

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, May 2, 2000 at 7:00 p.m.

Present:

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

Also Present:

Dawn Thomas,	Town Attorney
Melissa White,	Deputy Town Clerk

Absent:

Barbara Grattan,	Town Clerk
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Supervisor Kozakiewicz called the meeting to order at 7:10 p.m.

Supervisor Kozakiewicz: "The time of 7:10 has arrived. I'd like to call the meeting to order. Before we stand up to salute the flag, say the Pledge of Allegiance, I would like at this time to have a moment of silence for one of our Town's own family member, or extended family, and that was (inaudible) Ehlers who passed away over the weekend. She was the wife of Dick Ehlers who is the Judge. Let's have a moment of silence. Our prayers are with their family and with Mr. Ehlers. Thanks. Gus, can we have you do the Pledge of Allegiance?"

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

Supervisor Kozakiewicz: "When told maybe we should keep changing things and moving things around, usually we do the proclamations and then go through the minutes and the reports. We're going to do it a little different. I see a few people are here. I have one individual who is to receive a proclamation, I don't see her here yet. What we'll do is as I said, mix it up. We'll start with the approval of the minutes. If I have a motion to approve the minutes of the Town Board meeting of April 18, 2000? Is there a moved by Councilman Lull."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Seconded by Councilman Kent."

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

Supervisor Kozakiewicz: "Reports, please."

REPORTS:

Receiver of Taxes	Total collections to date: \$35,449,166.70
	Utility collections report for April 2,000. Total collected \$157,644.88
Town Clerk	Monthly Report for April, 2000 total collected: \$9,923.63
Sewer Department	Discharge monitoring report for March, 2000
Building Department	Monthly report for April, 2000 Total money collected: \$40,264.50

Melissa White: "That concludes Reports."

Supervisor Kozakiewicz: "Thank you, Melissa. Applications, please."

APPLICATIONS:

Fireworks Permit	Fireworks by Grucci, Inc. April 30, 2000 at 9:30 p.m. Fox Hill Golf and Country Club
Fireworks Permit	Mitchell Saunders - May 28, 2000 at Fox Hill Golf and Country Club
Exhibition Permit	Colonial Shoppe tent sale, April 28-30 9 a.m. to 9 p.m.

Parade Permits	Combined Veterans Memorial Day parade, May 29 th at 9 a.m.
Parade Permits	Wading River Shoreham Chamber of Commerce May 7 9 a.m. to 11 a.m. Wading River Elementary School
Site Plan	Stephen Wirth, 40 McDermott Ave., handicap bathroom and entrance ramp

Melissa White: "That concludes Applications."

Supervisor Kozakiewicz: "Thank you. Correspondence."

CORRESPONDENCE:

Philip Caunter	Requesting a stop sign at the north end of Kay Road, Calverton
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Crown Sanitation, Inc. Crown Recycling Facility	Re a covenant restriction be placed with the subdivision located on Youngs Avenue and any other proposed subdivisions notifying that Crown Sanitation and Crown Recycling Facility pre-existed the subdivision
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Harold and Dorothy Brush	re parking of commercial vehicles in residential zones
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Melissa White: "That concludes Correspondence."

Supervisor Kozakiewicz: "Are there any Committee reports?"

Councilman Densieski: "No."

Councilman Kent: "No, not at this time."

Supervisor Kozakiewicz: "At this time then, if the other Board members would join me down below, we have a couple proclamations for a few people this evening. I'm going to start with the person whose

name I have a little bit of trouble remembering, Eleanor Helmes. If she would step up, please. This is an anecdote. A couple times in the last couple weeks, I've had the chance, fortuitous chance of running into Mrs. Helms. I had the honor of swearing her in earlier this year and she's (inaudible) me twice and unabashedly said, do you know who I am? And I say yes. What's my name? I said I don't know. But I do want to apologize. I will remember from this point on.

I do have a proclamation and it's to an individual who has given a great deal of service for the various seniors in the Town of Riverhead. She has acted as the president of the Riverhead Senior Citizens Club. I understand you've done that for how many years now, Senior Citizen Club president? Five. And by default maybe, right? In addition, she's held numerous other positions on the Riverhead Senior Citizens Club board since 1969 where her enthusiasm has kept the group very cheerful and very gregarious.

She has also been involved in other organizations and one of those was the (inaudible) meeting which was the March of Dimes walkathon which was this past weekend, Sunday, at Indian Island Park. She has also been a goodwill (inaudible) ambassador to Moscow staying in Bangladesh.

Therefore, at this point in time, what I'd like to do is declare this day to be Eleanor Helmes Day and ask all of you to join in and congratulate her."

Eleanor Helmes: "Thank you very much."

Supervisor Kozakiewicz: "Do you wish to say any words? You have the floor."

Eleanor Helmes: "Well, I just want to thank you for this honor."

Supervisor Kozakiewicz: "Thank you. At this time, I would also like to bring up each of the various representatives from our senior clubs and I ask all of you to come up. It may become a little tight and a little bit close but that's all right. We're a friendly crowd. So if everyone who is a member of our senior clubs to come up at this point in time, I'd like to recognize all of you. I have one proclamation which is in a frame and then we have a number of proclamations to hand out to the rest of you. So come back up. All right.

What I'm going to do is read this one from top to finish- from top to bottom- and, hopefully, I won't take too long. This is for all of our seniors and in recognition of all that they do."

WHEREAS, it is fitting and proper that the entire Town of Riverhead join with the Senior Club Council of the Town of Riverhead in recognizing those individuals and organizations who have helped provide a substantial service to this community; and

WHEREAS, growing older is a process to which we do not merely add years to our lives but for which we are afforded the luxury of adding to the enrichment of many individuals who bring together this hard working and good natured community; and

WHEREAS, there are thousands of residents in the Town of Riverhead who are 60 years of age or older who have a great deal of wisdom, experience and fortitude to contribute their wisdom and experience to our community; and

WHEREAS, these senior citizens, members of the Riverhead Recreation Department Seniors Club Council and its six senior citizen clubs including the Riverhead Seniors, the Wading River Seniors, the (inaudible) Seniors, the John Wesley Seniors, the Peconic River Seniors and the Riverhead Senior Citizen Center are a distinguished and integral segment of our society who have (inaudible) invaluable gifts of understanding (inaudible) upon the Town of Riverhead.

NOW, THEREFORE, I, Robert F. Kozakiewicz, Supervisor of the Town of Riverhead, do hereby proclaim the month of May to be Older Americans Month- and I ask all of you to join me in recognizing (inaudible).

I understand that each of you want to say a little bit about your respective clubs."

Eleanor Helmes: "I'll start if you want me. May I ask first a question. Did I hear that they have \$3 million dollars in the budget? At the very beginning. Wasn't something said about \$3 million dollars? \$5 million? Let us know, we'll help you spend it. We have a little synopsis from our club. It was started quite a few years ago and I was not one of the immediate people. We have about, oh, I would say about half a dozen or so who have still survived and are active in the club. The Wading River Senior Citizens Club was instituted in the year 1960 (inaudible) Louise Perowski (phonetic) presiding. Our second president, Helen Kleinfeld, was installed in 1969. Back then

The club was known as the traveling club as many group trips were made to the Catskills, the Poconoes, Hawaii, etc., under the wing of Eleanor McKay.

There was always a long waiting list to join. We met in an old one-room schoolhouse on North Wading River Road. The building was either very hot or very cold and anyone who is aged knows that in those days the central heating was not very good. No happy medium. It was owned by Wading River Fire Department and used as a community center.

The Town of Riverhead paid for the fabulous sum of one dollar per year for its use. Parking was haphazard and inadequate. In time, the fire department had run out of storage space at the main firehouse and we had to vacate. We moved to rented facilities at Camp DeWolf on the (inaudible) Road in '71 where we remained until '97. We held our meetings at this time at the East Wind catering facility on Route 25A and in '98 we moved to our present location at North Shore United Methodist Church, Route 25A in Wading River. Since Camp DeWolf, we have scheduled our meetings in the day time.

Our first home, the one room schoolhouse, was sold by the Wading River fire department and the proceeds of the sale went towards the branch firehouse on Hulse Landing Road. The little old schoolhouse is no longer in existence. It has been replaced by a lovely home and I would like to say one other thing being that some of the board members are here. I will have to say our club really and truly enjoys our picnics. We have two picnics sponsored by the town, one in Wading River- not Wading River, one in Southaven and the other one across the street from the nutrition center. And we always have a tremendous turnout. We thank you very much."

Henry Pfeiffer: "Mr. Supervisor, Members of the Town Board. The measure of a society is the manner in which it cares for its members. Indeed a society's worth is measured by its behavior towards its underprivileged, particularly the more vulnerable, the infirmed, the very young, the very old. The community of Riverhead continues to earn high marks for its understanding, its manifest concerns for the abundantly mature and for the services that it has provided while sustaining the (inaudible) of the older person and affording him a continuing sense of worth.

They acknowledged that this group, the aged, the venerable citizen, the elderly, are an integral, intrinsic and separable and valuable part- segment of our society and I join with our older

neighbors in thanking you for this symbol of your understanding and of your act of regard. We know you love us but it's so nice to hear you say so, so now we have it in writing. Thank you. And I'd like to introduce the secretary of the Moore and Dirksta Senior Citizen Club who can do a hell of a lot better job than I and tell you a little about the Nora Dirska Club. Mary Larson (phonetic)."

