. First and foremost, what the Town Board has approved were license agreements for these events. These license agreements clearly put all of the obligations upon the concert promoters to do everything

necessary, including satisfying the Suffolk County Department of Health Services with respect to mass gathering permits.

They will also be required to develop a set of plans that will deal with security, transportation, health care services, medical services, all the imaginable things that you- more than what I can probably rattle off in two seconds.

Speaking with these people, speaking with the promoters, they sell one ticket and it's a multi-day ticket and the idea is to bring the people in on either Thursday or Friday so that they're there and they're there for the whole weekend so that there is not going to be a great influx of traffic on a Saturday, Sunday as you suggested.

But to go back to where I started. They have a license agreement. The license agreement is only an agreement which is saying that they have the property from a certain date to a certain date in order to host and have this event. They are required to satisfy the police department, they are required to satisfy the fire departments that they can adequately handle the issues, they are required to satisfy the Suffolk County Department of Health Services.

In addition, the issue with respect to traffic. They will be setting up signs. This is something they coordinate between Suffolk County PD, New York State Police, Riverhead Town Police, so that they are staggered coming off the Expressway as far as off as Exit 68 and on down so that the traffic is not going to be overwhelming on Edwards Avenue alone as suggested.

So I point that out just to make sure that the record is clear what's been approved by this Board."

William Schulman: "So in other words the way I understand you and you're loud and clear, in other words if we have a situation that the June- the first concert now becomes a serious problem and I'm not- we have Saturdays and Sundays, we can live, we can survive with Thursdays coming there, Fridays coming there. But if we find that the first concert which is going to be on the weekend- the June 5th, June 6th weekend, now provides a situation where people can't come- can't get into our place, what will happen with the second one?"

Supervisor Kozakiewicz: "If it's as bad as you're suggesting it is- "

William Schulman: "That's right, exactly."

Supervisor Kozakiewicz: "-- if it's that bad, then I think that there could be an issue with the Health Department simply not allowing it to go forward. All right? But I- we're pre-supposing the worse case scenario. We're painting a picture of doom and gloom and I want you to know that there have been meetings already scheduled where all the interested parties, the Police Department, the Health Department, the Fire Districts have been brought in. This is not something that they just slopped together and let go forth.

There is a detailed map and plan I have taken into consideration and as I said, the Health Department is one of the critical ones. There's a mass gathering permit and they're going to have to be satisfied that all of the issues that you're concerned about and certainly the health, safety and welfare of individuals is attended to and taken care of."

William Schulman: "Well, if that- "

Councilman Densieski: "Bill, I have a question for you."

William Schulman: "Sure."

Councilman Densieski: "Did you notice any impact on the Edwards Avenue corridor during like the North Fork Classic. I mean- "

William Schulman: "No."

Councilman Densieski: "No increase?"

William Schulman: "No increase. No increase. I'm just concerned, I'm sure you understand- "

Councilman Densieski: "I understand. Sure."

William Schulman: "-- I'm just concerned that we don't get killed twice, see?"

Councilman Densieski: "Absolutely."

William Schulman: "And if we have that- if I have that feeling and my attorney works very cheap, okay? And something happens that we get killed on that June thing, that something will not happen on a similar basis in August. All right?"

Councilman Lull: "Bill, I think the answer is-- really what

you're hearing up here is if something happens really serious in the June and I don't believe it will traffic-wise, but if something happens, you come back to us. There's still an issue- there's still traffic issues to be settled for any of them. There's absolutely no reason why anybody has to get off at Exit 71."

Councilman Densieski: "That's right."

William Schulman: "Well, but again- "

Councilman Lull: "A lot of the- a lot of their instructions to come are going to have people getting off at Exit 68."

William Schulman: "Right."

Councilman Lull: "And following that. There are very few that should be actually going all the way through to Exit 71 and then doubling back. Most of them won't want to do that."

William Schulman: "Well, a lot of them though will be coming on 24."

Councilman Lull: "Coming back that way is something else. Yes, I agree."

William Schulman: "All I say is I wish I'm wrong and I wish you people are right. Okay? But I want you to understand, we have serious concerns. Okay? We work hard, we do a business. You people know of our business. You know, somebody called me here and said how come you're answering the telephone? I said, well, I just got finished cleaning the toilets, okay? So as long as we all understand each other. Thank you very much."

Supervisor Kozakiewicz: "Thank you, Mr. Schulman."

Councilman Lull: "Thank you, Bill."

Supervisor Kozakiewicz: "I have a card from John White on Resolution 313. John White. All right. Okay. Anybody else on resolutions? Yes, Mike Spindler?"

Mike Spindler: "Mike Spindler, Calverton. Resolution #8, could you explain that, what that entails?"

Councilman Lull: "The East End Management, the air show

organization, is licensing to use office space at the- in the guard shack, at the guard house."

Supervisor Kozakiewicz: "Yeah. They've asked to rent space at \$12.00 a square foot from the town."

Mike Spindler: "Air show- they're going to use the airport, they're going to use the runway obviously? I asked this at the last Town Board meeting. No airport facility or building or structure or accessory shall be used in any use district except when authorized by special permit from the Town Board."

Supervisor Kozakiewicz: "Okay. So, is your question whether the Town Board is required to undergo a special permit for itself? Is that the question?"

Mike Spindler: "So the town is putting on this air show or is it East End Management requesting this?"

Supervisor Kozakiewicz: "I think we've given them a license agreement."

Mike Spindler: "So, you gave an agreement to another party? I mean, I don't know the legal terms of this but it doesn't say- "

Supervisor Kozakiewicz: "We gave them- "

Mike Spindler: "Authorizes Chairman to execute license agreement to Riverhead Town."

Supervisor Kozakiewicz: "We gave them a license agreement, we gave them a license agreement is what we've given them, Mike. And it's a- and under Chapter 90, we consider events something that's less than a full zoning approval. So I think that we're kind of mixing apples and oranges when we start doing this. This is an event."

Mike Spindler: "Okay."

Supervisor Kozakiewicz: "Not a zoning use. They're different things. One's an apple, one's an orange. This is an event approval under Chapter 90. And in order to achieve that, we've given them a license approval. I- we- we're not necessarily going to the right section of the code book."

Mike Spindler: "Well, I'm just reading what it says in the code

book."

Supervisor Kozakiewicz: "But my point is this. When we approve a- an event, whatever that event is, we say this is being authorized for a particular day up to 14 days. We don't then also say, well, geez, because this is a special event, they're subject to the zoning statute. That's not the case.

What we've done is we've allowed events to take place on a short interim basis in order to promote charitable purposes, in order to raise money, but it's not of such a duration or for such a long time that it constitutes a zoning approval. They're different things. And what you're doing is you're taking a zoning piece of legislation and saying that this contradicts or does not allow that. And my point is that this is- we're mixing apples and oranges. That's my point."

Councilman Lull: "Chapter 90 of the code."

Mike Spindler: "So I mean I'm not, my point of being here is not to pick on this particular event. My point is, is to stick to the zoning and what the zoning says so that things don't get out of control."

Supervisor Kozakiewicz: "And I don't have a problem with sticking to zoning but when we use that example or we're not being quite frankly consistent, that, again, is an event. It's per a license agreement. It's a shorter duration where it's not such that we're looking to allow for a long duration or a use that's permitted under zoning statute."

Mike Spindler: "Okay. I understand."

Supervisor Kozakiewicz: "Okay."

Mike Spindler: "So if someone else was going to use that runway for, what is the period of time you would like to see, whatever that may be, then they would need a special permit, is that correct?"

Councilman Lull: "If it doesn't fall under Chapter 90, and it's a use, of course."

Mike Spindler: "Did Sky Dive Long Island get a special permit?"

Supervisor Kozakiewicz: "Sky Dive Long Island has a runway use agreement from us and my- what we're dredging up-- "

Mike Spindler: "I'm not picking on Sky Dive Long Island."

Supervisor Kozakiewicz: "-- we're dredging up some past history here and I want to be fair because to throw that out there and to just throw that out there with- as a dangling type of suggestion, we know and let the record state clearly what took place here.

There was a public hearing held where Mr. Maynard came in before the public and subjected himself to questions being asked under a qualified and eligible sponsorship hearing. He is not operating an airport. He is operating a sky dive business and we have authorized him in conjunction with that business a right, a non-exclusive right as the case may be, to utilize the runway.

Again, we should be exact in what we're talking about. We have not given him an approval to operate an airport. We have given him the right to utilize the runway so that he can run his business which is a sky dive business."

Mike Spindler: "I understand. It says pretty plainly here that no air- and I'm not pointing a finger to anyone who's out there now, he just happens to be out there, one of the only ones he comes to mind. But anyone. No airport facility shall be used in any use district except when authorized by a special permit. It's in black and white. I don't know how anyone can argue with that."

Supervisor Kozakiewicz: "Well, let me throw this one back at you then. If I were to take your interpretation of that provision, correct? You say if an airplane comes down, an airplane takes off, it's an airport. Correct?"

Mike Spindler: "That's correct."

Supervisor Kozakiewicz: "Okay."

Mike Spindler: "According to your definition."

Supervisor Kozakiewicz: "So if I take- I want you to follow along with me."

Mike Spindler: "I will."

Supervisor Kozakiewicz: "Let's play this out. So if we follow that definition, an aircraft comes in once, an aircraft goes out once, it's an airport. Boom. We have a special permit considerations. Any

use that was envisioned under the '99 zoning of that property can't take place without a special permit first preceding it. Correct?"

Mike Spindler: "Absolutely correct."

Supervisor Kozakiewicz: "Okay. So your position is that while the town maintains that runway space, while the town owns that runway space, we cannot authorize anybody else to use that space because that automatically makes that particular individual an airport operator and, therefore, any aviation uses that would have been permitted under the zoning, cannot go forth. Is that correct?"

Mike Spindler: "That is incorrect."

Supervisor Kozakiewicz: "Well, taking your argument to that logical extreme, that's what happens."

Mike Spindler: "No, sir. What I'm trying to get at is that Mike Spindler wants to go out there and run "x", "y", "x" maintenance shop or whatever I want to do out there to use that runway, let's just not even think about what he's going to do. He's going to use the runway. I have a business out there and I want to use the runway. I make cameras and I want to keep my airplane out there. Computer Associates comes out there. They want to keep their Gulfstream out there. They're going to use the runway. They've got to get a special permit."

Supervisor Kozakiewicz: "All right. Let's read what an airport definition is in the code."

Mike Spindler: "Yes, we will."

Supervisor Kozakiewicz: "Let's go through it."

Mike Spindler: "Yes."

Supervisor Kozakiewicz: "Any landing area used- "

Mike Spindler: "Correct."

Supervisor Kozakiewicz: "-- regularly by aircraft for- and here's a good part- receiving or discharging passengers- I guess that means the sky jumping- "

Mike Spindler: "Or for the landing and take off- "

Supervisor Kozakiewicz: "-- or cargo or the landing and take off of aircraft being used for personal or training purposes. Skydive operation?"

