

Minutes of a Chapter 54 Public Hearing held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Thursday, April 12, 2001, at 11:30 a.m.

**Present:**

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Christopher Kent,	Councilman
Philip Cardinale,	Councilman
 Leroy Barnes,	 Building Inspector

**Also Present:**

Barbara Grattan,	Town Clerk
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Supervisor Kozakiewicz: "Ready? Let the record reflect that the time of 11:44 a.m. has arrived. We are reconvening a prior Chapter 54 hearing regarding Dury that was held, I believe back in September or October. Mr. Leroy Barnes is present. You offered testimony-- in addition to previous testimony which was offered in connection with this Chapter 54. I can't recall if you were previously sworn, Mr. Barnes."

Leroy Barnes: "Yes, I was sworn."

Supervisor Kozakiewicz: "All right. For purposes of today's hearing, you are still considered to be sworn in, Mr. Barnes."

Leroy Barnes: "Yes."

Supervisor Kozakiewicz: "And what additional testimony do you wish to offer to the Board today?"

Leroy Barnes: "I can tell you that the hearing was held October 26, 2000 at 11:50 p.m. and as a result of that hearing, the Town Board had requested that I contact Mr. Hoolihan who owns the actual park where this mobile home is situated. I contacted him on October 27<sup>th</sup>, and he was-- a discussion took place. He felt that it was time to evict the tenant. I have been informed that he started a procedure and I have also been informed that the tenants have filed bankruptcy to be protected.

Since that is the case and we cannot take any action- legal action other than through provisions of Chapter 54, I recommend to the Town that we at least take some kind of a step to abate the situation as far as exterminating for cockroaches and cleaning up the mobile home. These people are on rented land; they do not own the real estate but they do probably have some tenancy rights. I would assume they do; I'd have to talk to the Town Attorney about that.

But I don't know exactly what legal action we should take other than we can adopt a resolution to take some type of appropriate action in cleaning up the site."

Supervisor Kozakiewicz: "Are you suggesting that we pass a resolution which would authorize you and the town engineer to investigate the actual extermination of the infest- infestation, that's the word I'm looking for, at the property, and then place that on the tax bill?"

Leroy Barnes: "I think that would be a good idea but I would also ask that you include the Town Attorney in it so that we can proceed legally. Because there are issues where people are living in their mobile home and that's a difficult one for me, legally, how to deal with people who have their own mobile home and live in it, do we have the right to enter upon their property and to exterminate?"

Councilman Densieski: "Well, we have to look at the rights of the neighbors also."

Leroy Barnes: "I agree."

Councilman Densieski: "They should have the right to live in a cockroach free environment, so- "

Leroy Barnes: "Absolutely."

Councilman Densieski: "-- I think we have to move along as fast as we can, rapidly as we can."

Leroy Barnes: "By the same token I don't want the Town to be held liable for- "

Councilman Densieski: "Yeah, I agree with you- understand all the rules and regulations. But there's also right and wrong and in my opinion, we have to do something immediately."

Leroy Barnes: "I agree."

Supervisor Kozakiewicz: "Are you here to offer some additional testimony, sir? I fail to recall your name. I know you were here at the October 26<sup>th</sup> hearing. Come up close enough where we can pick it up on the mike. You're still considered sworn, sir."

Daniel Joseph Keough: "Yes. I was sworn the last time I was here. My name is Daniel Joseph Keough and I live in #14."

Supervisor Kozakiewicz: "K-E-O-G-H, correct?"

Daniel Joseph Keough: "K-E-O-U-G-H."

Supervisor Kozakiewicz: "Okay. Just want to make sure we've got the spelling correct. Okay."

Daniel Joseph Keough: "Now, I've been following this, being a neighbor, trying to rectify it. Me and my neighbor- my other neighbor alongside me both have \$550 a year contracts with Terminex Exterminating. Now, we've been after this and after this and after this and after Mr. Hoolihan. Mr. Hoolihan finally started proceedings to evict the people. I offered to buy the place, to buy the note, to foreclose on it myself."