Mary Larson: "Thank you, Henry. Good evening, ladies and gentlemen. Responding to a request from a group of older residents of Riverhead, Nora Dirska, Henry Pfeiffer and several other interested individuals analyzed the need and the basis for creating a senior citizens club in western Riverhead. It was determined that older people have the same needs that the young and middle aged have. They require responsibility, activity, fun and a feeling of being useful and wanted.

To create opportunities for fulfillment, we organized the North Shore Senior Citizens Club which, while not a complete solution, did much toward helping elderly people continue social contact and get something out of life. They could now plan and work together to build new interests, enjoyment, and make their own opportunities for self-help and community service and to change one's attitude from indifference to realization of continuing worth.

The North Shore Seniors Club with Nora Dirska as its president aimed for the following goals. To provide opportunities for self-expression, creativity and continuing education. To provide opportunities for meeting new people and making new friends. To help members feel needed by arranging that they accept responsibilities within the club. To provide a substitute for the loss of family, friends and status to those who are alone and unrecognized. To develop recreational resources so the present is more satisfying and the future less bleak.

The ultimate was enlarging horizons, creating a broader, richer life by planning programs heavily spiced with variety, something for everyone. Games, parties, excursions, discussion groups, community service, arts and crafts projects, business meetings and visiting sick members.

Over the years we participated in various crafts, woodcarving, decoupage, sewing and most recently the creation of special projects under the tutelage of the Riverhead Recreation Department. Excursions are offered through the Recreation Department as well as independent trips to Atlantic City and Jai Alai in Connecticut initiated by

individuals or committees. Refreshments are offered at each meeting and pizza or cold cuts parties are frequent. The club members participate in the Town sponsored annual picnic, the Suffolk County picnic, the Senior Celebration, public hearings as well as in the New York State forums.

We also participate in the Riverhead High School seniors interact club, annual senior citizens prom. Our club representatives attend Riverhead Town Board meetings, Suffolk County legislative meetings and keep abreast of activity at all echelons of government that affect us as members of a community or as senior citizens.

The club loves Bingo and plays frequently. During the summer months, we picnic at Police Officers Memorial Park, playing board games, bocce, horseshoes, shuffleboard, and simply socializing.

About six years ago, Nora Dirkska, our only president since the club's inception, passed away. The club's vice-president, Henry Pfeiffer, tried to continue her efforts on behalf of the elderly and responding to the expressed desire of the club members requesting the town to change the name of the club to the Nora M. Dirkska Senior Citizens Club which, in reality, it always was. The Town Board agreed and our club continues to operate as she has taught us. Thank you all."

(Unidentified): "Good evening everyone. I'm the president of the Riverhead Senior Citizens Center (inaudible) Council. And I have a little- okay, today's Riverhead Senior Citizen Center was actually begun in 1974 through the joint efforts of town officials and the Suffolk County Office for Aging. The program was originally a lunch hour meal served to senior citizens weekdays at the Elks Lodge on East Main Street. Known then as Loaves and Fishes with TLC, the program was run by three paid employees and several volunteers who provided a free meal and a few hours of companionship daily to Riverhead's senior citizen.

In 1978, the Town leased the building at 201 Howell Avenue and changed the name to Senior Nutrition Program and included Meals on Wheels as part of the meal services provided. Over the years, new programs were developed, services increased, and staff grew. In 1991, the town purchased and renovated the building renaming it the Riverhead Senior Center.

Administrative and clerical staff previously housed in Town Hall were moved into the newly renovated basement offices. The senior

center is open weekdays from 8:00 a.m. to 4:00 p.m. Meals are prepared on site and served daily Monday through Friday. A little respite is served 8:30 a.m. to 10:00 a.m. Monday through Thursday and a special buffet breakfast is served every other Friday morning. At noon time meals are served every Monday through Friday.

Recreational activities include pool, bingo, music, video movies, parties for special occasions and twilight dinner dances. Twice a month a social worker from the Suffolk County Department for the Aging visits to assist with the issues and information which concern senior citizens. Blood pressure screening, annual flu shots and informational workshops are also scheduled periodically. Daily transportation to and from the center is available for those unable to drive.

The senior center has also a 12 member council which consists of senior members elected annually to work with the site manager to plan activities and programs for the senior center. Thank you."

(Unidentified): "Well, good evening again everybody. Here we go. This is shorter. Okay. The Riverhead Senior Citizen Club was started by Donald (inaudible), Superintendent of Recreation. They had their first meeting on June the 28th, 1966. They collected \$5.95 in donations. The club reported their first minutes on July the 12th at the Moose Lodge Clubhouse on Madison Street in Riverhead. Attendance at their second meeting was 29. The meeting opened at 11:10 a.m. with Mrs. Silkworth (phonetic) as presiding officer. It was decided to hold the meeting on the second and fourth Tuesday of each month from 11:00 a.m. to 3:00 p.m.

The business meeting would be held at 12:00 noon, then lunch followed by activities. Mr. John Albrecht (phonetic) was voted in as a temporary president, Mrs. Florence Barker as temporary vice-president, and Mrs. Edna Albrecht as temporary secretary-treasurer. Topics of the day were bus trips and activities to be done. They talked about trips to Sterling Forest Gardens, Radio City and Westbury Playhouse. Other activities included making coat hangers, knitting, painting, and showing of film slides. They had a band for dancing and shows.

Each subsequent meeting brought more people and by December the 13th of that first year, 1966, the club had grown to 102 members. Thank you."

Bill (inaudible): "Good evening, ladies and gentlemen. My name

is Bill (inaudible). I'm president of John Wesley Village Seniors Club. This was written by one of our senior members, Madeline Kwasney West (phonetic). I'm only there six years; she's there since 1982.

In the winter of 1982, the first tenants of John Wesley Village moved into their apartments. Most of the tenants came from western Long Island or New York City. They were picked by lottery, the 114 apartments. The tenants gathered together once a week at John Wesley Village Recreation Hall with Rev. Fred Moore (phonetic) to iron out small complaints and eventually not only formed a lasting bond with management, but also evolved in the John Wesley Senior Citizens Club.

Mabel (inaudible) was the founder of the club and its first president with Bob Hendricks (phonetic) the first vice-president and Madeline Kwasney West the first recording secretary. A few years later, the John Wesley Village Senior Citizens Club was absorbed under the Town of Riverhead charter and became one of the five senior citizen clubs of Riverhead. Any senior resident who lives in the Town of Riverhead may join providing there is an opening on the roster.

When the club first began meeting, we brought our own chairs to sit on and had no tables to use. Several clubs around town made donations and the firehouse gave us some tables. Our club meets every Wednesday at the John Wesley Village meeting hall from 11 to 1. Our club plans social activities, parties, bus trips, and also shares valuable information amongst its members.

The John Wesley Village Seniors Club is not only a fun club but one with a heart. We have supported several charities around Riverhead such as Little Flower and have given Thanksgiving baskets to Riverhead families with help from the Riverhead Recreation Department. Although many of us are living on Social Security, we do not feel poor but rather rich in many ways. The John Wesley Village community and our senior citizen club have become a safe haven for us and a constant reminder of what can be done for seniors all over our wonderful country. Thank you."

Henry Harrison: "Members of our Town Board, members of the senior citizen clubs of Riverhead. I am the president at the present time, my name is Henry Harrison, president of the Peconic River Seniors Club. Our club was formed and had its first meeting on March the 1st, 1983 with a membership of five. They included Mrs. Eleanor (inaudible), president; Josephine Becker, recording secretary; Frank Becker, treasurer; and members Mary (inaudible) and Gladys Horton.

Mr. Stanley Grodski, head of the recreation department, helped us get started providing us with a meeting place at the Manorville firehouse. By December of 1983, we had expanded our membership to 26 members and then again to 32 members the following year. Past club presidents include Mrs. Eleanor (inaudible), Mr. Milton Warner, Mrs. Charlotte (inaudible), and myself.

I have served since 1989. Our club meets every Tuesday from 11:00 a.m. to 3:00 p.m. Our activities include holiday, birthday and anniversary celebrations, covered dishes, luncheons, arts and crafts, town-wide bus trips, annual summer picnic as well as valuable information, networking among our members. Thank you very much."

Supervisor Kozakiewicz: "That concludes the presentations and comments from the senior club. However, I would like to just make a brief introduction; I'm going to ask them to stand up. Two of the people who've been involved with the seniors are Jane Vanden Thoorn-Jane, would you stand up, please? And I also see in the back towards the right Kelly (inaudible), also with the recreation department. And they've been very instrumental and help out a lot. I think the seniors appreciate all the assistance they've received."

Councilman Kent: "Just one comment on the whole presentation. I noticed that when the one member said that they paid a dollar a year, Phil thought that was too much- pay fifty cents a year."

Councilman Cardinale: "What did I do?"

Supervisor Kozakiewicz: "Phil, you're not paying attention."

Councilman Kent: "You thought the dollar a year was too much, you said."

Councilman Cardinale: "We cut it, yes- I was going to ask what the present rental is but I didn't want to ask."

Councilman Kent: "I think we pay \$1,600."

Councilman Cardinale: "\$1,600?"

Councilman Kent: "I think, it's with the church."