Mike Spindler: "All of that."

Supervisor Kozakiewicz: "Okay."

Mike Spindler: "Any land- and I don't want to use the word Skydive- I don't want to- I'm not here to harp on him. What I'm here to do is, you know, the rules and procedures are coming up. There's things coming up. Any landing area used regularly by aircraft for the landing and take off of aircraft being used for personal or training purposes. I mean, it's pretty- I mean you can dissect it all you want.

If you're going to take off and land out there, you're going to be based out there, you've got to get a special permit. I'm not saying to do this to break the guy's chops, you know, or whatever, to give the guy a hard time. I'm not doing this to give the guy a hard time. I'm doing this in the interests of having- so that everybody knows what's going on.

If somebody wants to come out there and fly MIG-29's, they can do it under these rules and procedures or a 747. Wouldn't the public- I'm sorry- "

Dawn Thomas: "But not the zoning."

Supervisor Kozakiewicz: "But not under- but not under the zoning."

Mike Spindler: "I don't understand what you're saying."

Dawn Thomas: "The zoning has permitted uses, uses that the Town Board pursuant to the- "

Supervisor Kozakiewicz: "Rather than get into this, I think what you're looking for is an answer."

Mike Spindler: "Well, yes."

Supervisor Kozakiewicz: "You're suggestion, which we don't necessarily need to object fully, we can adopt partially. We can say we think that it's all wet, is something that you're bringing to our

attention and you're asking us to look at and take into consideration what seems to be inconsistencies in this 1979- if I may finish, Mike, in this 1979 legislation which required a special permit for any airport and how do we reconcile that with respect to the '99 zoning legislation which was a matter that was put out to public hearing, public comment and I think the public was expecting, and I think the reuse plan was of the type that it was expecting aviation related uses to occur.

And we're going to- I understand where you're going. You want us to reconcile it and you want us to address it so that it's something that we need to address and get an opinion to satisfy individuals like yourself, you know, whether there's a need for a special permit under the circumstances here.

I think that your point is taken and heard and it's something that needs to be responded to."

Mike Spindler: "Okay. Thank you. I appreciate that. Let me just add that it doesn't say airport, it says any landing area, any landing area next to the airport, any landing area used, blah, blah, blah. Okay?"

And there's other things in that section of the code also that deal with handicapped ramps, things like that. So when we go out to Grumman inside the fence, we don't have to abide by that but we have to abide by- we have to abide by the handicapped regulations that are in that section but we don't have to abide by the airport's that's in that section. That's all I'm saying. I'm not finished, but that's all I'm saying regarding that.

I just think- it's not a bad thing to ask for a special permit from an operator. It's not a bad thing. It's actually a good thing. And like I say, I'm not here to voice opposition to the air show either way, pro or con- "

Councilman Lull: "Well, it's not regular."

Mike Spindler: "I'm sorry? I'm not here to do that. The other thing about the rules and procedures, I'm happy to see that you've taken initiative to start that and put it in writing and get some stuff down. Although I did read this and I guess at the public hearing, I'll have something to say about that, but one question I did have and it's important for the public, for you folks to clarify, and that is can any of you tell me what general aviation is? Ed, you've

been a very pro public airport, you've had months and years to find out what general aviation is."

Councilman Densieski: "The issue's been resolved, Mike. The issue's been resolved. Get over it."

Mike Spindler: "What issue? What are you talking about? I'm asking if you know what general aviation is."

Councilman Densieski: "I'm not on trial, Mike, so I'm not going to answer your question."

Mike Spindler: "Okay."

Supervisor Kozakiewicz: "Mike, this period was for discussion on resolutions."

Mike Spindler: "All right."

Supervisor Kozakiewicz: "I've been very lenient. Anything else on resolutions?"

Mike Spindler: "Okay."

Supervisor Kozakiewicz: "All right?"

Mike Spindler: "I just wanted to clarify what general aviation is. This is a NASA report, okay. This tells you what general aviation is. If you'll give me about 30 seconds more, I will tell you what general aviation is according to this report."

The FAA defines general aviation as that portion of civil aviation which encompasses all facets of aviation except air carriers, and air carriers is Part 121. There's also- this is a very good report. I also have another one from- and this is General Aviation Manufacturer's Association. General aviation is defined as all aviation other than military and commercial airlines.

And I just wanted to make that point because in the zoning, in the PIP, in the code, it says excludes general aviation from being there."

Councilman Densieski: "Yeah, small g."

Supervisor Kozakiewicz: "All right. Thank you, Michael."

Mike Spindler: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Rolph, you had a chance to address us on resolutions. You want to address us on resolutions, again? Okay. This is somewhat irregular, but I'll let you up because I've been a little bit lenient today anyway, so, this is the last one who's going to have a chance to talk who hasn't had a chance to talk to us on resolutions and then we're going to take a brief recess."

Rolph Kestling: "Rolph Kestling, Wading River. When this started- when you started (inaudible), did I hear more than one name mentioned or just the operator of that? Was there another name mentioned?"

Councilman Densieski: "For which one?"

Rolph Kestling: "I don't know. I'm asking you. You know- "

Councilman Densieski: "On which reesoluton?"

Rolph Kestling: "On 8."

Councilman Densieski: "Number 8."

Supervisor Kozakiewicz: "No. Number 8, no, no."

Rolph Kestling: "I was sleeping at the switch."

Supervisor Kozakiewicz: "Forgiven. Anybody else who hasn't had a chance to address us on resolutions? All right. Not seeing anybody, I'm going to ask the Board if they would join me briefly to discuss one resolution. We'll take a recess at 3:30 and we'll come back at 3:45."

Recess: 3:30 p.m.

Meeting reconvened: 4:22 p.m.

Supervisor Kozakiewicz: "That was one monumental 15 minute break. Let the record reflect the time of 4:22 p.m. and at this point in time, we will convene the Community Development Agency meeting."

Meeting adjourned: 4:22 p.m.

Meeting reconvened: 4:25 p.m.

Supervisor Kozakiewicz: "Time being 4:25, and we reconvene the Town Board portion."

Resolution #277

Councilwoman Blass: "This resolution accepts a 5% performance bond for Neefus-Stype Insurance. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #278

Councilwoman Sanders: "Awards the bid to Old Steeple Community Church for commercial kitchen equipment. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #279

Councilman Lull: "Awards bid Riverhead Water District Extension No. 72 for Reeves Golf. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, abstain. The resolution is adopted."

Resolution #280

Councilman Densieski: "Discussion. I did try and get a hold of Michael today to find out about this. Is there- can anybody tell me

what this is?"

Supervisor Kozakiewicz: "Yeah. This is the issue where we had set aside a certain amount and the bids came in over- "

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "-- the amount set forth."

Councilman Densieski: "Okay. I'd like to move Resolution 280 for sanitary system interim improvements for the Calverton Sewer District. Thank you, Bob."

Councilwoman Sanders: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #281

Councilwoman Sanders: "Riverhead Scavenger Waste District improvements for electrical and general mechanical. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #282

Councilman Densieski: "Awards bid for decorative timepiece. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "What a friend. Yes."

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

Resolution #283

Councilwoman Sanders: "Ratifies the authorization of the Town Clerk to re-advertise for bids on precast concrete drainage rings and associated items. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #284

Councilwoman Sanders: "Authorizes the Town Clerk to post and publish a notice to bidders for purchase of a mobile ADA restroom trailer. That's a handicapped trailer. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "I'd like to commend Councilman Densieski who supported this and proposed this and I think it will be a tremendous improvement for those residents in our community. Yes."

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

Councilman Densieski: "Thank you for the kind comments. Yes."

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

Resolution #285

Councilman Lull: "Authorization to publish advertisements for hazardous household products. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "Yes. This is also known as our STOP program. Yes."

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

Resolution #286

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

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #287

Councilman Densieski: "Authorization to publish advertisement for snack vendors for 2003. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #288

Councilman Densieski: "Authorization to publish and advertisement for milk. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "Got milk? Yes."

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

Resolution #289

Councilwoman Blass: "This resolution is an authorization to publish an advertisement for meat and poultry. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #290

Councilman Densieski: "Authorization to publish and advertisement for propane. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #291

Councilman Densieski: "Discussion. Is this time sensitive, Bob, do you know?"

Supervisor Kozakiewicz: "It depends on when the spring comes."

Councilman Densieski: "Okay. The only reason because one of the speakers did make a good point about possibly looking into alternative fertilizers."

Councilwoman Sanders: "But this was already awarded under another resolution and all we're doing is extending the dates so I don't know if that will help you."

Councilman Lull: "I do have that thing to give to Ken- "

Councilman Densieski: "Okay, thanks, Jim, I appreciate that.
End of discussion."

Supervisor Kozakiewicz: "Okay."

Councilwoman Blass: "This resolution extends- "

Supervisor Kozakiewicz: "We haven't moved and seconded?"

Barbara Grattan: "I don't know."

Supervisor Kozakiewicz: "I don't think so, correct? Okay."

Councilwoman Blass: "This resolution extends a bid contract for
grass seed and lawn chemicals. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes;
Kozakiewicz, yes. The resolution is adopted."

Resolution #292

Councilman Densieski: "Extends bid contract for janitorial
supplies. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes;
Kozakiewicz, yes. The resolution is adopted."

Resolution #293

Councilman Lull: "Ratifies settlement agreement. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes;
Kozakiewicz, yes. The resolution is adopted."

Resolution #294

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

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #295

Councilwoman Sanders: "Approves the application of Darlene Raynor for a horse show. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #296

Councilwoman Blass: "This resolution authorizes the Town Clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead owned by Edward and Alice Krupski. So moved."

Councilman Lull: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "Yes. Specifically the parcel is on Northville Turnpike. We're looking at 37.3 acres and the hearing will be on April 15th at 7:05. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #297

Councilman Densieski: "Approves the special permit petition of Route 58 Riverhead LLC also known as Riverhead Marquee Plaza. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #298

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

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #299

Councilman Densieski: "Authorizes the Town Clerk to publish public notice for public hearing to consider the adoption of rules and regulations for the operation of the town owned runway landing strip at Calverton Enterprise Park. So moved."

Councilwoman Blass: "And seconded with discussion, if I may."

Supervisor Kozakiewicz: "Moved and seconded. Discussion."

Councilwoman Blass: "Thank you. I know it was about February of last year that the thought came to, I think it was actually a suggestion by Mr. Spindler that we form an ad hoc committee to establish some rules and guidelines for the operation of the runway, and as of I guess Thursday of last week, we received this packet of rules and I just have to say that I'm- I spent some time over the weekend looking through them and I know the intent was to clarify what

we wanted to see out at Calverton in terms of aviation use but I have to say that after reading those, I'm a little bit more confused or maybe have more questions now than I did before.