I have had been in contact with Miss- with the woman that used to own it and I have been advised by counsel not to waste my money because these people just continuously to bankrupt. This will be the fourth time they've gone under Chapter 13. And all they simply do is file for bankruptcy, buy themselves six more months of time, never show up in court and no other court can do anything because that's a higher court and it supersedes everybody else's jurisdiction.

After it's done, then people file more motions to foreclose on them, more motions to evict them and they simply do-- instead of the husband going bankrupt, then the wife goes bankrupt. And it's a game, back and forth, I've been dealing with for over a year."

Supervisor Kozakiewicz: "Okay. It's very common in foreclosures."

Councilman Densieski: "Just to get away from the foreclosure part of it, can you just tell us what's going on now. The warm weather, is there any activity?"

Daniel Joseph Keough: "The warmer weather is up and as I've spoken to you earlier this week, I had one roach in my house Monday. This is not a lot. People say what's one? Yesterday was Wednesday. There was three more in my house and one in my wife's car. As my wife was driving to work on the Long Island Expressway, she goes into hysterics and pulls over to the side of the road, jumps out of the car because there's a roach crawling across the dashboard of the car.

Now, this is going- last year, I couldn't touch any of my vehicles. I could not do any yard work because simply standing outside in my yard, I had bugs and roaches crawling up the legs of my pants.

Now, this has been an ongoing problem and I don't know what to do. My- I was going to give the mobile home to my daughter. My daughter's leaving. She does not want- and I don't want my grandson growing up in this environment either. And all we're simply doing is asking for help. Nobody- it seems like nobody hears us. I don't know what to do, besides renting a bulldozer and crushing it. And then face the consequences because I've lost- I make \$35.40 an hour. I'm a union plumber. I've been to every one of these meetings, every one of these court proceedings. Do you know how much money I've invested in this? It would be cheaper to hire an attorney and pay the price and have the thing run over by a bulldozer, I think. I hate to say it, but I don't know what to do."

Supervisor Kozakiewicz: "Yeah. Okay."

Daniel Joseph Keough: "I need something- "

Unidentified: (From the audience, inaudible)

Supervisor Kozakiewicz: "It's obvious that they don't want to rectify the situation, so- "

Daniel Joseph Keough: "Yeah, I offered to exterminate it. She flat out refused."

Unidentified: (From the audience) "You know, all the neighbors have tried to help."

Supervisor Kozakiewicz: "I don't think we have you sworn in and we didn't have your appearance. Were you here on October 26<sup>th</sup> as well?"

Unidentified: "No."

Supervisor Kozakiewicz: "Okay. I either need to have you sworn in to offer further testimony- I think we have a picture of what's going on out there, so I don't think there's a need to take on any additional testimony. I think what we really need to do is determine- and I hate to say this because you are going to say, well, gee whiz, here it is again, bureaucracy and government at its best."

Daniel Joseph Keough: "I understand. It's frustrating from my point of view. But, you know, I have to go along with whatever procedures I have to go along with."

Supervisor Kozakiewicz: "Well, that's what I want to make sure we're within our means and I know we've had the hearing, we've noticed the property, we've tried to reach out to the owner of the park to do the right thing. Apparently he was a little slow in getting the landlord tenant proceeding going forward and now they've done what you've pointed out. They've- he- I guess one of them has filed for bankruptcy with the goal that once the thing gets started up again, the second one will file. I'm not sure how that impacts an eviction; I'm not sure it has any role in an eviction proceeding."

But be that as it may, what you are here today to do is get the town's assistance to the fullest extent the town can assist you under its Chapter 54 scope and I think that's what we're going to do. I don't think there's a need to take on any more testimony at this point in time. I think what we need to do is adjourn, get the Town Attorney to advise us and then, hopefully, on Tuesday, once we have the advice on hand, pass a resolution to help you.