Councilman Cardinale: "The power of inflation."

Supervisor Kozakiewicz: "All right. At this time, the time of

7:40 has arrived. We have a couple public hearings on tonight. I'd like to open the first public hearing which was scheduled for 7:00 p.m.

Public Hearing opened: 7:40 p.m.

Melissa White: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 7:00 p.m. on May 2, 2000 special permit application of Riverhead Centre, LLC."

Supervisor Kozakiewicz: "Thank you. Is there anybody who would like to address the Board with respect to this hearing? Yes, Mr. Cuddy."

Charles Cuddy: "Charles Cuddy for Riverhead Centre LLC. This hearing is a repeat basically of the April 4th hearing and there is a particular notice that went with this hearing to clarify the question of the square foot coverage that was at this site in Business B.

Mr. Supervisor, if you don't mind, I'd like to read that notice into the record because I think it's important that it be part of the record."

Supervisor Kozakiewicz: "That would be all right. No objection."

Charles Cuddy: "It says, please take notice that a public hearing will be held on the 2nd day of May, 2000 at 7:00 p.m. in the Town Hall, Town of Riverhead located 200 Howell Avenue, Riverhead, New York to consider the special permit application of Riverhead Centre LLC to allow the following on this property located at the corner of Mill Road and Route 58, Riverhead. Said property more particularly described as Suffolk County Tax Map No. 0600-101-2-p/o 4, p/o 5, p/o 6; 6.3, 9.1, 9.3; 10 and 11.

1. The construction of an approximately 136,186 square foot lumber yard on the 13.3 acre portion of the property that is zoned Industrial A; and

2. To increase the maximum building area on the 36.4 acre portion of the property that is zoned Business B from 15% to 16.32% to allow the development of approximately 258,820 square feet of permitted or specially permitted uses in the Business B zone which constitutes an approximately 20,938 square foot increase over the

approximately 237,882 square feet of development that would be allowed on the 36.4 acre Business B portion of the property without such special permit.

Thank you for letting me read that and I apologize to the audience for reading it but there was considerable concern expressed by certain opponents that it wasn't clear. I hope it's absolutely clear at this point.

What we're trying to do simply is to put a Home Depot on the Industrial A 13.3 acres. We're doing that because it was indicated at the last hearing the Town Code has a definition for lumber yard. Lumber yards are what a Home Depot type of operation is normally considered. The Pulaski Street operation of Riverhead Building Supply use that definition. The pending application of Lowes which is also on Route 58 uses that definition and we ask the Board that we be permitted to use that definition on property that is already zoned Industrial A so that we may have a Home Depot come there.

Secondly, as indicated by the notice, we're seeking in the Business B area to increase our coverage by 20,000 square feet. We have parking in both cases that satisfied the requirements of the Town Code. And what we're simply doing in the Business B district is what's permitted by the parking schedule and that is to increase the coverage. As I pointed out last time and I would ask by the way that my remarks be incorporated by reference from the last hearing on April 4, if you will, that at that time we indicated to you that there were many places in town that exceeded the coverage that we have. But in particular this Board within the past two months has allowed Wal Mart to increase its coverage to 22% which is much greater than 16.32%. And there are other places in town including TX Maxx center which have coverage greater than 16.32%.

This is a special permit application. All of the testimony that I'm giving, by the way, is under the penalty of perjury, and I understand that that's a requirement and I'm letting the Board know that I'm stating these things in that fashion.

The requirements for special permits we went through last time. I'm not going to belabor the point but we have put into the record and I'll again put it in tonight the copy of the Planning Board resolution endorsing this application which I think goes through a number of the criteria, but I would again point out to the Board and ask that you make reference to the SEQRA studies, to the traffic studies, to our site plan which evidences sensitivity we think to the neighborhood,

which evidences concern with buffers, with proper traffic access, with proper traffic lighting.

We believe that the center is something to be encouraged in the town. We've been here as most everybody knows for three years doing this, three separate Town Boards have endorsed it. And I ask that you again endorse it and, once again, I would ask that my prior remarks also be incorporated by reference. Thank you."

Supervisor Kozakiewicz: "Thank you."

Charles Cuddy: "I'll just hand this- "

Supervisor Kozakiewicz: "Thank you. Is there anybody else who would like to address the Board? Well, are you going to hand that up?"

Charles Cuddy: "Yes."

Supervisor Kozakiewicz: "Thank you, Mr. Cuddy. John Ciarelli."

John Ciarelli: "Good evening, Mr. Supervisor and members of the Town Board. My name is John Ciarelli, from the law firm of Ciarelli and Dempsey and we represent Griffing Hardware, Riverhead Paints Plus, Revco Electric, Eileen Miller, North Fork Environmental Council. These entities and individuals are opposed to this project. I know you all are familiar with it. We would like to just take a minute to reiterate our clients' objection to the project and with all due respect to what Mr. Cuddy said, in essence this is a single unit development. It is a shopping center.

The proposed shopping center, as it has been previously proposed was, for 395,000 square feet of commercial space including the Home Depot lumber yard and that represents a 20%-- a lot coverage area of approximately 20%-- I'm sorry of 18.25% where 15% is permitted by the code, so that the increase in yield and development is 20%. And this is something that our clients have been saying all along.

Our clients are also sensitive to the comments that have been made at numerous Town Board hearings and Planning Board hearings about the need for tax revenues in the town, the need for the types- some of the uses that are planned to be incorporated into this development and they feel that if the town- if two Town Boards ago had encouraged this applicant and this developer to stay within the code and to stay proportionately within the parameters that other people have been

required to stay within, that this development would have been built a long time ago and tax revenues would have been flowing into the town budget for several years already.

We believe that- our clients believe that this industrial lot separation from what is a- one entity, a shopping center, is a fiction and it could have potentially adverse impacts on the surrounding areas. This development and this Home Depot use as part of this development has been considered by this Town Board, previous Town Boards, the Planning Board as a destination commercial retail use. To call it a lumber yard is really- is something that ignores the concept of a lumber yard as the code addressed it in 1979 when it determined that a lumber yard was a special permit use in an industrial zone.

Because of this part of the shopping center, the application should be considered as a whole. It is not an increase of 1.32% over 15%. It is an increase of 3.25% over 15% for the shopping center as a whole.

Our clients are contesting in court, you know that, the configuration of this industrial use in an area that has been (inaudible) to be destined for commercial development. Everybody talks about a master plan that is being developed in the town and everybody that refers to that master plan expresses that this area of town is to be- is destined for commercial development. Placing a- creating this fiction of special permit lumber yard use on an industrial- in an industrial zone is inconsistent with that and could have significant adverse impacts in the future.

There is really no site plan and to not consider this proposal a shopping center as a whole and to separate it into industrial and business use could create problems in the future. We have said previously at other hearings that the industrial lot will not be subject to the same kinds of controls that a business lot is subject to. This applicant or some future owner of that industrial portion can expand the size of the Home Depot or quote unquote lumber yard building on the industrial portion of the property to a significant extent. Up to 40% lot coverage. They can reduce the parking from what is now proposed for at least as set forth on the last site plan that we've been able to see or that has been filed with the town, of roughly a 1 per 200 ratio to a 1 per 400 ratio and unless there is a site plan that is reviewed and examined before these special permits are granted, our position is that you gentlemen don't know what you're granting.

And we feel that the impact of this increased development as a whole, the potential impact of the available area to be increased within the industrial zone caused this project not to conform with the four findings that this Board is required to make as set forth in the town code Section 108-3E(3)(a)(b)(c)(d) which I know you are aware of.

For those reasons, we respectfully request that the special permit applications be denied."

Supervisor Kozakiewicz: "Thank you. Is there anybody else who would like to address the Board with respect to this hearing? George Schmelzer."

George Schmelzer: "I'm not drunk."

Councilman Densieski: "Easy, George."

Supervisor Kozakiewicz: "Got your cane."

George Schmelzer: "Fifteen percent. That means 85% is wasted. What are you trying to waste all the land in the country? Why don't people use the land. Gee whiz. Imagine if New York City only had 15% of the land used. Wouldn't even have Wall Street. Wouldn't have any subways, nothing. Gee."

Supervisor Kozakiewicz: "I guess you're opposed to our limits on the zoning. Is that what you're telling us?"

George Schmelzer: "That's right. That's stupid what you said."

Supervisor Kozakiewicz: "Are you- "

George Schmelzer: "Their own land- they probably, their own land is different, see. And even on Main Street, how many stores only occupy 15%?"

Supervisor Kozakiewicz: "In the public parking district, stores are allowed to build out 100% of their lot coverage."

George Schmelzer: "They were there first. You built the parking district after. You couldn't have done it any different because they were there. You just did- "

Supervisor Kozakiewicz: "Well, they were pre-existing, non-conforming uses is we had done anything different."

George Schmelzer: "Well, everything is non-conforming."

Supervisor Kozakiewicz: "But, are you in favor of the project or opposed to it?"

George Schmelzer: "Well, it should be there. It should be there."

Supervisor Kozakiewicz: "Okay."

George Schmelzer: "It's their land; they paid for it. Why can't they use it? You deny the people the right to use their land? What country is this? Is this the United States or some Asiatic country?"

Supervisor Kozakiewicz: "I don't think anyone up here has said that we're denying it or approving it at this point in time. We're here for a public hearing- "

George Schmelzer: "Well, this has been going on for three years."