So what I'd like to know, Mr. Supervisor, respectfully, is first of all will somebody be available during the public hearing to answer questions?"

Supervisor Kozakiewicz: "The intention is to have Mr. Chastain (phonetic) here."

Councilwoman Blass: "Okay. And I know that generally the special- or the public hearings is not an appropriate forum to enter into a debate or back and forth dialogue on a particular issue but rather just to get commentary and opinion- "

Supervisor Kozakiewicz: "But we do anyway."

Councilwoman Blass: "Right. My- well, I for one have certain issues that I'm not so sure will be able to be resolved in that forum and I'm just wondering if it would be appropriate or I'd like to suggest that prior to the special permit- not special permit, I keep saying that- public hearing, that perhaps we could hold just a roundtable informational meeting so that we can get clarification, for example, on the issue of whether this is consistent with zoning, whether certain things that are in this agreement is indeed what we envisioned when the zoning went into effect. Certain things that we don't necessarily want to debate when we go on the floor and get opinions from the public as to how they feel about these rules and regulations, but not really having the opportunity as a Board to discuss some of our own concerns, I thought it would be helpful to have some sort of another forum in advance of the April 15th hearing."

Councilman Lull: "There probably is- there's some changes from the August document and probably it would be a good idea, Bob, if you could ask Mr. Chastain if he could be there Thursday at the work session."

Councilman Densieski: "Yeah, Bob, also I would just like to point out that I think we should take the comments of the general public at a public hearing and then discuss it because you might have to have another public hearing."

Supervisor Kozakiewicz: "I have another observation and I hope we can put aside this and let the public take a chance at looking at

this. A lot of times these things come forth, for example, you know, if I wanted to I could say I disagree with some of the things set forth in the country inn and I would like to have another chance at a roundtable discussion. That is not a way we need to do. We have to act as a Board. This has come forth. Let's adopt it. Let's get it out to the public, let's have a discussion.

Now, if there are questions with respect to what it means, I would have no problem with putting them into writing, having Mr. Chastain come in to the Town Board ahead of time and, you know, address those questions. In fact, maybe you can put them in writing ahead of time so that we have a better comfort level."

Councilwoman Blass: "My comment may have been misinterpreted. I fully intend to vote and support going to hearing on this. That was not my issue. My issue was whether that was the appropriate opportunity to have a more in depth discussion. I mean literally you could go paragraph by paragraph and I think it may be more- "

Councilman Densieski: "We did."

Councilwoman Blass: "Well, I didn't. I never did."

Councilman Densieski: "Well, I was the one- "

Supervisor Kozakiewicz: "I- listen, guys."

Councilwoman Blass: "I would like the opportunity- "

Supervisor Kozakiewicz: "I understand the discussion."

Councilwoman Blass: "-- to have some of my issues addressed."

Supervisor Kozakiewicz: "Understood. And I think, you know, we all would like to have some of our issues addressed when we do this but we trust one another to bring forth a particular document in a form and substance where we can go to public hearing. I expect and sense from comments we received from the public earlier that there's going to be a lot of discussion on this particular issue.

To answer the question, you know, what clarification on some of these things, I have no problem with the suggestion that we put some of our questions, concerns, things that we think are not clear- "

Councilwoman Blass: "Okay."

Supervisor Kozakiewicz: "-- into writing and have the consultant address those. I mean I think that's fair so we know what it is that's being proposed here."

Councilman Lull: "The- Bob, the question that Ed brought up though is- would it be most appropriate for us to give those to Mr. Chastain for a discussion with us before of after the public hearing and- "

Councilman Densieski: "After."

Councilman Lull: "-- most, I think, I think it makes a lot of sense (inaudible)."

Supervisor Kozakiewicz: "I think if there's questions that Board members have, I can't understand why we wouldn't want to allow for those questions to be put down in writing and, hopefully, clarified."

Councilwoman Blass: "I'd be happy to put- I'd be happy to put my issues in writing."

Supervisor Kozakiewicz: "I don't see a problem with that. In the meantime, let's get this up on the website which I understand will happen tomorrow. Let's get the public to take a look at it and, you know, they may have additional questions that come up during the public hearing which will result in maybe major enough changes and some substantive enough changes where we're going to have another public hearing.

That's the process. So I think that's what we're looking to do. We're looking to get the public's input, we're looking for them to take a hard look using that SEQRA language and get us, you know, along the way. So, any other discussion?"

Councilwoman Sanders: "I just think the intent is to be- everybody's being overly cautious maybe, making sure that we have every opportunity both at the public hearing and in the open session for questions and comments so we don't find this a closed door after the fact. That's my only observation, so I threw my two cents in."

Councilman Lull: "Mr. Supervisor- "

Supervisor Kozakiewicz: "And I'll make one comment. I know that here we do things somewhat differently than say some other towns

so this has been brought very visibly- repeatedly by some members of the press that certain towns do not even allow for a discussion, a debate to take place, a give and take. When there is a public hearing, a public hearing is a public hearing. A public hearing is to hear about what people think about a piece of legislation, to hear how they think it can be improved. How they think a piece can be deleted. How a piece can be amended."

Councilman Densieski: "Where are those towns, in Russia?"

Supervisor Kozakiewicz: "No. No. It's just, you know, maybe they're, you know, it's here in Suffolk County and we've maybe been a little bit too lenient. Maybe I've been a little bit too lenient in allowing those type of things to take place and, therefore, take away from what the purpose of a public hearing is."

Councilman Lull: "Mr. Supervisor, recognizing this is going to go on our website, shall I make a suggestion that we amend the title, the fourth line of the title, to drop the "s" on the word stip?"

Supervisor Kozakiewicz: "Very good. Any other discussion? All right, vote, please."

Barbara Grattan: "Is there a second to that amendment?"

Councilwoman Blass: "Oh, I second it. Absolutely."

Barbara Grattan: "Did you- okay, thanks, Barbara."

Councilwoman Blass: "Yes, ma'am."

Supervisor Kozakiewicz: "Vote."

The Vote: "Sanders."

Councilwoman Sanders: "What was the question? Yes."

Councilman Densieski: "Yeah, right."

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

Resolution #300

Councilwoman Sanders: "Authorizes the establishment of a petty

cash account for the Riverhead Senior Citizen Site Council. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #301

Councilwoman Blass: "This resolution declares lead agency and SEQRA findings as to the siting of a temporary, portable asphalt manufacturing plant as part of the reclamation project at the Young's Avenue landfill in accordance with the State Environmental Quality Review Act. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #302

Councilwoman Sanders: "Sets the salaries for summer personnel for 2003 at the Riverhead Recreation Department. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "On this one, I want to thank Rose on this, going about and taking care of this issue so that we could vote on it. Thank you, Rose. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #303

Councilwoman Sanders: "This establishes capital project budget adjustment for the Horton Avenue playground. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #304

(Some inaudible discussion among the Board members)

Supervisor Kozakiewicz: "Next one. Who's moving 304?"

Councilwoman Sanders: "Sorry."

Barbara Grattan: "Councilman Lull, I hope."

Councilman Lull: "Yeah. There's a conflict with the master plan. John Sipala farmland development rights capital project budget adjustment. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #305

Councilwoman Sanders: "It's a capital project budget adoption for 43 Kay Road, Chapter 54, so moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #306

Councilwoman Sanders: "This is a capital project budget adoption for Vernon Wells farmland preservation. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "Keep it coming. Yes."

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

Resolution #307

Councilwoman Blass: "This resolution is a capital project budget adoption in connection with the acquisition of the William Burns farm. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #308

Councilwoman Blass: "This resolution is a budget adoption in connection with 852 Roanoke Avenue Chapter 96 capital project. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #309

Councilman Densieski: "9 Zion Street Chapter 54 capital project

budget adoption. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #310

Councilwoman Sanders: "This is the budget adoption for the RIFTA fund. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "Comment. I would be happy to support this resolution except for the fact that I have yet to date seen the operating guidelines for this particular organization. So unfortunately I'm going to have to vote no."

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

Councilwoman Blass: "I've long said that in connection with RIFTA we've been putting the cart before the horse. We need to see the guidelines and how the structure of this organization is to operate and I, too, have not seen any of those. I don't believe they actually exist yet. I'm voting no."

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

Councilman Densieski: "Yeah. I haven't seen them. I don't know if they exist or not but I think that trying to do this is the right thing. I think we'll have to learn as we go along to get it right. We're not reinventing the wheel, it's been done in other communities. I think at the end of the day, we're going to be glad we did this and it's another positive step for downtown, so I'm going to vote yes."

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

Councilman Lull: "The majority of the work is done and the Board will be getting a full response from the RIFTA committee in the next couple weeks. Yes."

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

Supervisor Kozakiewicz: "Yeah. I know the comments made are very good comments. This is establishing a budget line and does just that. The RIFTA board has been meeting quite consistently and quite often and for extended duration in order to weed out, clear out, and finalize the issues, the policy if you will that's been discussed tonight. That's got to occur so that there's a clear idea of what it is that RIFTA is going to be doing and how they're going to determine who comes, who goes, how long they stay and under which circumstances.

I also note on the other hand that part of the prior action taken by the Board involved the commitment to individuals including businesses that are currently housing you know where the facility is located. And until we can square this away, they're not being taken care of or paid and that's something that we made a commitment to do.

It's only fair that we also take into consideration and move forward with the budget so that they are being addressed, those businesses, those concerns are being addressed.

I hear the comments loud and clear that we've got to get a finalized rules and procedures and policy and I believe that we will shortly. There's been some very good discussions that have gone on on this subject. So I vote yes. I vote yes, so that we can keep the process moving and it has been moving and there have been many, many meetings. Thank you."

Barbara Grattan: "The resolution is adopted."

Resolution #311

Councilwoman Sanders: "Town Board special program fund budget adoption- adjustment, sorry. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "As this relates to the same organization, I vote no."

The Vote (Cont'd.): "Blass, no; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #312

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

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #313

Councilman Densieski: "Discussion. I'm going to ask that this be separated, the clock improvement expenditure from the Rec center.

First of all, I know one of the Board members specifically wanted to have every resolution have who generated it here and who normally generates these is the Engineering Department. Yet when I call down to the Engineering Department, they had no idea that this was being brought forth today which leads me to believe it was done in the Accounting Department.

The Rec Center improvement was voted down from the Recreation Committee yet we're going to take money for the Recreation Committee without the Town Board discussing it. So I would like that portion of it to be tabled, the \$25,000 for the Rec Center. And I would like the clock improvement expenditure of \$24,000 to be voted on today."

Councilman Lull: "In other words, the- "

Supervisor Kozakiewicz: "Why don't we do the following first? Why don't we move the resolution, second it and if there's a discussion and motion to amend, we will move to amend because we always do these things. Can we do it that way?"

Councilman Densieski: "I apologize for doing it backwards and (inaudible)."