So I think that's the- what we can do at this point in time. Mr. Barnes, you have Mr. Keough's telephone number to let him know? If you could do that so that maybe Wednesday you can leave a message with him to let him know how the Town Board has proceeded forward. And without any further adieu, at this time, unless there's objection from any other Board member, I declare this hearing closed and I think we will, as I said, take this under advisement. The time being 11:52. Thank you.

And since that's it for this morning, we're going to break. We will reconvene at 2:00 for those people who are out there."

Chapter 54 Public Hearing closed

*Barbara Nathan  
Town Clerk*

**WAIVER OF NOTICE AND CONSENT  
OF SPECIAL MEETING**

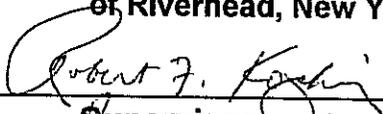
**We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 2:00 P.M. on the 26th day of April, 2001 and do consent to the holding of such meeting for the purpose of:**

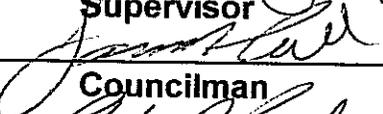
- Res. #427** Authorizes Filing of an Application for Federal Emergency Management Agency Funding through the Assistance to Firefighters Grant
- Res. #428** Authorizes Attendance of two Detectives at F.R.E.N.Z.Y. Training Conference
- Res. #429** Terminates Part Time Animal Control Officer
- Res. #430** Authorizes Town Clerk to Publish and Post "New York State Department of Environmental Conservation Notice of Complete Application"
- Res. #431** Resolution Calling Public Hearing-Meadowcrest IV at Settlers Landing-Lateral Water Main-RWD

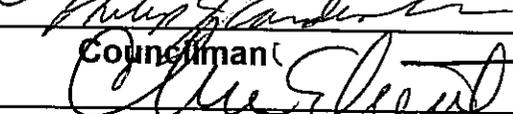
**And any and all other matters that may come before the Board.**

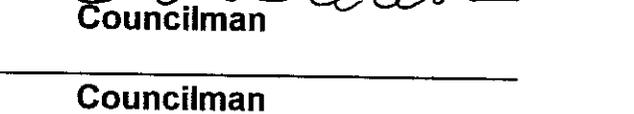
**Dated: April 26, 2001**

**Town Board Members  
of Riverhead, New York**

  
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**Supervisor**

  
\_\_\_\_\_  
**Councilman**

  
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**Councilman**

  
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**Councilman**

**Media Notified: Town Board Meeting April 23, 2001**  
By Supervisor's Office  
Suffolk Life  
Times Review  
Long Island Traveler-Watchman  
Newsday  
WRIV & WRCN

**SPECIAL TOWN BOARD MEETING**

April 26, 2001

Present: Supervisor Kozakiewicz  
 Councilman Cardinale  
 Councilman Kent  
 Councilman Lull

Absent: Councilman Densieski

Also Present: Barbara Grattan

**Supervisor Kozakiewicz:** "The time of 2:24 p.m. having arrived. I declare the public meeting open, with the notice of 2:00 o'clock P.M. There was some discussion prior to this concerning some of the resolutions. Any further discussions?"

**Councilman Cardinale:** "No."

**Supervisor Kozakiewicz:** "Alright. Barbara?"

**RESOLUTION NUMBER 427**

**Authorizes the Filing of an Application for Federal Emergency Management Agency Funding Through the Assistance to Firefighters Grant**

**Councilman Lull offered the resolution, which was seconded by Councilman Cardinale.**

**The Vote:**

Councilman Cardinale: Yes.	Councilman Densieski, absent
Councilman Lull: Yes	Councilman Kent, absent
Supervisor Kozakiewicz: Yes	

The Resolution was declared to be duly adopted.

*Barbara Grattan*  
 Town Clerk

**RESOLUTION NUMBER 428**

Authorizes Attendance of Two Detectives at F.R.E.N.Z.Y Training Conference

Councilman Cardinale offered the following resolution, which was seconded by Councilman Lull.