Supervisor Kozakiewicz: "We're here for a public hearing- "

George Schmelzer: "This has been going on for three years, all this nonsense. Really."

Supervisor Kozakiewicz: "Actually a little bit longer. January of '96 was when the original application was submitted."

George Schmelzer: "The last time we had some objection from a mobile home park resident. Did you find out- I said last time. I thought the mobile home park was allowed only in industrial areas."

Supervisor Kozakiewicz: "You were right about that."

George Schmelzer: "Why do they do that? Isn't that silly? Residential people got to be in an industrial area."

Supervisor Kozakiewicz: "We're getting off the topic. The topic is the special permit- "

George Schmelzer: "Well, it ties in really."

Supervisor Kozakiewicz: "Well, we're dealing with a special

permit application today by Riverhead Centre LLC for the two issues that were pointed out by Mr. Cuddy, the question of a lumber yard use within the industrial zone, and the question of the expansion in the business district past the 15% lot coverage. Those are the issues we're dealing with today."

George Schmelzer: "Well, what's wrong with it, only 2%, come on. The country's land is being wasted by this nonsense. Thank you."

Supervisor Kozakiewicz: "Thank you. Thank you, George. Anybody else who would like to address this Board this evening? Charles Cuddy?"

Charles Cuddy: "It becomes increasingly painful to listen to Mr. Ciarelli tell the Board that we really would like the application because we get more taxes, we get employment, we have consumer satisfied and then to say but it really isn't a good application. Mr. Ciarelli, you opposed and you've opposed in six consecutive lawsuits this particular site being developed. You've opposed it when it was a PDD, it was one unit. You just told the Board if it was one unit that would be terrific. Tonight, when it pleases you, it should not be one unit. You forget the zoning. You forget the site plan. You forget really the provisions of the town code."

It's hard to believe that three Town Boards were wrong. It's hard to believe that the community has been wrong when it's been polled time and again and it's very difficult to believe that you're serious in having opposition to this when no one appears at any of the Lowes hearings to talk about lumber yards. When no one says why is Lowes coming to town? For some reason, someone has funded your people. They never appear, they're phantom people as far as I'm concerned but for reasons that no one knows about and somebody should start asking, this application is continuously opposed. And I think it hurts the community and I think it should stop."

Supervisor Kozakiewicz: "Thank you. Is there anyone else who would like to address the Board. Charles Cetas. Okay, Rick- Charles Cetas."

Charles Cetas: "My name is Charles Cetas. I'm vice-president of the North Fork Environmental Council and the comment by Mr. Cuddy that the opposition is a phantom opposition is not true. I'm not a phantom; I'm here in the flesh. And my organization has opposed this project from its inception four years ago. We are an organization of better than 1,000 members, individual members, and our organization

continues to oppose this application and we will continue to oppose it until it becomes a legal application."

Richard Leland: "For the record, Richard Leland, New York City, attorney for Riverhead Centre. I think what the Supervisor said in response to this gentleman is the most apt point. We are not here tonight to discuss whether it was proper for the Board several months ago to have rezoned the property so that there is an Industrial A site and a Business B site where there used to be four or five different sites.

We're not here to talk about whether there's a site plan that meets the requirements of the site plan provisions of the code. We're here to talk about two discreet special permits that are part of an overall development.

Now, Mr. Ciarelli raised an issue of negative impacts if we have a lumber yard on Industrial A property. In that argument is implicit the idea that once we get the special permit we can build whatever we want there. And that's not correct. Because whatever we have to- whatever is built there is subject to site plan review and you should- as the Board I'm sure recalls, when the zoning was passed there was discussion and in the resolution requirements with respect to certain covenants being filed and with respect to the fact that nothing is going to get built until there is a site plan.

So to argue before this Board that if you allow a lumber yard in Industrial A as a special use you're creating future mischief and you're allowing horrible things to happen in the future with respect to this lumber yard, is just incorrect. There are limitations on it in your site plan approval process and in the covenants that must- and declarations that must be filed.

The issue tonight is do we meet the criteria for a lumber yard in A? We've heard how the town has treated Riverhead Building Supply as a lumber yard under its code. I believe the town litigated that issue and prevailed on it. I think I know that because I think they did that against me. We have the same thing with Lowes. That's what the code treats as a lumber yard and that's what the Board should keep in mind with respect to the Industrial A.

With respect to the Business B, which is separate zoning, separate uses as defined by the code, the increase is 20,000 square feet, 1.23%. Consistent with what we understand to be a recent pattern of development in shopping centers and retail uses in the Town

of Riverhead.

For those purposes, we urge that you reject the opposition who no doubt will start a lawsuit in any event and grant the special permit application. Thank you for your time."

Supervisor Kozakiewicz: "Thank you. Is there anyone else who would like to address the Board this evening? Raise your hand. Nobody else? The time of 8:00 has arrived and unless there is any objection, I call the public hearing closed."

Public Hearing closed: 8:00 p.m.

Public Hearing opened: 8:00 p.m.

Supervisor Kozakiewicz: "At this time, the time of 8:00. I'd like to open the second public hearing which is noticed for the time of 7:05."

Melissa White: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 7:05 p.m. on May 2, 2000 for the consideration of the purchase of development rights of 33 acres of agricultural lands owned by Benny Gatz, located at Sound Avenue, Riverhead."

Dawn Thomas: "As stated in the public notice, this public hearing is for the consideration of purchase of development rights on a 33 acre parcel of industrial property owned by Benny Gatz. The proposed purchase price is \$9,000 per acre on property located between Church Lane and Manor Lane on Sound Avenue, on the south side of Sound Avenue. I think there are (inaudible)."

Supervisor Kozakiewicz: "Yes, thank you, Dawn. I think we do have Julie Wisnofski from Peconic Land Trust who would like to also provide some further detail with respect to the topic that's before us this evening, the consideration of the purchase of those ag development rights. Without further adieu."

Julie Wisnofski: "And this is Scott Wilson of the Land Trust as well."

Supervisor Kozakiewicz: "Good evening, Scott."

Julie Wisnofski: "As the Town Attorney mentioned, this hearing is to consider the purchase of development rights on approximately 33 acres owned by Benny Gatz. The price is \$9,000 an acre for a total town expenditure of roughly \$297,000."

Supervisor Kozakiewicz: "Do you want to set up a podium so that the audience can see what we're talking about? I mean an easel? We can do that so that- do you want to be the portable easel? Okay. All right."

Councilman Lull: "Excuse me. Can everybody in the back hear Julie? Pull the mike down a little bit. That's it, thanks."

Julie Wisnofski: "The property is located on the south side of Sound Avenue, west of Church Lane. The property- the subject property is highlighted in yellow. The properties around it which are highlighted in green are also farmland parcels that have previously been preserved by Suffolk County purchase of development rights. So you can see this property as well as from the aerial is part of a much larger block of an integral, you know, block of farmland. It stretches south from Sound Avenue and almost completely moving west to east from Church Lane to Manor Lane."

The family wishes to keep out approximately a three acre parcel located behind an already developed residential lot on Sound Avenue and reserve it for future residential use. That would be in this area right there, behind an existing house.

The property is currently in active agricultural production and cultivated with a variety of mixed vegetable crops and it is enrolled in the New York State Ag Investment Program and will continue to be so as long as it remains in active agricultural production so the preservation of this parcel will not result in the diminution of any sort of tax revenue to the town.

And, finally, the property is composed entirely of prime agricultural soils including Riverhead sandy loam and (inaudible) loam making it an ideal piece for preservation."

Supervisor Kozakiewicz: "Thank you."

Councilman Cardinale: "I have a question. Can you tell me what- I notice that we are- we have now broken through the \$9,000 an acre barrier for development rights in Riverhead whereas the previous purchases had been \$8,000, \$8,200, \$8,500. What was the appraised

value?"

Julie Wisnofski: "The appraised value is \$8,500 an acre. Some of the parcels have been appraised at higher values. There's been a piece appraised at \$9,500; a piece appraised at \$9,000. But in some cases the seller has voluntarily accepted a lower amount in favor of a bargain and sale purchase."

Councilman Cardinale: "But in this instance, just the reverse is happening. It's an \$8,500 appraisal and a \$9,000 price."

Julie Wisnofski: "Right. The appraisal is from February 26, 1999 so it's, you know, time has past since the bid was actually done."

Councilman Cardinale: "And I assume that they would not accept \$8,500?"

Julie Wisnofski: "No."

Councilman Cardinale: "Thank you."

Supervisor Kozakiewicz: "Thank you. This has been looked at by the Farmland Select Committee, I assume."

Councilman Kent: "Yes, it has."

Supervisor Kozakiewicz: "And they've recommended it to us."

Councilman Kent: "Yes, they have."

Supervisor Kozakiewicz: "And they've looked at the numbers?"

Councilman Kent: "Yes. And if you've looked recently at prices for the sale of vacant land out here, development- the value of development rights are going up. So, we're going to have to pay more if we want to purchase them."

Supervisor Kozakiewicz: "Thank you. Is there anybody else who would like to address the Board? Yes, I see a hand up in the back. Sal Mastropolo."

Sal Mastropolo: "Sal Mastropolo, Calverton. Can you tell me where the \$297,000 is going to come from?"