Supervisor Kozakiewicz: "I'm not saying we're doing it backwards but I think sometimes we get into a situation where we don't necessarily follow- "

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "-- proper protocol and then it gets confusing to the Clerk and for all of us as to what was done. So- "

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "Why don't we move it and second it. Open it up for discussion and if there's a motion to amend, do it that way. I, you know- "

Councilman Densieski: "I'm sorry, Bob, you're right."

Supervisor Kozakiewicz: "No. No problem."

Councilman Densieski: "2003 recreation capital improvement project capital project budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded. Now discussion."

Councilman Lull: "Yeah, Mr. Chairman, yes. The- let's make the following changes. Where- in the part where it says Park and Rec funds, \$39,000 that is changed to \$14,000. Gifts and donations stays the same at \$10,000. The clock improvement expenses at \$24,000 and the Rec Center architectural expenses- "

Councilman Densieski: "Jim, excuse me."

Councilman Lull: "-- gets canceled."

Councilman Densieski: "No, I don't think you can do that, Jim, because I think you're going to have to make it 24 on the Park and Rec fund because some of that 10,000 is going to be from the Rotary so it's not all just the clock."

Councilman Lull: "Okay."

Councilman Densieski: "So I think you're going to have to make it 24 and 10."

Supervisor Kozakiewicz: "Well, before we get there, the Rec Center architectural improvements, that's something that was taken up by the Rec Committee?"

Councilman Densieski: "Yeah. I have the letter here which I received half way through the meeting but they voted on it and did not recommend that the Town Board did it. Do you want me to see if I can find it real quick?"

Supervisor Kozakiewicz: "No, I mean is there an agreement that this issue, the Rec Center architectural expenditure was something that the Rec Committee did not want to see? Is there an agreement on that? John, I know that you had a- you had this in for a discussion item earlier. You had stepped out. I'm going to break protocol a little bit on this and ask since there's a question about what the Rec Committee has taken up on this particular resolution, could you come up and address us quickly?"

John, as I said, we had a card for you on 3/13 and I presume it was- "

John White: "It was regarding this."

Supervisor Kozakiewicz: "Okay. Can you indicate to us that this- this issue was taken up by the Rec Committee?"

John White: "Yes. We met on the site last week. Ken Testa got us in over there. We looked at the facility and everything and the Committee feels that they- that this use would be best suited in the proposed park so that the park and the recreational facility and senior center could all be in one rather than have this in a separate space somewhere around two and a half miles away from the park itself. There's actually a proposal to spend somewhere around \$300,000 on this and the Rec Committee feels that that would be best spent in the park and would rather really see a facility that's suitable for the size of the town."

In the recommendation in here, we put a number of somewhere around 200 people to be able to be in attendance. Going with what Ken Testa has told us with fire code, you could probably put only about 50 people in this building. We don't think that's going to be anywhere near suitable, you know, for the time that the community is really going to want to use it."

Supervisor Kozakiewicz: "Okay. Thank you."

John White: "Okay, thank you."

Supervisor Kozakiewicz: "Further discussion on this?"

Councilwoman Sanders: "Yeah. With all due respect, I believe I recall a very specific direction from at least three members of the Board to Mr. Testa to go ahead and go out to bid, to have an architect take a look at this site and come up with a site plan. I remember that as if it were yesterday.

So to have an opposition from the Rec Committee after a direction was given to the Town Board I think is a little out of sequence and a little unusual.

So now- "

Councilman Densieski: "Do we continue discussion or- "

Councilwoman Sanders: "Excuse me?"

Supervisor Kozakiewicz: "Let Councilwoman- let Councilwoman Sanders finish, please."

Councilman Densieski: "Sure."

Councilwoman Sanders: "So to, again, I was very- I wasn't sure where the original discussion was going but now that I see the letter, I very clearly understand where the- and I think it is inappropriate for this letter to be presented now and, again, is in direct opposition to an order by the Town Board to Mr. Testa.

I would suggest that the resolution remain exactly the way it is."

Councilman Densieski: "Are you still in discussion, Mr. Supervisor?"

Supervisor Kozakiewicz: "Still in discussion. Sure."

Councilman Densieski: "Okay. Normal procedure, we found this out because we did it wrong one time, is capital expenditures will go through the Rec Committee and then they will advise us for or against and then we can vote any way we want, for or against. But this did not go through the Rec Committee and now that it did go through the Rec Committee, they voted no. And I'm just curious as to who

generated this resolution."

Supervisor Kozakiewicz: "I really don't think that's the issue before us. I would suggest let's limit it to the items before us. If there's a desire because there's a question of protocol who procedures work, and a wish that that issue, the Rec Center issue be taken off the table and brought up for further discussion, that's fine."

Councilman Lull: "That was the reason behind my suggested change, my suggested amendment, so the second part of it goes back to discussion."

Councilman Densieski: "I would second that."

Councilwoman Sanders: "Why would it go back- and why would it go back to discussion?"

Councilman Densieski: "Because there's new information from our Advisory Committee which- "

Councilwoman Sanders: "That's an Advisory Committee. That's correct."

Councilman Lull: "Yes."

Councilman Densieski: "Which we were going to take an action before we found out what the Advisory Committee advised us to do. Now that we know what the Advisory Committee is going to do, before we expend \$25,000, I think it warrants more Town Board discussion."

Councilman Lull: "I- with all due respect, Ed, I believe that when the Advisory Board- when an Advisory Board gives us an opinion, it's something we take to a work session, not to a resolution."

Supervisor Kozakiewicz: "I think at the very crux of this and I think, Rose, you're absolutely correct. This was a matter that had been discussed among the Town Board. In the past to be very fair, we are about (inaudible) and do improvements, have been very much responsive to the idea that it should go to the Rec Committee and at least be reviewed before we're making capital improvements or expenditures."

This is not necessarily a capital expenditure. It's more of an investigation type of stage. But to avoid belaboring the point, I'm hoping that this Board can at least come together to at least amend

the resolution at this point in time, move forward, put it on for next work session and we can act accordingly at that point in time because I tend to agree that there had been some discussion by the Board members to move forward this in that fashion.

However, I'll be very, very honest with you that I was unaware that this had come up as a topic at the Rec Committee and that they had certain recommendations against moving in that fashion and given the fact that I've just been presented with recommendations which seem to say we shouldn't, I, for one, would like an opportunity to review their comments and if need be speak to them further before I vote to move forward on it."

Councilwoman Sanders: "Well, I'll give you another- there's another question out there as to where the resolution came from as if there's some suspense and some backdoor negotiations going on when resolutions are put on the table, I don't operate that way. That's not my MO.

However, I can assure you that the reason that this was put together because this was two issues that were discussed, one was the clock and one was the design. And the reason the resolution was prepared was because Mr. Testa could not go ahead with the direction that he was given by the Board without having the money identified for him to spend.

So, it's here before us whether- I don't know if it's going to change your opinion as to whether you would not want the project done or not or at least have the work done on investigating and coming up with a plan for it."

Councilman Lull: "No, I think we've made the decision. We wanted to go forward with it."

Councilwoman Sanders: "Okay."

Councilman Lull: "I think the only issue in this resolution is where does the money come from. The only decision that the Rec Committee can make is the spending of money so, therefore, the issue of where the money comes from to move forward on the architectural expense. But if we put that aside, I don't want the clock to get put aside as well. I want it to get- to go through."

Supervisor Kozakiewicz: "Okay. Saying all that, is there a further- is there further discussion and if there's not, is there

further motion?"

Councilman Densieski: "Yes. One little tidbit of further discussion. I respectfully disagree with you. Maybe in your world \$25,000 isn't a capital expenditure but in mine it is. And I believe most taxpayers would agree."

Supervisor Kozakiewicz: "That's not- "

Councilman Densieski: "And second of all, this didn't even make it through procedurally correct. Procedurally, this would have went to engineering and then to accounting. So I just wanted to point that out that the town engineer wasn't aware this was on today. I'm just pointing- merely pointing that out."

Supervisor Kozakiewicz: "You missed my point and let me make myself clear. I'm not saying \$25,000 is a minuscule sum and something that should not be considered seriously. What I'm suggesting is that it's not the physical capital improvements that we're authorizing today. We are authorizing the architectural expenditures, the soft costs, the soft monies, which aren't the actual infrastructure improvements. That was the point I was trying to make."

And I also believe that what we have is some difference of opinion as to protocol and whether this should or should not have been brought before the Rec Committee.

In the past, to repeat myself, we have been, I think, cautious and treaded very carefully so that if we were dealing with monies out of Park and Rec fund, we have historically and I think almost uniformly gone to the Rec Committee first since they're sort of the first line of defense or the first line of offense so that we know that they, too, feel the same way about the utilization of Park and Rec monies for a particular purpose.

In this case, they have raised some questions and I think given our past history both of this administration, the prior administrations, it would seem to make logical sense to proceed forward with the one that's not objectionable. Put the other aside for now and revisit it in the next work session. We're going to lose a couple of days and I'm looking to, hopefully, get- just to understand, this is a compromise for today. It's the fight- the issue's not dead. We're going to revisit it.

Any other discussion?"

Councilwoman Sanders: "I just want to like to go on the record that I did have- I just don't want to leave it that way because this seems- it's very peculiar how this shows up at this hour.

I did have conversations and have had conversations with the Rec Committee up to this point and not until just recently did I hear for the very first time any objection to this project.

I don't know what's changed. I don't know what the threat is. I don't know what the obstacle is, but for- I don't see and understand the reasons for- I did (inaudible), I did have these discussions, I had support from the Rec Committee and in the 11th hour, that was all changed, and I'm surprised that we find ourselves in this position at this point. But I would like somebody to do some explaining."

Supervisor Kozakiewicz: "I think the proper time for that would be in a work session and I think that that would be fair. We can bring Mr. White and Mr. Gabrielsen and any other Rec Committee people in to do just that, explaining. But in the meantime, given our past history, what I'm asking us to do is abide by what we've done in the past. Let's take this issue out of consideration for today and by all means you can ask your- and I think we all need to know if, in fact, this has been discussed many, many times why all of a sudden a change of heart.

But for purposes of today and not to belabor it, I'm hoping that we can move this resolution forward. I think there's been a motion to amend- "

Councilman Lull: "Motion to amend simply takes the money from Park and Rec funds, \$24,000 from Park and Rec funds, and redirects- and directs it to the clock improvement expense of also \$24,000."

Councilman Densieski: "Out of gifts and donations also, \$10,000."

Councilwoman Sanders: "So all of it goes to the- "

Councilwoman Blass: (Inaudible)

Councilman Densieski: "No, it's not 14 and 10."

Councilwoman Blass: "Well, it can't be 24 and 10 because- "

Supervisor Kozakiewicz: "That's not going to add up correctly.

If you do- "

Councilman Lull: "Don't worry about the gifts and donations. You're worried about the gifts and donations."