**The Vote:**

Councilman Cardinale: Yes  
Councilman Lull: Yes  
Supervisor Kozakiewicz: Yes

Councilman Densieski, absent  
Councilman Kent, absent

**RESOLUTION NUMBER 429**

Terminates Part Time Animal Control Officer

Councilman Cardinale offered the following resolution, which was seconded by Councilman Lull.

**The Vote:**

Councilman Cardinale: Yes  
Councilman Lull: Yes  
Supervisor Kozakiewicz: Yes

Councilman Densieski, absent  
Councilman Kent, absent

The resolution was declared to be duly adopted.

At this time Councilman Kent arrived for the Special Board Meeting.

**RESOLUTION NUMBER 430**

Authorizes Town Clerk to Publish and Post "New York State Department of Environmental Conservation Notice of Complete Application"

Councilman Cardinale offered the resolution, which was seconded by Councilman Lull.

**The Vote:**

Councilman Cardinale: Yes  
 Councilman Densieski, absent  
 Councilman Lull: Yes  
 Councilman Kent: Yes  
 Supervisor Kozakiewicz: Yes

**RESOLUTION NUMBER 431**

**Councilman Kent:** "I came in late and I'm not really prepared."

Resolution Calling Public Hearing- Meadowcrest IV at Settlers Landing- Lateral Water Main, Riverhead Water District

Councilman Kent offered the following resolution, which was seconded by Councilman Lull.

**The Vote:**

Councilman Cardinale: Yes  
 Councilman Densieski, absent  
 Councilman Lull: Yes  
 Councilman Kent: Yes  
 Supervisor Kozakiewicz: Yes

The resolution was declared to be duly adopted.

**Councilman Lull:** "Barbara, I have resolution Number 432, a copy of it, which is based on one of the resolutions that we just had previously.

**RESOLUTION NUMBER 432**

Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Part Time Animal Control Officer

Councilman Lull offered the resolution, which was seconded by Councilman Kent.

**The Vote:**

Councilman Cardinale: Yes  
Councilman Densieski: absent  
Councilman Kent: Yes  
Councilman Lull: Yes  
Supervisor Kozakiewicz: Yes

The resolution was declared to be duly adopted.

**Supervisor Kozakiewicz:** "Alright, no further business? Motion to adjourn?"

**Councilman Kent:** "Can I just say bring up one thing? There was a request for East End Arts Council to take up a resolution at this Special Town Board Meeting. There was a plea by NESCA, to have in place prior to May 1<sup>st</sup>, an extension for an additional six (6) years beyond May 1<sup>st</sup> of 2001 which would take their lease right to (inaudible) May 1<sup>st</sup> 2007. I spoke to them yesterday and they said that if we could take it up at our Regular Town Board Meeting on May 1<sup>st</sup> that would be sufficient enough."

**Supervisor Kozakiewicz:** "So if we had a resolution which authorizes the extension of the lease"

**Councilman Kent:** "Yes. If we so choose. It's a \$100,000 of grant money that the East End Arts Council receives."

**Supervisor Kozakiewicz:** "This if for the handicap?"

**Councilman Kent:** "Handicap Accessibility"

**Supervisor Kozakiewicz:** "Right."

**Councilman Kent:** "The East End Arts Council received their own grant money, not grant money that the Town is applying for. We're assisting them, but we are not (inaudible). So I think this is worth while."

**Councilman Cardinale:** "Rob Pike has asked me to ask what their rent was?"

**Councilman Kent**: “Their rent? Their rent is, uh, nothing.”

**Councilman Cardinale**: “Which means that the Theater rent is really high compared the theirs.”

**Councilman Kent**: “That’s correct.”

**Supervisor Kozakiewicz**: “All for the cultural and the arts, though...”

**Councilman Kent**: “What we receive back, it’s not a business venture, by the Town, What we receive back is all of the assets that the East End Arts Council presence on Main Street brings to the Town of Riverhead.”