Supervisor Kozakiewicz: "We have sufficient amount in our Community Preservation fund, the 2% tax that was voted in by referendum two Novembers ago."

Sal Mastropolo: "Is anything going to come out of the general fund?"

Supervisor Kozakiewicz: "There's no need for it to come out of general fund."

Sal Mastropolo: "So it will not cost the Town of Riverhead taxpayers anything?"

Supervisor Kozakiewicz: "This purchase will not cost the taxpayers- "

Sal Mastropolo: "Fine. Thank you."

Supervisor Kozakiewicz: "-- a penny. Anybody else who would like to address the Board? Yes. I'm sorry. Someone else wanting to come up. Okay."

Mary Larsen: "Good evening again. Can you hear me?"

Supervisor Kozakiewicz: "Yes. You need to pull that mike down a little bit."

Mary Larsen: "Okey dokey."

Supervisor Kozakiewicz: "Okay. Your name for the record, please?"

Mary Larsen: "Yes. It's Mary Larsen and I've presented each of you gentlemen with a copy of my concerns for Riverhead which keeps in the theme of the proclamation that you had presented to the seniors. There are five senior clubs in the Town of Riverhead. I'm sorry."

Supervisor Kozakiewicz: "Oh, we're in the middle- I'm sorry. We're in the middle of a public hearing and we still have that public hearing open which is to consider the Town's entering into a contract to buy farmland rights."

Mary Larsen: "Okay."

Supervisor Kozakiewicz: "As soon as that public hearing closes,

you can come back up."

Mary Larsen: "I've got it. Thank you."

Supervisor Kozakiewicz: "Sorry about that."

Mary Larsen: "That's all right."

Supervisor Kozakiewicz: "Yes?"

Craig Demarest: "Craig Demarest, Riverhead. I was just wondering if someone could tell me after this contract is written, will the farmer or owner of the land be allowed to build buildings, temporary or permanent, on that land?"

Councilman Kent: "Yes."

Supervisor Kozakiewicz: "When the- are you talking about the land that is sold, the development rights portion?"

Craig Demarest: "The 33 acres of development right lands."

Councilman Kent: "Can build structures that are agricultural."

Supervisor Kozakiewicz: "It's a depends question. It's not a black and white answer."

Craig Demarest: "Okay. They are allowed to put up- I just am opposed to that. It just seems to me that if my tax money is going to go towards buying open land to preserve it to have a bunch of ugly greenhouses built on that land defeats the purchase entirely. Now, I think the wording in the contract should be such that it has to be open land. Well, that's all I have to say."

Supervisor Kozakiewicz: "Thank you."

Craig Demarest: "Thank you."

Supervisor Kozakiewicz: "Okay. Yes, Rolph Kestling, please."

Rolph Kestling: "Rolph Kestling, Wading River. I'm glad other people are starting to pick up what I've been saying for years, they're putting temporary greenhouses there. They'll cover the whole area with temporary greenhouses. And then on top of that, they'll probably write them out for something else. Some day you're going to

have a temporary greenhouse that's going to be selling refrigerators, automobiles, and you name it and you know it.

Now, we know that Riverhead is not in agreement with the State of New York about temporary greenhouses and certain things. Now, Mr. Gergela stood up here a few months ago- "

Supervisor Kozakiewicz: "Gergela."

Rolph Kestling: "Gergela, same (inaudible). I know it's- well, he wants to meet with the town and try to straighten out these discrepancies. You know about it. Have you made an appointment with him yet?"

Supervisor Kozakiewicz: "I have met with him and one of the things we want to do is get that farmland committee going again. Yes, I have met with him."

Rolph Kestling: "Yeah, but that's just getting around the bush. I say suspend everything. Wait until everything gets straightened out and you know what you're doing. You're getting greenhouses all over the place."

Supervisor Kozakiewicz: "Well, there's no proposition or application here to put up extra greenhouses. This is to buy ag rights."

Rolph Kestling: "No. But you know darn well it's going to be. It's only a matter of time they'll put it in. And especially they don't pay any- you know, the farmers get a reduction on their farm property, they don't pay much taxes on that. Now they get the greenhouses. They don't pay any taxes on that. Come on, get the act together. I've got a little piece of property. All I got on it are a few trees, it's 60 feet by 100 feet, 6,000 square feet. I'm paying \$550 a year taxes on it, on empty land I don't do anything with. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody who would like to address the Board? Yes, Charles Cetas, please."

Charles Cetas: "Charles Cetas, vice-president of the North Fork Environmental Council and, of course, we always support the town and the county by farmland development rights. And the purpose of that, of course, is to prevent too much housing development in the town and to preserve ag soils and the farmland industry in the town."

As far as the greenhouse issue goes, I don't think you need to tie that to purchase of farmland development rights. You could tie that to what's the allowed use in ag A district or other areas in town where agricultural use is allowed. And that is where it needs to be addressed not in whether development rights should be purchased or not and so we support the purchase of these development rights."

Supervisor Kozakiewicz: "Charlie, I think for once you said it very well. That was I think the point I was trying to- well, I shouldn't say it like that, but I'm really putting my foot in my mouth. But- "

Councilman Lull: "Charlie is not known for being brief."

Supervisor Kozakiewicz: "No. One of the things I really was trying to point out is today's hearing is for purposes of farmland development rights and the issue of greenhouses, we're kind of mixing apples and oranges and you put it very well. Anybody else who would like to address the Board? George Schmelzer."

George Schmelzer: "You said that our tax base would be lost. Well these kooks and environmentalists say they want this, you could research them and see which ones moved up to the city and then tax them double if that's what they want. Or else tell them to knock their own houses down, fill them in, and plant trees and grass and go back where they came from. They really want to preserve everything; they're mostly a bunch of fakers and hypocrites. Once they get here, they want no one else to come. Really if you could do something like that it would be good."

Councilman Cardinale: "You know, George, you say we never listen to you, but when you think about it, the Peconic tax, you know that was passed, that will result in just doing exactly that. The new people that come in from the west, including Mr. Burman, will be paying for the farmland. In fact, Burman's going to buy I guess even at current prices around, what, 40 acres of farmland with his money. If he closes that deal, he has to pay us nearly \$400,000 of his money to buy farmland. So in effect we're doing that what you're saying. The people from the west who want preservation are paying for it by in effect a welcome stranger fee at every closing that I'm at. They pay a very good- anything over \$150,000 and a house, anything over \$75,000 and a lot, 2% is paid by the purchaser as a sum to come to the town to buy what we're buying here."

George Schmelzer: "Burman's got to pay 2%, too?"

Councilman Cardinale: "Yeah, he's going to pay 2%, \$380,000."

George Schmelzer: "Yeah. Well, I thought, when you say current prices I thought you meant Lipco."

Councilman Cardinale: "Lipco?"

George Schmelzer: "I mean Long Island Power Authority."

Supervisor Kozakiewicz: "Lipa."

George Schmelzer: "Lipa, whatever you call it. At current prices, electric prices, isn't it current prices? The price of electricity."

Councilman Cardinale: "Oh, I get it, I get it. I don't know. Yes, that's right. That would be the current price, the price of electricity."

George Schmelzer: "Yeah, so what do they expect to do with the people in this country? Export them or drown them? Nobody wants them."

Supervisor Kozakiewicz: "Well, I- the question, you're asking questions, I think we're going, again, off the beaten track. The question is whether- "

George Schmelzer: "-- the land so it won't be built on that. (Inaudible)."

Supervisor Kozakiewicz: "Well, well, are you in favor of this or are you opposed to this?"

George Schmelzer: "I don't think you're doing it the right way."

Supervisor Kozakiewicz: "Well- "

George Schmelzer: "All the land going off the tax rolls- "

Supervisor Kozakiewicz: "So you're saying you're opposed to it. Is that fair to say?"

George Schmelzer: "Yeah, yeah."

Supervisor Kozakiewicz: "Okay, thank you, George."

George Schmelzer: "It's silly."

Supervisor Kozakiewicz: "Thank you, George."

George Schmelzer: "Why don't you buy some of my woodland here? I don't want to sell though."

Supervisor Kozakiewicz: "Thank you, George."

George Schmelzer: "You're very welcome."

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

Councilman Kent: "I- one second."

Supervisor Kozakiewicz: "Go ahead."

Councilman Kent: "The point there of the taxes. I think you're missing the boat a little bit on this. These aren't- they're not paying regular taxes now and if they continue to farm the property, they won't pay regular taxes. They pay reduced taxes, because they have an exemption. So we're not losing any tax dollars by continuing to preserve farmland. And you talk about preserving industry, this is the agricultural industry which is the basis for the whole economy out here. So I don't know- "

George Schmelzer: "There is no machinery dealers. Where are you going to- they have to go out and search to get parts for their tractors now."

Councilman Kent: "Well, maybe somebody will open- maybe somebody will have some foresight and open up some agricultural machinery store in Riverhead."

George Schmelzer: "The industry is down to 10% of what it was at the turn of the century in acreage, there's no ducks."

Councilman Kent: "So you want to kill it altogether? Is that what you want?" Is that what you are proposing?"

George Schmelzer: "They're not going to farm it?"

Councilman Kent: "They're not going to farm it?"

George Schmelzer: "No. Why should they?"

Councilman Kent: "So what are they going to do with it?"