Supervisor Kozakiewicz: "I think what we're suggesting be done today just so we're clear because I know this is going to be confusing, very much confusing later, I think what we're suggesting be done, excuse me, is that the gift and donations line be eliminated entirely, the \$10,000; that the Park and Rec fund- "

Councilman Densieski: "Excuse me, Bob. Even though that was identified for this project?"

Supervisor Kozakiewicz: "Yes. Because the problem is this. I don't know how we adopt a budget adjustment where we have at the top \$34,000 going to a \$24,000 amount. It doesn't work. So for purposes of getting- "

Councilwoman Blass: "Mr. Supervisor, I was just going to ask. If it's not time sensitive, I mean, is there not an opportunity here to table it so we can talk about all the aspects of it in a different forum?"

Councilman Densieski: "Mr. Supervisor (inaudible). \$24,000 was the bid for the clock. \$10,000 was the gift and donations towards the clock in improvements. So wouldn't it be logical to put this budget transfer at \$34,000?"

I'm going to make a motion to make the budget transfer for \$34,000."

Councilwoman Blass: "And, and- "

Supervisor Kozakiewicz: "I think we have- no, no, no. We can't do this guys. You know what, you want to have a recess so we can beat each other up in the back room. I mean, God- "

Councilman Densieski: "I don't want to beat anybody. I just want to get the resolution- "

Supervisor Kozakiewicz: "The bottom line is this. We don't know where as we sit here today the gift and donations line is going to go. And to just willy-nilly throw it out there and say we're going to create a \$34,000 budget line in the two side to the 406 account

that ends 70052 and entitle clock and improvement expenses is only going to potentially invite the need for further resolution down the road to correct the action we're taking here today. I don't want to do that. I don't want to- we've been at this for about 15 minutes already on a Park improvement project. And- "

Councilwoman Blass: "I'm going to repeat a motion to table, Mr. Supervisor."

Barbara Grattan: "I don't think we had a second- the amendment."

Councilwoman Sanders: "I would second to table. Can't amend it."

Barbara Grattan: "Councilman Lull motion to amend. I don't think anybody seconded his amendment."

Councilman Densieski: "I second his amendment."

Supervisor Kozakiewicz: "All right. Let's- "

Councilman Densieski: "The 24."

Supervisor Kozakiewicz: "All right. Fine. So it's going to be Park and Rec fee up top, 24."

Councilman Densieski: "Right."

Supervisor Kozakiewicz: "And the second line that says Rec Center architectural expenditure, you're looking to delete it. So it's 24 up top, 24 down below."

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "All right. Let's vote on that motion, please."

Councilman Lull: "The issue for going through, Ed, at this point is the bids are in and they are not going to last forever. So-"

Supervisor Kozakiewicz: "We're voting only on the amendment. Let's vote on the amendment."

The Vote: "Sanders, no; Blass."

Councilwoman Blass: "I'm going to vote yes but I hope this kind of- this particular situation really doesn't occur or reoccur in the future."

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

Supervisor Kozakiewicz: "I agree with you, Barbara. I hope this doesn't occur in the future. Yes, on the amendment. Now we have to move the resolution as amended."

Barbara Grattan: "Resolution."

Councilman Densieski: "Move 313."

Barbara Grattan: "You're moving it? Okay. Second?"

Councilman Lull: "Second it."

Supervisor Kozakiewicz: "Vote, please."

The Vote: "Sanders, no; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted as amended."

Resolution #314

Councilman Lull: "Is a general fund budget adjustment. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded. Excuse me. Vote, please."

The Vote: "Sanders, yes; Blass, yes; Densieski, abstain; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #315

Councilwoman Sanders: "Authorizes the Town Supervisor to execute a change order for the municipal garage mechanic's maintenance facility, plumbing. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #316

Councilwoman Sanders: "Order establishing Extension 78 to the Riverhead Water District Baiting Hollow Farm. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #317

Councilman Lull: "Amends Resolution #232. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #318

Councilwoman Blass: "This resolution authorizes the attendance of one police officer at a law enforcement training school. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #319

Councilman Lull: "Authorizes attendance of a police officer at the annual Magloclen training conference. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #320

Councilwoman Blass: "This resolution accepts the resignation of the CAC Conservation Advisory Council member, George Bartunek. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "I can't in my heart accept George's resignation and if it were for better reasons and better terms, I would support it. So I'm going to abstain."

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

Councilwoman Blass: "It's unfortunate that George being the very dedicated individual that he is, basically had a difference in philosophy and he felt it best that he resign at this time. So I will accept his resignation. That is his wish but I accept it with regret."

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

Councilman Densieski: "Yes, I- yes."

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

Councilman Lull: "Yes. And thanks for many years of service."

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

Resolution #321

Councilman Lull: "Approves request for leave of absence. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #322

Councilwoman Blass: "This resolution ratifies the promotion of Det. Frank Hernandez to the position of Detective Grade II. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #323

Councilman Lull: "It's a- appoints a maintenance mechanic IV in the Department of Buildings and Grounds. It's a promotion for Gary Hubbard. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #324

Councilman Lull: "Appoints ordinance inspector full time, Matthew White. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "I think this is something we should have

done a long time ago, so, yes."

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

Supervisor Kozakiewicz: "I agree with Councilwoman Sanders. One thing that really aggravates me is when I drive around on the weekends and I see things taking place that don't happen during the week days and I'm hoping that with an ordinance inspector out there on the weekends, some of this will stop or at least at the very least be ticketed. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #325

Councilwoman Sanders: "Reassigns a clerk typist to the Building Department. Right, is that correct? So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #326

Councilman Densieski: "Converts part time to full time account clerk typist. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #327

Councilman Lull: "Town re-establishes terms and conditions - legislative secretary. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, abstain; Blass, abstain; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #328

Councilman Lull: "Re-establishes terms and conditions with executive secretary. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Densieski: "Second the motion."

Councilwoman Sanders: "I'm sorry. Yes. Seconded. Apologize."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, abstain; Blass, abstain, Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #329

Councilman Lull: "Re-establishes terms and conditions of the executive assistant. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, abstain; Blass, abstain; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #330

Councilwoman Sanders: "Appoints chaperones for the Recreation Department. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #331

Councilman Densieski: "Downtown restroom project capital project budget adoption. So moved."

Councilman Lull: "And second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "This is another one of the tools in the town's bag to help revitalize downtown. Just as RIFTA is, just as restoring Grangibel Park, just as, hopefully, the Suffolk Theater, as the Vail Leavitt Theater and there are many other things that are coming. There's a new restaurant opening this week. Thursday at 12:00 is their grand opening. All these things are all going in the right direction for a revitalized tourist friendly downtown. So I'm proud to support it. Yes."

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

Resolution #332

Councilman Lull: "Middle Road traffic control project capital project budget adoption. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "This is for- for those who might be interested, this is the installation of a full traffic light at Middle Road and Roanoke Avenue. Yes, paid for by developer's fees. Yes. No expense to the town."

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

Supervisor Kozakiewicz: "Yes. I'm looking at the memo and I'm not sure that I agree with the configuration and whether we should only be doing a blinking caution light at the corner of Ostrander and Middle Road so I do want to further those discussions. But I don't

think that precludes us based upon what we have before us. This is basically allowing for the work to go forward.

I think that we have to take a look at that and I would ask Jim- "

Councilman Lull: "Bob, the Traffic Safety Committee has already agreed that there should be a full traffic light at Ostrander and Middle Road as well. We're doing this at this point because we have the money. We don't have the- "

Supervisor Kozakiewicz: "And we're saying we can't put full signalization up with the sum that we have?"

Councilman Lull: "No with what we have. No."

Supervisor Kozakiewicz: "That's unfortunate. I vote yes to get this done but I would like to see us- "

Councilman Lull: "We can move forward on the other (inaudible) town money."

Supervisor Kozakiewicz: "All right. Thank you."

Barbara Grattan: "The resolution is adopted."

Resolution #333

Councilman Densieski: "Is this supposed to say '02 or '03, Bob?"

Councilman Lull: "It's '03."

Supervisor Kozakiewicz: "Three."

Councilman Densieski: "Okay. '03 public parking riverfront parking capital project budget adjustment. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "Improvements to begin within a month. Yes."

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

Supervisor Kozakiewicz: "Yes. Just to indicate what this is. This is taking serial bond proceeds which had been a public hearing a while back and this is to do the roadway between The Grill, right?"

Councilman Lull: "Between the Grill and West Marine."

Supervisor Kozakiewicz: "West Marine. So- "

Councilman Lull: "It will be that road which will be reconfigured- "

Supervisor Kozakiewicz: "Jim, can we hold you to it that it's going to be within a month?"

Councilman Lull: "I- it should be. It should be."

Supervisor Kozakiewicz: "All right. Then I vote yes."

Councilman Lull: "We already have the contract."

Supervisor Kozakiewicz: "I vote yes."

Councilman Densieski: "It's going to be nice."

Barbara Grattan: "The resolution is adopted."

Resolution #334

Councilwoman Blass: "This resolution authorizes the Town Clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead Town Code (definition of country inn). So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "I'd like to thank Councilwoman Blass for putting this together. I know she worked very hard on it and insisted that it get done in a timely fashion. So I'd like to commend her for that and I vote yes."

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

Councilman Densieski: "Yes. Barbara? Did Barbara vote?"

Barbara Grattan: "Did I miss her?"

Supervisor Kozakiewicz: "Yes."

Councilwoman Blass: "Well, thank you for your kind- yes, thanks. I just wanted to make one correction in the notice. If you could, the last line to read traditional materials such as aged brick, not aged material. You see the last line?"

Supervisor Kozakiewicz: "Got it, got it."

Barbara Grattan: "Traditional aged- "

Councilwoman Blass: "Aged brick- "

Barbara Grattan: "Okay."

Councilwoman Blass: "My vote is yes."

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

Councilman Densieski: "For the second time, yes."

Barbara Grattan: "Could you do it a third time for me?"

Councilman Densieski: "Sorry, Barbara."

Councilman Lull: "Our present code defines country inn as essentially a hotel light. This is a lot clearer. Yes."

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

Resolution #335

Councilman Densieski: "Appoints Duane Lewin as a member of the Conservation Advisory Council. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "Yeah. I've known Duane a long time. I don't think there's probably a single person in this town that knows more about the waterways and the estuary and all the creeks and river and I think he's going to do a great job. I want to support him. I vote yes."

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

Resolution #336

Councilman Lull: "Authorizes the Town Clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead owned by John and Helen Cichanowicz. It's 10 acres on Northville Turnpike and Doctor's Path. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #337

Councilman Lull: "Appoints a provisional recreation supervisor, that being Colleen Fox. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #338

Councilman Lull: "Is a Home Rule message for the Town of Riverhead Department of Highway. The requirements of the State allow that our Highway Department- a funding of what is it, \$200,000?"