**Supervisor Kozakiewicz**: “As well as the cultural enrichment of our youth, and others.”

**Councilman Cardinale**: “What we lose is the rental value of the property.”

**Councilman Kent**: “That’s correct.”

**Councilman Cardinale**: “And the capital improvements that there is.”

**Councilman Kent**: “All the capital improvements on the property have been granted.”

**Supervisor Kozakiewicz**: “Saying that, I, I think it is beneficial for us to do that, since we have already undertaken the 50, so why not pursue it.”

**Councilman Kent**: “Yeah, by giving them an extension, we are receiving \$50,000. \$50,000 worth of capital improvements to the Town Property.”

**Supervisor Kozakiewicz**: “Right”

**Councilman Cardinale**: “Well, what bothers me, we are also committing to no rent for 6 years.”

**Councilman Kent**: “But also- no we’re not, we are getting \$50,000. Also, most of the grant money that we have received for those premises, were received because of the East End Arts Council’s presence on the site.”

**Councilman Cardinale**: “The Capital Improvements to the property that is being rented is a value. The question I was going to answer is that we are committing to no rent for 6 years. We are committing at no rent.”

**Supervisor Kozakiewicz**: “Well, you have to understand that it is already committed to five and a half.”

**Councilman Lull**: “That is correct.”

**Councilman Cardinale:** "They've already have--"

**Supervisor Kozakiewicz:** "They have until the end of this year with an automatic 5 year renewal at their option."

**Councilman Cardinale:** "Well, that is good to know. Makes it less important an issue."

**Supervisor Kozakiewicz:** "Yeah."

**Councilman Cardinale:** "They have an option to renew at 5 years and no rent. So all we're doing here, giving them is an extra half a year."

**Councilman Kent:** "I don't know, I'd have to look at the current lease. I really do not know the current terms of the lease."

**Supervisor Kozakiewicz:** "I think it is pretty much (inaudible) I'm not sure if there is an escalated cost or more money."

**Councilman Kent:** "I think it is a percentage increase on what we are currently receiving."

**Supervisor Kozakiewicz:** "Like the M&M's commercial where they go into get a raise, right?"

**Councilman Kent:** "But if you look at the grant money we are receiving to improve the premises that we own, there is a type of rent. The \$50,000 even if it's over \$50,000 over 5 ½ years or 6 years is about \$8,000 a year."

**Councilman Lull:** "More than that. The Townscape is giving (inaudible)"

**Councilman Kent:** "Ok."

**Councilman Cardinale:** "Five and a half thousand , five and a half five hundred a year."

**Councilman Kent:** "No, six years, \$50,000 ."

**Councilman Cardinale:** "Divided by six is \$9,000."

**Councilman Kent:** "Eight thousand dollars a year."

**Supervisor Kozakiewicz:** "So, Monday we'll have a resolution. Which will be a much discussion, and hopefully for adoption on Tuesday."

**Barbara Grattan:** "The Town Attorney is waiting. There is one more resolution."

**Supervisor Kozakiewicz:** "One more resolution."

**Barbara Grattan:** L.I. Science Center. Special Events. And Dawn is getting it now."

**Supervisor Kozakiewicz:** "It's something that must be done today."

**Barbara Grattan:** "I would imagine. I don't know."

**RESOLUTION NUMBER 433**

**Approve Application of the Long Island Science Center**

**Councilman Kent offered the resolution, which was seconded by Councilman Cardinale.**

**The Vote:**

Councilman Densieski, absent

Councilman Cardinale: Yes

Councilman Kent: Yes

Councilman Lull: Yes

Supervisor Kozakiewicz: Yes

**Supervisor Kozakiewicz:** "Motion to adjourn? Anyone? Ok, the time of 2:35 has arrived. Meeting adjourned."

*Barbara Grattan  
Town Clerk*