George Schmelzer: "No taxes, just look at it. Maybe they'll sell it to a guy with horses. They'll have- you got three acres for a house, they could buy the rest and fence it in and have horses. Don't cost them anything. That's smart."

Councilman Kent: "Well, the preservation of the agricultural industry also affects our tourism industry, so there's another relation there."

George Schmelzer: "That's an industry- how many weeks does that last?"

Councilman Kent: "Out here?"

George Schmelzer: "Yeah."

Councilman Kent: "April to October."

George Schmelzer: "Oh, yeah? How much money do you get in?"

Councilman Kent: "A lot. It supports a lot of businesses out here."

George Schmelzer: "How can you have tourism without no traffic? And you complain about traffic."

Councilman Kent: "I don't complain about traffic."

George Schmelzer: "Well, how about extending the expressway so you have less traffic on 58?"

Councilman Kent: "Well, what's that got to do with preserving farmland?"

George Schmelzer: "Well, you said it promotes tourism which promotes traffic."

Councilman Kent: "And that's a bad thing?"

George Schmelzer: "No. It's all a lot of nonsense. Really. One time- one side of your mouth you say you've got too much traffic."

Councilman Kent: "No. I never said that. I think you said that. I didn't say that."

George Schmelzer: "Yeah, you said it, too."

Councilman Kent: "No. I did not."

Supervisor Kozakiewicz: "All right. You guys want to engage in this conversation, we can pick this up a little bit later."

Councilman Kent: "One last thing about taxes, though."

Supervisor Kozakiewicz: "Okay, one last thing."

Councilman Kent: "A house built in Riverhead doesn't pay enough taxes to support the students from the children that come out of those houses. So by preserving farmland, which doesn't generate that much in services- the demand for services."

George Schmelzer: "Why doesn't the Town Board do what I suggested and get the State to pay taxes on the land they gave instead of doing nothing? You were here."

Councilman Kent: "We're working on that."

George Schmelzer: "Huh?"

Councilman Kent: "We're working on that."

George Schmelzer: "What?"

Councilman Kent: "We're working on getting the state to pay."

George Schmelzer: "You're working on it? Too late. The State has most of the Grumman land. Screw you. They're not going to pay taxes now. You had the chance to do it. You had the chance with RCA land- didn't take it."

Supervisor Kozakiewicz: "George. We're getting way off the beaten track here. The topic is this particular piece of property owned by Benny Gatz and whether this Town Board should acquire the development rights. We're talking about RCA which isn't even in the

Town of Riverhead. We're way off the beaten track here. Are you in favor of the proposal or are you not in favor of it?"

George Schmelzer: "Are you going to force them to keep farming? I mean the land that isn't farmed for 10 years should be off."

Supervisor Kozakiewicz: "You're not in favor of the proposal."

George Schmelzer: "No."

Supervisor Kozakiewicz: "Okay, thank you."

George Schmelzer: "You're welcome."

Supervisor Kozakiewicz: "Thank you."

George Schmelzer: "So long."

Supervisor Kozakiewicz: "Okay. Anybody else who would like to address the Board with respect to the topic of acquiring development rights on land owned by Benny Gatz as described by Julie Wisnoski earlier and by the Town Attorney?"

Councilman Cardinale: "I have a question for Julie. Julie, has there been another instance in which- in this farmland acquisition program, we've paid more than the appraised value?"

Julie Wisnoski: "I'm not 100% sure just off the top of my head. I don't believe any sales have closed where the price has been the appraisal but offers have definitely been made."

Councilman Cardinale: "I know we've closed some under the appraised value."

Julie Wisnoski: "Right. And some at full appraised value."

Councilman Cardinale: "And some at full, but none over. The other question I have. In this program is it possible- is it necessary to acquire only farmland or can we acquire woodland and wetland areas?"

Julie Wisnoski: "Well, at this point we're only considering this particular piece, you know, the development rights on farmland, but the money in the CPF fund is also available for woodland, open space, wetlands, any other sort of preservation."

Councilman Cardinale: "I see. So we could in theory, but we have not yet?"

Julie Wisnoski: "Right. Right."

Councilman Lull: "We stated in our application that we were going to make farmland primary."

Councilman Cardinale: "Is it because it is less expensive to buy farmland because we're leaving a substantial use on the land?"

Julie Wisnoski: "That I don't know. As part of the CPF legislation, you know, agricultural lands was given a first priority over everything else as to how, you know, the prices on agricultural land (inaudible), you know to woodland."

Councilman Cardinale: "Thank you."

Councilman Lull: "Julie, one- "

Supervisor Kozakiewicz: "You almost got away, Julie."

Councilman Lull: "One more quick question. You said that some properties have been sold at their appraised value, some properties have been sold at low appraised value. Can you explain the tax implications of those sales below appraised value?"

Julie Wisnoski: "Sure. In any case we possibly can we try to advocate this sort of sale because it does save, you know, the town some money. When the landowner has an appraisal at a certain value, say \$8,000 an acre, and they voluntarily accept \$7,500 an acre for their development rights, that remaining \$500 an acre is considered a charitable gift that they can use to offset taxes on the sale of development rights and capital gains taxes they might be hit with. They can use it against ordinary income taxes. So the landowner is still getting something and a lot of times depending on their personal financial situation and if they've owned the property for a long time and will receive a fairly large capital gains hit on the property, that tax break is very helpful to them."

Councilman Lull: "Thank you."

Councilman Cardinale: "Are you- have you done any deals where there is- where you set them up as installment sales whereby the money coming to the farmer can be extended over a number of years to lessen

the tax burden?"

Julie Wisnoski: "We have not done any installment sales in the Town of Riverhead and actually no installment sales have been done anywhere unfortunately. The State passed legislation allowing this a couple years ago but there has been some problems with actually making it happen and there is a letter ruling being requested from the IRS right now on a parcel in East Hampton to try and clear up some of the details to make that possible."

Councilman Cardinale: "Yeah, I recall it was passed a while back but I haven't heard of any and now I know why. Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board at this time? Sal Mastropolo."

Sal Mastropolo: "Sal Mastropolo, Calverton. One last question. Does it cost the town any money for the Peconic Land Trust in the form of fees, etc.? And does that come out of the general fund? And if so, how much are we paying them a year to do this work?"

Supervisor Kozakiewicz: "We had a resolution we adopted earlier in the year and we had some discussion with that. I can pull out the resolution to give you the fees that we're presently paying Peconic Land Trust. In the past, the funds have been used with monies we received from the State, I believe. We've made applications for the last successful- the last three calendar years- am I correct, in that- four- three- and those funds have been used to acquire farmland. I understand those funds were also used to offset fees being generated by Peconic Land Trust."

Now we also have an application for funds this year from the State that's been submitted? This summer."

Sal Mastropolo: "Well, in light of the fact that we seem to be over expending our budgets and putting the town deeper in debt every year as resolution 375 will show later on, okay, it would be interesting to see what the town pays the Peconic Land Trust- "

Supervisor Kozakiewicz: "There is a resolution as indicated earlier we already adopted earlier this year to- with Peconic Land Trust."

Sal Mastropolo: "Okay."

Councilman Cardinale: "But even more interesting is, I think, the follow-up question you asked. Bob, thus far, have we ever used general funds for the associated soft costs of these- "

Supervisor Kozakiewicz: "To my knowledge, I don't believe we have."

Councilman Cardinale: "Okay. And as a matter of fact, we could use the pool of money that's coming in from the tax to fund both the purchase and the soft costs surrounding the purchase including Peconic."

Supervisor Kozakiewicz: "Correct."

Sal Mastropolo: "Well, why don't we do that? It wouldn't cost the town anything."

Councilman Cardinale: "And as a matter of policy, perhaps we should- I think that's what you're saying."

Sal Mastropolo: "Right."

Councilman Cardinale: "As a matter of policy. We haven't yet done what you are concerned about. I think what you're concerned about is- "

Supervisor Kozakiewicz: "I'm not positive that that's the case."

Councilman Cardinale: "Well, you think that anyway."

Supervisor Kozakiewicz: "I haven't asked that question of- I know- I thought it was coming out of the State funds."

Councilman Cardinale: "I had always assumed as you, I think, that it comes out of that large fund both the soft costs such as Peconic, the surveys, whatever else we might have to produce. But that's a very good question and I'll follow up and let you know."

Supervisor Kozakiewicz: "I think Mr. Hanley may have an answer."

Councilman Cardinale: "Or maybe Rick knows the answer right now. Rick?"

Rick Hanley: "Essentially what we do is at the beginning of the year we establish a budget for the Peconic Land Trust."

Councilman Kent: "I believe there's \$20,000."

Rick Hanley: "\$20,000 out of the Planning Department. As we close on individual deals, those- whatever costs associated professional costs for the Land Trust with that closing, are reimbursed to that account. So that budgetary amount is merely the ability to start paying them for their work."

Councilman Cardinale: "Right."

Rick Hanley: "As we close on each one, whether the State funds are used, we then reimburse that account."

Supervisor Kozakiewicz: "So it's not out of the general fund?"

Rick Hanley: "That's correct."

Supervisor Kozakiewicz: "Initially it may be."

Councilman Kent: "\$20,000."

Rick Hanley: "The initial \$20,000- "

Supervisor Kozakiewicz: "But then it's reimbursed."