Councilman Densieski: "\$200,000."

Councilman Lull: "-- for road improvements. We are- "

Councilman Densieski: "I think it's for capital equipment, Jim."

Councilman Lull: "Yeah. Capital- "

Councilman Densieski: "Right now it's like two trucks."

Councilman Lull: "Yeah, I know. This is asking for an increase to \$300,000. That's all. Yes. So moved. I'm sorry."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #339

Councilman Lull: "339 authorizes the Supervisor to execute a memorandum of understanding with Suffolk County and New York State Empire State Development Corporation. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Got that down? Moved by Councilman Lull; seconded by Councilwoman Blass. Seconded. Vote, please."

The Vote: "Sanders, yes; Blass, yes; Densieski, no; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "I'm going to make a couple of comments and a statement. One of the things I think when we talk about the Empire Zone is there's probably no easy way to describe what's been going on here that makes it simple for everyone to understand.

Let's start with what the law says. It allows for up to two square miles, 1280 acres, to be designated as an Empire Zone and that Empire Zone designation provides certain credits and benefits to businesses that locate within in, not- which include real property tax credits, credits during construction. And it's designed to invigorate or help businesses come along.

There's been a lot of public discussion about this particular issue and probably a lot of opinions as to what's right, what's wrong.

I will say that back in 1997 the process began. In 1998, the State, the Economic Development people said and told us by letter that we could have the zone or that a zone was established within the Town of Riverhead to be more accurate.

The legislation under which this particular zone was established was a specially created legislation which identified that it had to have the county as the applicant. Our situation was unique in that the town sought an opinion from the State offices and asked if we could stand in their stead and do some of the work or in our opinion, a great deal of the work.

Needless to say, that led to some differences of opinion as occur many times when you have a marriage between two parties or a union between two parties and they culminated in a great deal of acrimony in December of last year, 2002.

At that point in time, the county started to proceed forward with their own resolutions based upon a letter from the State that said we were not in full compliance, that there were problems with the way that it was being done despite having for five years under the same State agency's scrutiny, being fine and dandy.

That's, hopefully, past us. That's, hopefully, what this document does. This document will finally set forth, assuming it's also going to be adopted by the Suffolk County legislators, and assuming it's also going to be signed off by the State Economic Development Department, how the zone administrative board will be set up. For example, what's envisioned is that the County Exec would have the Chair of the zone administrative board. The Town of Riverhead would have the right to designate 10 additional members, basically the balance of the zone administrative board as it is presently composed.

In addition, there would be two additional zone members which would come from the communities of Riverside and Wyandanch. The County legislators would have the vote as to who those two particular people would be.

What this document again does in emphasis is finally sets that in clear and unambiguous terms, in black and white, how that zone administrative board will be structured. What this document will also do is finally set in stone who the zone certifying officer is. Under

its present scenario there is an issue that's been raised as to whether there should be the County Attorney's Office or the Town Attorney's Office. In the past it was operated with the Town Attorney's Office being the zone certifying officer. This document will keep that zone certifying officer status within the control of the town, the Town Attorney's Office.

In addition, what will be accomplished by this particular memorandum and we've been talking about this ad nauseam since 1999, is it's going to allow for the relocation of zone credits to downtown. It's something we've talked about. I think it's something that this Board believes to be beneficial to the Town of Riverhead and beneficial to the businesses that are looking to either expand or locate within the downtown community.

It will also allow for credits to be utilized. One of the things that we have to keep in mind is that we had certain- essentially two paths if we didn't get into this memorandum of understanding. One path was litigation, the other path was reaching an accord in a resolution and putting aside the acrimony that's been going on between the marriage here. This document will do the latter. It will put aside the acrimony that's been going on in the marriage.

In addition, we have to be mindful of the fact that there's a sun setting provision with respect to this Empire Zone which would take effect in 2004. And if we went into the acrimonious mode, like any divorce proceeding, it gets pretty ugly, it gets pretty lengthy, it gets pretty drawn out and in the meantime none of the benefits of the zone will come downtown and none of these zone benefits can be utilized. We will not be in a position to certify businesses and in the meantime the clock will tick away.

The one other thing I wanted to mention that this document does, is that it reconfigures zone benefits within the industrially zoned core that is presently owned by Mr. Burman. As mentioned earlier, there is a major subdivision application that's been in the town's hands for approximately a year. We envision it moving forward to an approval stage and by allowing for the reconfiguration of the zone so that it takes up that entire core property, it allows for a better utilization of those zone credits.

I'm not going to lie to you. There has been some give like any document has. The give is that there's going to be 25 acres that would be transferred to allowed to be transferred to the Town of Babylon and in particular, Wyandanch. There's also a shifting of

seven acres to the community of Riverside.

I- while this has been a benefit to the town- to the County of Suffolk, I will point out to you that as we all well know, both of those particular areas are highly depressed areas. In fact, the area of Wyandanch is the number one depressed area in the County of Suffolk. So clearly there's a community that will be able to benefit from the utilization of these credits.

The area of Riverside has been identified as probably the number two- actually it was, I think we heard the number two depressed area in all of Suffolk County and they will be able to benefit. Not only will that be a benefit, but it's right on the other side of the river, the area that our downtown continues to look at. And I think that and I very much believe that, if that project and that revitalization can happen there, it would only help spur and help us in our revitalization of downtown.

The last give which was probably the most monumental that we have to get through was Gabreski and I know that like any partnership there was a lot of give and take here, but given all that was accomplished here, given what I believe to be the final result assuming we get the county legislators to agree that this is the right thing to do and they withdraw those motions or resolutions which we're looking to take away the zone administrative board as it's presently constituted, I feel it's the right thing to do for the town. I feel it's the right thing to do for the residents.

It would have been very easy for me to stand up and scream and holler and say that the county once again has been the big nasty person that it is, but at the end of the day, these credits would have just went by the wayside and that would have been a terrible tragedy.

So saying all of that, I vote yes, and I hope that once and for all we can put this acrimonious relationship behind us. I throw this back to the county to make this work and to the state agency that oversees this to put its blessing on us- blessing on this memorandum of understanding so that's once and for all done and we can now start certifying some businesses and taking advantage of what the empire zone is all about. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #340

Barbara Grattan: "Resolution #340 is to pay bills."

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Blass: "Yes."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, no; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The bills are paid."

Supervisor Kozakiewicz: "Now we have one coming off the floor."

Resolution #341

Barbara Grattan: "341, Councilman Lull."

Councilman Lull: "Yeah. Accepts the cash security in lieu of performance bond of Island Water Park. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Supervisor Kozakiewicz: "Any other resolutions?"

Barbara Grattan: "That's it. No more."

Supervisor Kozakiewicz: "I hope not because I told the public there weren't any other ones coming off the floor. Time- five minute rule. Time to open it up to discussion. Anybody who wishes to- Mr. Kasperovich had a card in; Art Binder had a card in. So we'll do Mr. Kasperovich first and Art Binder second. And, Bill-- just so you know, Bill. I am going to use the men's room really quick. I'll be right back. So it's not-- Art, do you mind if I'm absent? Okay. No, I mean, so we can keep moving. I'll only be like a minute. Okay. Is there anybody else who would like to speak while-- "

Councilman Densieski: "We'll wait for you, Bob."

George Schmelzer: (Inaudible)

Councilman Densieski: "George, go up to the microphone, please, because we can't hear you. Jim Lull is the Deputy Supervisor."

George Schmelzer: "Oh. I see you waste all that time in approving or disapproving people that resigned. They resign, that's the end of it. Why do you have to bother with all this nonsense? Are they frozen to the job?"

Councilman Densieski: "A lot of times you want to thank somebody that's put in years of dedication."

Councilman Lull: "There are official rules, George. We have to remove them."

George Schmelzer: "They can't resign and walk away on their own? They're frozen to their job?"

Councilman Lull: "Well, we can't replace them until after we've removed them."

George Schmelzer: "Too much nonsense. I'll wait until he gets back. My five minutes didn't start yet. He's first anyway."

Councilman Densieski: "George, do you think we should extend the expressway?"

Councilwoman Blass: "Oh, thanks, Ed."

Councilman Densieski: "No, just kidding. Tell us about the biplane you used to have. I heard you used to throw ducks out of it."

(Some inaudible discussion among the Board members)

Supervisor Kozakiewicz: "I think I had too much coffee during that break. Mr. Kasperovich. I really- "

William Kasperovich: "William Kasperovich from Wading River. Let me bring up two items which I hadn't planned to since I've got documents here what I wanted to talk about but being appropriate to the weather we've had. When we got a town engineer, I had confronted him and the Highway Superintendent that we should have a specification

for cold pothole filling. The answer- and then I presented the same thing to the Highway Superintendent who was Charles Blass at the time, and the answer I got is that several years back when the town attempted to stockpile anything that had to be bought, it got pilfered and dipped into by outsiders and got an employee problem taking home this stuff that we bought- we have to buy. And this problem they didn't want since they experienced this some 20, 30 years ago and I think it's time to bring it up again. We should buy cold (CD change)- - so we can fill a depression in the road that is more than three inches deep- hole, and this could be done immediately, quickly, without any major tools."

Councilman Densieski: "Bill, Bill, could I answer that?"

William Kasperovich: "You're taking up my five minutes."

Councilman Densieski: "Nope. You're right."

William Kasperovich: "Potholes are on my mind because the 1,000 feet I have to go from my driveway to Hulse Landing Road, I've got 20 odd potholes that are deeper than four inches. And when they're filled with water, it's a very hazardous route to take. When they've emptied somewhat, you can zig-zag through. All right."

The next item I brought up is that the quality of the pothole patching wasn't good enough. It didn't last long enough. And the Friday before the last meeting, they came halfway down my road, filled some potholes, rain came, washed them all out. It's like they didn't do anything. Consequently, the quality of the Highway Department and patching and pothole fillings has been inadequate and should be addressed. Okay.

And, as I say, I brought this up when we got a town attorney and the Highway Department and years have gone by and this wasn't accomplished. Stockpiling has been put on the back burner because of conditions and I say we've got to overcome these conditions and stockpile our needs to anticipate bad weather or bad conditions. Okay.

Now what I came up here to talk for. In 1977 a resolution was passed unanimously where I brought up that this resolution doesn't spell out the street that I live on, that is 15th Street in Wildwood Acres area of Wading River. And after a lot of talk and a lot of telling me they included into the resolution where the last paragraph that further resolved that said road shall be maintained in the same

manner as all other highways in the Town of Riverhead in the future. I read that from a unanimously passed resolution of 1977, I believe that's October, October 4th.

Now, I was confronted and say, well, Bill, what do you want more? We'll give you same as we give everybody else in the town. Okay. This has not occurred. We have not- I have not gotten what everybody else in the town got. Now, I got something that was quite unusual and surprising and I don't know how to take it because I got a letter from your honor there, Mr. Kozakiewicz, Town Supervisor, for the first time in my life from your office- "

Supervisor Kozakiewicz: "It should have been the second because I sent you a letter once before, Bill."

William Kasperovich: "I don't remember."

Supervisor Kozakiewicz: "Okay."

William Kasperovich: "Mr. Kwasna denied any suggestion that Town Hall or Town Attorney's Office was holding him up in any way, shape or form. Now, I was up here and I said Mr. Kwasna told me that he was all set. The only thing he needed was a resolution from the Town Board. And I'm quoting him. I'm quoting him. And now- "

Supervisor Kozakiewicz: "Mr. Kasperovich, you- "

William Kasperovich: "-- you tell me that he denies the having said anything of this sort. Now- "

Supervisor Kozakiewicz: "I'm not saying he denies it. I think there may have been some difference of opinion as to the flavor of what he said to you. I spoke to him the day after you had come before the Board last time and I said, Mark, are you accusing the Town Board or the Town Attorney's Office of delaying this or holding this up from going forward? He says I've never said that. He says, I am ready to proceed forward. I want to take these roads on. I believe that by taking the additional mileage on I will be able to get better distribution of money so that I can continue to do my job as Highway Superintendent. I understand that volume that the Town Attorney's Office has to handle.

I trust that they're going to answer the issue and that there will be a resolution at a time when we can take up these and some other roads which have been- let's just say because I'm fearful of

using the p-r-i-v-a-t-e road word, but he said he's prepared to do that. And that's all my letter was saying is that he wasn't pointing an accusatory finger at anybody, Bill. And that furthermore I was confirming what you were telling us, that he does want to take the roads. You're highlighting the portion that is somehow becoming a bone of contention. I think we should be looking at the other part which is he's saying yes, I do want the roads and once the Town Attorney's Office has had a chance to finalize all the legalities and the legal prerequisites to make it happen, he's prepared, he remains prepared and in the future will be prepared to take them as town highways.

I thought the letter was or should be perceived in the positive and you're highlighting in the negative. He's prepared to do that. It's just- I think I just wanted to clarify if you will the comment that we were somehow holding him up."

William Kasperovich: "Well, I quoted him. I quoted him. And if he denies having said that to me, that's his business. But at the same time, Mr. Kozakiewicz, when you quote somebody like this, please, keep in mind that you should send him a copy. So he has an opportunity to correct you. When you say what somebody else said, send him a copy. But you didn't. So I tried to see him and he doesn't answer my phone, he avoids me like the plague, and I don't know what he's up to.

But since 1977, in light of all the court judgments in the State of New York and the placing of an entire network of water piping in my area, without approval of any of the residents, approval or sanction or notification, nothing. And when I confronted Mr. Ehlers who was the attorney to the water department at the time, he said it wasn't necessary. This is a public highway as referred to in the New York State Highway Law."

Supervisor Kozakiewicz: "Thank you, Bill. And as I said, we will- "

William Kasperovich: "So there are many indications that this has been a public highway by virtue of precedence in the courts in the State of New York and if that isn't enough, I don't know what is. I have confronted the police chief this afternoon and he says, okay, Bill, I'll inform my men that this is a public highway."

Supervisor Kozakiewicz: "Okay, very good."

William Kasperovich: "No this is- "

Supervisor Kozakiewicz: "Thank you, Bill."

William Kasperovich: "-- in regard to police- "

Supervisor Kozakiewicz: "I want to move on to the next speaker. I think we did not disrupt you. There was a couple comments. You've been there for 10 minutes. I'm going to ask Mr. Binder. Mr. Binder, you wish to address us on the Calverton air park zoning. Thank you, Bill. And, again, nobody's arguing the point. The Highway Superintendent does want to take the roads. He is of the opinion, so I don't think we're arguing here. Thank you. Mr. Binder."

William Kasperovich: "Tell us what you are going to do or tell me what you're going to do with the road that I live on. In light of the fact that you have been aware of this since you were the town engineer- "

Supervisor Kozakiewicz: "Mr. Kasperovich, I'm asking- I'm asking Mr. Binder to come up."

William Kasperovich: "You just decided all of a sudden when I was getting on to the police chief to cut me off and you cut me off. Now this is the way you run the meeting- "

Supervisor Kozakiewicz: "No. Mr. Binder, Mr. Binder, if you would."

William Kasperovich: "How is any intelligent person going to be mannerly and polite to you when you act this way? Is there such a long line back here of people wanting to talk? I've been on this for 25 years and you've known this for at least 10 years and you're telling me- "

Supervisor Kozakiewicz: "And what I'm telling you is that the Highway Superintendent agrees that he wishes to take them as public roadways and I- the point is that we are of the mind set to work this out and, in fact, take them and again at this point I would- I'm trying to understand the issue why you want to be argumentative, Mr. Kasperovich. I think what I'm saying is- what I'm saying to you is the Highway Superintendent agrees. That's- "

William Kasperovich: "I can't get a commitment from you and what the town is going to do."

Supervisor Kozakiewicz: "Because I think what we need to know is what it's going to cost and then we're going to have to put together a budget. I can't give you that answer yet."

William Kasperovich: "It's not going to cost you anything different than the rest of the town roads."

Supervisor Kozakiewicz: "Mr. Kasperovich."

William Kasperovich: "This was established in 1977."

Supervisor Kozakiewicz: "Thank you, sir. We know that."

William Kasperovich: "Cost-wise it's part of- like every other town road."

Supervisor Kozakiewicz: "Mr. Kasperovich."

William Kasperovich: "Now for 25 years we've been shortchanged and you're cutting me off and not making a commitment. And you're telling me in your letter that you'll take it under consideration. After 25 years, I think it's high time that you acted."

Supervisor Kozakiewicz: "Mr. Binder, thank you for being patient."

Art Binder: "Art Binder, Baiting Hollow. The people of Riverhead township overwhelmingly have said no to an airport, privately owned, publicly owned, regardless of the phraseology, semantics and irregardless of the ownership."

Under zoning Chapter 108-3 in the code of the Town of Riverhead, definition of an airport, which earlier, Bob, you did go through but I'll say it again.

Any landing area used regularly by aircraft for receiving or discharging passengers or cargo or for the landing and takeoff of aircraft being used for personal or training purposes.

To the best of my knowledge, an airport proposal within this township must go through the special permit process irregardless of zoning classification, i.e., Article 11 Industrial A District states that authorization by special permit is required for any airport under such zoning.

Article 12 Industrial B District states the same. Under Article 30, Defense Institutional District, which one would assume was the zoning under which the former Grumman Corp. operated, also requires the issuance of a special permit prior to operating an airport.

Let there be no ambiguity. The special permit process does require a public hearing. It does require the determination by the Town Board that the usage will not prevent, substantially impair, either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood. The special permit does require the health, safety, welfare, comfort, convenience and order of the town will not be adversely affected by the authorized use.

A special permit does give the Planning Board and the Town Board at their discretion that consideration for the proposed usage is not such that its proposed location would be unsuitably near to a church, school, theater, recreational area, or other place of public assembly.

Be aware of any forthcoming attempt to rezone lands within the Grumman fence from recreational to industrial. Be aware of opposition to the construction of a new school within the Grumman property. There are many other determinations listed in the zoning book that the Town Board must weigh prior to the issuance of any special permit.

This township must not follow in the footsteps of Homestead, Florida which in the early '90's was catapulted into a similar situation when the Air Force closed shop and a special interest moved in and attempted to undermine the citizens and the surrounding sensitive Everglades environment by creating an albatross that can only bring urban blight to the surrounding areas as witnessed just about anywhere a similar project has occurred.

I've taken the liberty to have copies made of the Homestead, Florida debacle which makes great reading but a terrible reality if gone unnoticed. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "I missed your point about the school. I'm sorry. Were you for or against? I didn't hear you. I'm sorry."

Art Binder: "I'm for- "

Councilman Densieski: "For the school?"

Art Binder: "Well, I'm for having educational facilities on the property."

Councilman Densieski: "I didn't hear you. I'm sorry."

Supervisor Kozakiewicz: "Thank you. George, yes. Almost overlooked you. No, I'm teasing. I saw him. He's right in the front row. He was just waiting."

Councilman Densieski: "He' waiting for- "

George Schmelzer: "I can talk about cold patch asphalt, but I won't. I've seen it. I'll explain it to you sometimes. It's not as good as you think."

Councilman Densieski: "No, it's not."

George Schmelzer: "That's the problem. You can't keep asphalt over night hot in small amounts. So they put oil in so it will remain sort of- "

Supervisor Kozakiewicz: "Pliable."

George Schmelzer: "Yes. So you could- but it's not as good as regular asphalt. There's other problems, too. I can talk 10 minutes on that but I won't."

What I'd like to discuss is this dump, spending 25- 27 million. Now when did that law go into effect?"

Supervisor Kozakiewicz: "1990."

George Schmelzer: "Before that, there was no controls. Right?"

Supervisor Kozakiewicz: "I think there was oversight, but there was not a mandated closure. The New York State law was enacted and in 1990 the law took effect and that law required that this particular landfill as well as other town landfills, be closed."

George Schmelzer: "Why did the town continue using it then?"

Supervisor Kozakiewicz: "Because we fought the DEC for three years successfully through outside counsel arguing that it was a- I'm not sure if it was based upon an unconstitutional ground, but we fought it and we were able to prevail until finally the court rendered

a decision in 1993 saying we disagree Town, you've got to close it up."

George Schmelzer: "Then by- if you were- the town was smart, not use the dump from the day on when it was forbidden, you start another spot. Because, how about the federal law? Expo facto law. It's shown twice in the constitution, Section 8, can't find the damn thing now. Section 9, third paragraph, no expo facto law. Section 10, the first paragraph, same thing. Article 1, Section 9 and 10. So if they close the dump the day that law came into effect, you could tell the State go screw, take it away yourself. Don't use commonsense, the Town doesn't."

Supervisor Kozakiewicz: "That's your opinion, George, and you're entitled to your opinion. I would tell you that if you speak to the counsel on it, they would respectfully disagree. But, that's fine."

George Schmelzer: "They made a mistake- "

Supervisor Kozakiewicz: "Because you've got to look at the entire body of the law and what that entire body of the law required was that these facilities be capped- closed, capped, and/or reclaimed."

George Schmelzer: "Well, the federal constitution is very plain, no expo facto law. You're trying to deny that? You mean the courts are crooked, (inaudible) crooked, maybe they are."

Supervisor Kozakiewicz: "You said it, not I."

George Schmelzer: "Well, you- why does the Town continue using it for then? You lose that case, you lose the Wading River case, you lose the school case across the river. Good record the Town has."

Supervisor Kozakiewicz: "We're not going to go down this track again because I could rattle off a number of them where we've won and then we get into that debate. So, it's not- "

George Schmelzer: "This costs \$27 million maybe more, there's no end to it and some lawyer screws up and makes a mistake and we pay for it. Millions and millions, no end to it? That's okay though. Long as they make a mistake. But don't make a mistake yourself."