Rick Hanley: "That's correct."

Councilman Cardinale: "That's what I understood and it's good to know that that's accurate."

Supervisor Kozakiewicz: "Is there anybody else that would like to address the Board? Sid Bail."

Sid Bail: "Sid Baill, Wading River Civic Association. I'm not speaking in opposition to the acquisition of this piece but I have a question related to the process. How much is- do you have any idea how much agricultural land varies in price throughout the Town, say Wading River as compared to other parts of the town? Is it significant?"

Supervisor Kozakiewicz: "As far as ag rights component or as far as the fee to acquire the entire title to it? What are we talking

about?"

Sid Bail: "Is agricultural land- "

Supervisor Kozakiewicz: "Because there's a difference in the development rights purchases which still leaves intact that ability to use- "

Sid Bail: "What is the likelihood of a piece of property in Wading River being acquired under this program?"

Supervisor Kozakiewicz: "Well, there is a number of criteria that are looked at which respect to the farmland select committee. First and foremost we need a willing participant. The farmland select committee which has been established for a number of years now knows that they have a determinate amount of resources and first and foremost not going to chase around a party if there's not an indication of willingness on behalf of that party to participate in the farmland preservation process.

So parcels are put forth where- if there's a willing buyer then the process starts as I understand it. We look for parcels that are contiguous to other parcels and there's three or four other criteria which right at this point in time just went out of my head.

To say it's not- to say what's the possibility, I think, yes, it's possible but I know it hasn't occurred in any property that I can think of right off the top of my head."

Sid Bail: "As I said before- "

Supervisor Kozakiewicz: "The County program, yes, but- "

Councilman Kent: "There are parcels already preserved."

Supervisor Kozakiewicz: "Right. With the County program but not with the Town. We're talking Town program I assume."

Sid Bail: "Yes, correct."

Supervisor Kozakiewicz: "Okay."

Sid Bail: "All right. Thank you."

Supervisor Kozakiewicz: "Okay. Yeah, oh, maybe you have a

point of clarification. Thank you."

Julie Wisnoski: "I just wanted to point out that on every piece that's considered for preservation, an appraisal is done to determine its fair market value. So obviously different areas in the Town are going to have different values, you know, depending on what's going on in the real estate market, what's hot and what's not. I understand at this point it seems like things in Wading River are a bit more pricey than in other places but that in no way discriminates any parcels in Wading River from being preserved. The fair market, you know, value as determined by the appraisal will be paid to the landowners."

Councilman Kent: "And they try to differentiate the ag value off of that to determine the development right value so that's- there's kind of a three part appraisal."

Councilman Cardinale: "Chris, how do you prioritize which parcels of the ones desirable you go after first?"

Councilman Kent: "Well, it has been very much a negotiation type of approach because as Julie can tell you, we've got- people come to us, farmers come to the committee, they tell us that they're interested in putting their property up for- their development rights of their property for sale. We have it appraised. We go through an entire report. They do-- the Peconic Land Trust hires a- I don't know the contractor's name, but he does soil- they look at soil, the value of the soil, whether it's good farmland, whether it's contiguous with other properties as Bob had said, other properties that have already been preserved, other properties that we've identified that we want to preserve. We do have a list by the way, there's a list of properties that we have- we're going to be adopting tonight of properties that are identified as desirable for preservation."

Councilman Cardinale: "For the greenways program, yeah. But characteristically the seller will come to the committee."

Councilman Kent: "Correct."

Councilman Cardinale: "So that if they wanted to- if a person out there wanted to sell farmland rights or agricultural rights, he would- who would he contact in the Town?"

Councilman Kent: "He could contact me; he could contact Bob or he could contact Lyle Wells who is the chairman of the committee. He could contact the Long Island Farm Bureau- "

Supervisor Kozakiewicz: "The Peconic Land Trust."

Councilman Cardinale: "I didn't know that."

Councilman Kent: "The Peconic Land Trust."

Councilman Cardinale: "I hope that was informative for others as well. So he just has to ask and then you'll follow up."

Councilman Kent: "Well, then we'll take a look at it- "

Supervisor Kozakiewicz: "The process starts."

Councilman Kent: "-- and we'll investigate whether it's something that we want to give priority to or not."

Councilman Cardinale: "Good."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? And if not I would like to close the public hearing. The time of 8:29 has arrived."

Public Hearing closed: 8:29 p.m.

Supervisor Kozakiewicz: "At this point, it's time for public comment- public comment on resolutions and on any matter that's involving the town. I know there was one person who was up- before you step up, I would be remiss if I didn't mention a couple of quick things. First and foremost, Barbara Grattan asked me to mention that she would like to have been here tonight. She goes to the doctor again tomorrow. She has a cast which goes up above her right knee and as a result her foot stays out perpendicular and it's tough for her to get in and out of her little space that we have in front of the dais here. Maybe with some good fortune, that cast will be cut down a little bit and she'll be able to drop her knee down. She has been reporting to work. She's been in the Town Clerk's office helping out with needs that her office has on a daily basis. She has approximately six more weeks where she will be in a cast. She said thank you to everyone who has sent her cards and who is thinking about her."

Also, this Saturday in case anyone didn't see Sid's t-shirt- Sid Bail's t-shirt, is Duck Pond Day. This Saturday, 11:00 a.m. to 4:00

p.m. correct?"

Sid Bail: "Yes."

Supervisor Kozakiewicz: "Okay. And then the last thing I just wanted to mention since it had been an issue earlier in the year. The last week in May, the first week in June, follow your magnet for garbage collection on the recyclable day. I think it's two green days in a row. It's not a mistake, well, it was a mistake, but the carters are following that schedule. So I know it may be an inconvenience, I know it may be a problem but, please, don't stray from that magnet. Whatever that magnet says, whether it's paper pickup or comingled pickup because I don't recall right off the top of my head right now which it was, I think it's paper products, make sure you follow it. And that's for everybody out there so that we don't have a problem. May 24th and June 1st. Saying all that, anybody who- I know Mary Larsen, I think, wanted to come up and address the Board and then we can go to other speakers. Mrs. Larsen."

Mary Larsen: "Thanks so much. I presented you gentlemen with something called my concerns which is attached to the prior thing that I had ready for the Nora Dirska Senior Citizen Club and my concerns are the following: There are five senior clubs in the Town of Riverhead, three of these clubs have meeting places and the other two, Nora Dirska Club and the Wading River Club, meet in the Town of Brookhaven at the Methodist Church. The past administration had a discussion with the owner of the newly renovated schoolhouse in Calverton on Route 25 across from the Calverton Deli regarding the possibility of selling it to the Town of Riverhead to be used as a community center.

I understand inquiries were made to the Town Board some 20 years ago regarding the purchase of this same building but nothing came of it. On behalf of the senior clubs of Riverhead and all residents of our community, I ask for your serious consideration in possibly obtaining this building to be used by our community.

Also, for your consideration, I am asking each member of the Board if you could possibly provide Riverhead with a bookstore that carries first editions because the publisher warehouse, they can only sell books that are a year or more in existence. It would be nice if we could have a swimming pool for exercising and I don't know if we have a miniature golf course. I don't know. We do seem to have an overabundance of clothing and appliance stores, eateries and gas stations. So I thank you all for your time and consideration."

Supervisor Kozakiewicz: "Well, I can address- we do have one miniature golf course at- if I think- Calverton Links. There is a proposal for a second on Route 58 which we'll have some discussions about later on and also I think we have a public hearing on and it's May 16th I believe. And we also have another one that's on today which is a proposal for a miniature golf which is inside. So there has been some interest in that particular type of recreational opportunities.

With respect to the other ones, certainly- "

Mary Larsen: "We have no first edition book store at all besides going west to Borders and it's so far. If we could do that. Of all the stores we have- "

Councilman Lull: "It's very difficult to maintain the size of the project that is necessary for such a bookstore these days. They need to sell a lot of volume and we had a nice bookstore down town which couldn't make it because simply there's not enough volume. It's perhaps possible one of those high volume stores might end up in a shopping center but as of this point, we have nothing.

Your question about the old Calverton schoolhouse, I'm very familiar with that from the days my wife taught in that building many years ago. That was not taken into consideration as a purchase by the Town years ago simply because there was so much work to be done. The present owner has done the work that needs to be done which includes a great deal of expense for new water and sewer and the sprinkler system and so forth. He has plans for that as I understand it for an office building and an art gallery."

Mary Larsen: "Oh, I thought that was- he changed his mind about that I had heard."

Councilman Lull: "I do not know. I have heard nothing beyond that but I know that there has been no conversations beyond that."

Mary Larsen: "Okay. I know that Mr. Villella had spoken to us about that and he did say that he changed his mind. He did say that. He came to our- "

Councilman Lull: "Okay."

Councilman Densieski: "We can follow up on that. Also, as far as the bookstores- "

Mary Larsen: "I'm sorry, go ahead."

Councilman Densieski: "Okay. As far as the bookstores, we recently have sent out packages to all the major bookstores. Unfortunately, they say we don't meet their criteria but I disagree with that. I think we're going to have a renaissance downtown and I think we do meet the criteria. We are working on that and we are working on a senior center. We are working on a few things with the town engineer right now. Nothing is in concrete yet so it's too early to talk about it but we are working on it so I'm just letting you know."