Supervisor Kozakiewicz: "George- "

George Schmelzer: "Yeah."

Supervisor Kozakiewicz: "Your opinion is your opinion and let me say that but, you know, I'm sure- I wasn't in the Town Hall in 1980's when the landfill closure law was adopted."

George Schmelzer: "It's not your fault."

Supervisor Kozakiewicz: "But I can be sure that your theory was probably discussed and it was probably determined that it had no merit and no basis. But, you know, George, this is- it's past history. You were coming to Town Board meetings when this whole thing was taking place. You know it. You lived it. You remember when the landfill continued to operate."

George Schmelzer: "I figured- "

Supervisor Kozakiewicz: "You remembered- you remembered when the landfill continued to operate from 1990 to 1993."

George Schmelzer: "I figured the Town Board, the town lawyers had some commonsense but I doubt it now. Really. This is 25 million, no end, maybe another 50 million, no end to this. Probably the state is laughing."

Supervisor Kozakiewicz: "There is an end. That's the cap. In fact, if the asphalt plant and other things take place, the number will be lower. Furthermore, it's somewhat unfair to just look at it from one side. Have you looked at how much it costs to monitor a site? And how many times it needs to be monitored during a given year?"

George Schmelzer: "It's the same thing."

Supervisor Kozakiewicz: "And then expand that out 30 years and look at what a future dollar will cost 30 years down the road."

George Schmelzer: "The same law applies."

Supervisor Kozakiewicz: "I think you're not doing a full objective view. But, thank you."

George Schmelzer: "Okay. You don't want to hear it, that's the trouble."

Supervisor Kozakiewicz: "I've heard you. You mentioned the expo facto. We've heard it twice or three times now."

George Schmelzer: "They don't use it at all. The town, the state, let you use it for three years, then (inaudible). So smart lawyer."

Superviosr Kozakiewicz: "The state didn't allow us to use it. They fought it the entire time. Joan Griffin."

George Schmelzer: "So, so long."

Supervisor Kozakiewicz: "Thank you. Take care."

George Schmelzer: "That's the trouble with- good bye."

Joan Griffin: "Good evening, Joan Griffin, Baiting Hollow. It's been two weeks since the last Town Board meeting and the question I have is anything developing on the Crown situation since then?"

Supervisor Kozakiewicz: "We have had some discussions. I've discussed with them the idea of selling some of the land for development rights. And I would like to see them do that. Obviously talking about procedure and protocol, one of the things that has to happen is it has to go to the Farmland Open Space Committee as an item for discussion and that body will make a recommendation to us. So that is an item that's been discussed with them."

Joan Griffin: "Okay. Thank you."

Supervisor Kozakiewicz: "You're welcome. Anybody else? Yes, hand in the back, all the way in the back."

Lawrence Rehm: "Good evening. Lawrence Michael Rehm, Youngs Avenue, Baiting Hollow. This question may be for the Town Attorney, but there was a resolution passed last May, Resolution Town Code 101-8 this has to do with weight restrictions on- what is the current fine on trucks over a weight limit?"

Councilman Lull: "What is the fine?"

Lawrence Rehm: "Yeah."

Councilman Lull: "I don't know. We put the weight limit on but can't answer that question."

Supervisor Kozakiewicz: "Whatever you can get from the judge."

Lawrence Rehm: "Well, I don't think so because- "

Supervisor Kozakiewicz: "I'm teasing. I'm teasing. I-- "

Lawrence Rehm: "101-8. I believe it's \$25.00 a ticket now which is nothing."

Supervisor Kozakiewicz: "For a parking ticket, it's \$25.00 a ticket. That's what we're presently charging for a parking violation and if they're not answered in a 30 day period, I think they go up to 50 or- but that's parking regulations. I- "

Councilman Densieski: "Then there's court costs, too."

Lawrence Rehm: "This is on trucks."

Supervisor Kozakiewicz: "I understand."

Lawrence Rehm: "I mean \$25.00 was quoted to me, which is nothing. I mean \$25.00- "

Supervisor Kozakiewicz: "By whom? Who was that quoted to you- by whom?"

Lawrence Rehm: "Well, I've been- "

Supervisor Kozakiewicz: "By whom? You've made a comment. By whom? By the Town Attorney?"

Lawrence Rehm: "By some police officers here in town. And- "

Supervisor Kozakiewicz: "We'll do this. We'll research it and get you an answer. Okay? Anything else that you would look to ask?"

Lawrence Rehm: "No. If it's \$25.00, it's nothing. I mean \$25.00 is a 40 pound bag of dog food at BJ's. I mean the town is losing money here because these instances are going on and quite frankly, the police are handing out the tickets and they say they're getting nowhere. A fine would have to be increased and if anything a weight scale."

Supervisor Kozakiewicz: "Okay. Thank you. Thank you, that's a good idea. We'll look into it. We'll get you an answer. Okay?"

Lawrence Rehm: "Thank you."

Supervisor Kozakiewicz: "Is there a way for someone to get a hold of you? Can you give us your name, your address?"

Lawrence Rehm: "Sure. I can give it to you after the meeting."

Supervisor Kozakiewicz: "Thank you."

Lawrence Rehm: "I'll be very honest with you. In discussion with the police, they are asking for scales and higher fines. They want these tools."

Supervisor Kozakiewicz: "Very good. Thank you."

Lawrence Rehm: "Thank you."

Supervisor Kozakiewicz: "Mike Spindler."

Mike Spindler: "Mike Spindler, Calverton. I just want to clarify, you know, what I was trying to get at before. Ed, I meant no disrespect asking you about general aviation, nothing like that. It's just I want to emphasize how important these rules and procedures are. We're going to be living with them forever. They have to be done right. We have to know what we're talking about on both sides."

The EDZ, I sat at the meeting the other day. I think that's a good thing. I know it's hard to give things that we get for free or however you want to phrase it to someone else but the fact of the matter is as the Supervisor- I concur with him wholeheartedly, is right across the river. It really doesn't do anything for those people in Water Mill, Sag Harbor and all that. It does something for Riverhead. Even though we have to give it away, they're going to pay the administrative costs, that's more than reasonable and it's definitely a gain benefit to us.

And I was surprised, too, that Riverside is number two in economic standing, at the bottom of the barrel, you know, and on Long Island. Not even Suffolk County.

How many EDZ credits are there? I mean total."

Councilman Densieski: "Twelve?"

Mike Spindler: "Twelve?"

Supervisor Kozakiewicz: "I can only tell you what I know because I'm not going to get into how the zone credits are handed out because depending upon the type of business, depending upon the use. It all depends- there's a myriad of benefits that are available and they depend upon whether it's industrial, manufacturing, hotel. It varies."

Mike Spindler: "Okay, I understand."

Supervisor Kozakiewicz: "But what I can tell you- what I can tell you is it's two square acres- "

Mike Spindler: "Right."

Supervisor Kozakiewicz: "-- that can be enacted by- two square miles, 1280 miles- I mean 1280- boy, it's been a long day- two square miles, 1280 acres that we're allowed to designate."

Mike Spindler: "Okay. My point is that, you know, giving, I believe it's two acres to Riverside, is probably, you know, more than reasonable. I would have recommended quite a bit more than that."

Supervisor Kozakiewicz: "Seven."

Mike Spindler: "Seven."

Supervisor Kozakiewicz: "Seven."

Mike Spindler: "Okay."

Councilman Densieski: "Actually it's more than that."

Councilman Lull: "Yeah, it's more than that. We- "

Mike Spindler: "I'm just- you know, what I'm trying to say."

Councilman Densieski: "We're all in agreement on that section of town."

Councilman Lull: "They asked for seven. We took a look at the ones they suggested and we saw some other things that should be done over there, so we gave them more."

Mike Spindler: "Okay. You guys, you know what I'm saying. It's a good thing and I'm happy you voted on that as far as that goes."

Gabreski. What happened to Gabreski? Do they get credits?"

Supervisor Kozakiewicz: "Forty-eight acres."

Mike Spindler: "Oh, okay. Well, for those people, they're public airport- pro public airport, there it is right there. They've got credits. They can go to town and it's closer to Riverhead town than Calverton is.

At any rate, the incubator. What's the status- "

Councilman Lull: "This is not- this is Gabreski. This is not the air- the landing strip portion, it's the industrial portion."

Mike Spindler: "I understand that. I understand that."

Supervisor Kozakiewicz: "The incubator broke ground. There was clearing."

Mike Spindler: "Great."

Supervisor Kozakiewicz: "They have all their approvals. With the given weather, there's nothing that's taking place at this time. I think they're anticipating, you know, once the weather breaks getting right back into the ground and completion some time in late fall, early winter."

Mike Spindler: "Great. Great. Now everybody hears me rattle around about this airport, how, you know, how I'm always anti and all this stuff. Really want to keep an eye on aviation. I've been in it for 26 years, the military and public use aviation, so I'm very familiar on what airports can do to a community. And my vision of Calverton has always been high technology and education and recreational use.

And I'd just like to read a letter here written by Alan Greenspan, Chairman of the Board of Governor's Federal Reserve System. He has a doctorate in economics. This is what he has to say about investing and he's writing this to some students, local students.

Perhaps the most important ingredient in our economy's long term success is education. Most of what we value in the economy, items ranging from computer software to medical care, depends on the use of knowledge. Thus your success in earning a living will depend importantly on what you learn now and in the future. That is why when

I am asked for investment advice, I always give the same answer, education is the best investment. And that's what I'd like to see happen at Calverton, personally, university annex and the rest. Indeed in our ever evolving economy, we need to make learning- we need to make learning a life long endeavor.

Knowledge of science and math is of course important in economy and increasingly based on technology but I submit that the liberal arts, such as music, literature and art are just as important. They encourage an appreciation of life experiences and help develop the ability to analyze and interpret.

So, you know, hear me blasting you guys or however you want to say it about this airport thing, I don't mean to do that. I don't mean to be adversarial, but I have a vision for that place, my own one, obviously you don't have to listen to it, except for my little five minutes here. But this really sums up the reason why I am that way. Because Calverton could be an outrageous place. Not a place I envision as heavy industry and airports. Thank you."

Supervisor Kozakiewicz: "Thank you. Is there anybody else who would like to address the Board?"

I will have just one comment. I did look in the code book, just so that you- and I think you may be right. We are limited by where the fine structure is and I'm going to ask the Town Attorney because there's two sections that talk about penalties in Chapter 101, 101-25 and 101-27 which seem to encompass that entire chapter of Vehicle and Traffic Law and they are woefully inadequate. I think we need to put them into different sections for the appropriate type of violations. Okay? Thank you."

Councilman Densieski: "Motion to adjourn."

Meeting adjourned: 6:07 p.m.

Barbara Nathan
Town Clerk