Mary Larsen: "Thank you so much."

Councilman Densieski: "You're welcome."

Supervisor Kozakiewicz: "Okay. At this point, I'm going to go to a few of the people who have filled out cards. The first one is Henry Danowski of Oliver Street. Melissa, are you having a problem with the tape? Oh, okay."

Henry Danowski: "Good evening, Town Board of Riverhead, Mr. Supervisor. What my card is on is the beaches. What is being done on the beaches, especially Iron Pier? Is it possible that if you're not going to do too much with it, is it possible you could fill in the holes there or put a coat of oil down so when you park down there, you won't be inside of a hole?"

Supervisor Kozakiewicz: "I know the application has been resubmitted to the DEC. Based upon those comments, I know we're waiting to hear an answer back so we can proceed forward. I guess the question to your- or the response to your question is we can certainly ask the town engineer to look at what you are suggesting and whether there's some way we can do that on an interim basis so I think the answer is certainly we can look at it. Absolutely."

Henry Danowski: "You know, Mr. Supervisor, every time it rains or we have a high tide, that parking area is just completely flooded and if you park your car there you've got to walk in water to your car. Now this is what I'm after is, you know, when you park your vehicle there, you see the people with little children. I mean, it's flooded, there are holes there, and it's a heck of a job trying to get out of there and to go swimming. And I feel my golly if we can spend just a few dollars on a parking facility. I know we're not going to get everything that we want."

Councilman Lull: "Well, we have a proposal before the DEC, it was a modified proposal from one we had had before with a new engineer, but that one is sitting there and I believe what we've been doing is waiting hopefully that we will hear from the DEC within the month. It has to do with archeological findings at the site and if, in fact, we can proceed with that project, we will proceed with that project. If we can't proceed with that project and the DEC is going to surprisingly drag their heels, then we're going to have to do something else. As Bob said, we're going to have to do something, you're absolutely right about that."

Councilman Cardinale: "Coincidentally I spoke today, because I know there's someone else here from Jamesport concerned about Iron Pier, with Ken Testa, the engineer, and he's going to do exactly what you are requesting. I cannot say enough bad about the DEC so I won't even start. But that project has been held up through Janoski, Stark, Villella and now the Kozakiewicz administration. We have amended the project to make it on the premise that they would immediately approve it. They've managed to find Indian burial grounds or artifact grounds and that is now delaying us. But all of that aside, your concern being get the holes out of there. Ken Testa has indicated there is a plan to do that so that it will be swimmable by May- by Memorial Day. The- I talked to him today about this. The problem- potable it will not be. But it will be swimmable and they're going to do what you want them to do. But I appreciate he frustration of this Supervisor and the other three Supervisors before him who have dealt with the DEC and I encourage everyone to march down there and what is the word- attack, scale walls, because this is ludicrous what they've done in regard to that project."

Supervisor Kozakiewicz: "And also just to add to what Phil has pointed out. I know there was also a discussion about temporary means by which to make the public bathrooms workable so that- we have to. There's law, there's court decisions which say that if we don't, we can't use it as a recreation- bathing facility. So we know we need to do that and we have indicated to Mr. Testa to get that done so that we don't run a risk with the Health Department or anybody else so that they can say that we've violated this court decision or whatever and we can't have that as a bathing area. So- "

Henry Danowski: "You know, Mr. Supervisor, I know when high tide comes up the water goes right up to the toilets there and there's no way you can use them. That's the next thing I was going to ask you about. They have to be raised up some how so people can use them."

Supervisor Kozakiewicz: "Well, for this season we're going to, again, because of the fact that we've been unable to get through the DEC process, there's going to be a temporary fix in order to get by so it's not going to involve, I think, any major raising of them or anything like that. It's going to involve bringing in a temporary line in order to provide the water to the facility so that they'll work. The project that's before the DEC does all that. It has all the things that we need to do so that when the time comes up, the parking lot will not be under water as will the bathing- I mean as will be the toilets and the public restrooms. But, again, as pointed out by Phil so poignantly, we've been through this through a number of administrations and we just haven't quite been able to- we're close- we seem like we get close but we just seem to have one little obstacle that pops up, the latest being the Indian artifacts, and that just set us back a little bit. Hopefully, this issue will not be drawn out and wind out so long that we miss another season. Hopefully it will happen, you know, again, maybe if we all march on the DEC."

Henry Danowski: "The other thing is that on Reeves Beach I made a suggestion when the former Supervisor was here, that the slope, the hill there should be put in with what do they call, Russian Olive, to hold the banks, you know. There's nothing there. I mean it's just every time it rains, you've got a- the parking field is completely covered with soil. Then you've got to go down there with a town scoop and scoop the dirt out of there all over again. And it seems to me that if we could plant something there and the only thing I can think of right now because grass is going to be out of the picture."

Supervisor Kozakiewicz: "No you can't put grass on the slope."

Henry Danowski: "You've got to have some kind of a plant with a root system on there that will hold vegetation and the soil. Okay, thank you very much."

Supervisor Kozakiewicz: "You're welcome. Thank you. Yeah, just, Mr. Danowski, as I've been reminded. Mr. Testa has looked at some planting for that sloped area so that it will- because I think you've come up earlier in the year and made the same comments and we passed those along to him and he's developed a plan. I don't think we've got to the point yet where we've been able to fine tune it but I hope we can very shortly. Your point is well taken."

Henry Danowski: "Okay, thank you."

Supervisor Kozakiewicz: "Thank you. Gus LoPerto."

Gus LoPerto: "Good evening. Gus LoPerto. I've got two short subject to talk about. One is on Osborne Avenue we have (inaudible) of drainage, you've got about 35 holes along Osborne Avenue, you can bury a car if you go off the road. Is this engineer technician? What? Who started that? You've got about 35 holes- "

Supervisor Kozakiewicz: "That was done a long time ago. Are you talking about the little areas that have been opened up on the side?"

Gus LoPerto: "The drainage. Yeah. You can bury a car in each one of them."

Supervisor Kozakiewicz: "Yeah, I guess you could. I don't drive off the roads."

Gus LoPerto: "I mean let's look into it."

Supervisor Kozakiewicz: "I know that the- are you talking about Reeves Ave. and Youngs Ave.? Is that what you're talking about?"

Gus LoPerto: "No. Come by the Town Highway. All the way down, 38 holes on both sides. You can bury a car in each one of them."

Supervisor Kozakiewicz: "All right. I'm sure they were needed because there were some areas where there was spill over from the road. I'm sure it was done by the Highway Department over time. I'll pass the information along. Is that what you were- "

Gus LoPerto: "That's one of them. One short one."

Supervisor Kozakiewicz: "Okay."

Gus LoPerto: "The Wesley II needs the Board's help, what's going on over there. I need not tell you. I've spoken to you what's going on there. I'm hoping you back them up."

Supervisor Kozakiewicz: "Yeah, I know what you're talking about. They are a private community as you know and they have their own rules and regulations. I- "

Gus LoPerto: "But you know what I was told? I canvassed for you boys. I got about 16 signatures out of there."

Supervisor Kozakiewicz: "Go ahead."

Gus LoPerto: "You owe them a favor. Thank you."

Supervisor Kozakiewicz: "We owe them a favor. Okay. George Schmelzer, who is the last card. George. You said anything and everything is what your topics were. Let's be quick. Anything and everything."

George Schmelzer: "This resolution I believe it was on March 21st of thereabout, about the- about 58. What's happened to it? Did you send it to the County or our representative in the County or anybody?"

Supervisor Kozakiewicz: "It's gone out now. It was brought to our attention it didn't reach the proper parties in the County, that would be County Legislator Michael Caracciola and the people at public works, but it has been- it has gone out."

George Schmelzer: "When? This afternoon or something?"

Supervisor Kozakiewicz: "It went out originally to DOT as well."

George Schmelzer: "You sound like- this afternoon, huh? Why was it delayed? It sounds like it was on purpose."

Supervisor Kozakiewicz: "It was not on purpose."

Councilman Densieski: "It went to the wrong place first, George. It was sent out, it went to the DOT."

George Schmelzer: "It went to the janitor you mean?"

Supervisor Kozakiewicz: "Department of Transportation, State."

George Schmelzer: "Who's worse, the DEC or the DOT? BVD's you said?"

Supervisor Kozakiewicz: "No. That was a comment from the audience, not from us."

George Schmelzer: "BVD's, that's a kind of underwear men used to wear about 60 years ago, BVD's, not now."

Councilman Lull: "George, stay with us. Stay with it."

Supervisor Kozakiewicz: "So the answer to your question is, it has gone out. It went to the wrong location first but it has gone out, yes."

George Schmelzer: "When did it go out?"

Councilman Lull: "It went to the State and not the County, George."

Supervisor Kozakiewicz: "Today."

George Schmelzer: "Today?"

Supervisor Kozakiewicz: "Yeah."

George Schmelzer: "Boy, you- "

Supervisor Kozakiewicz: "Hold on. If I can have two seconds. It went out to the State the day after it was adopted and the discrepancy was discovered and the notices went back to Mr. Caracciola and to DPW today, it has been my understanding."

George Schmelzer: "In other words, nobody got it until you sent it out today, huh?"

Supervisor Kozakiewicz: "No. It got- DOT received it but that was the day after-- it was sent out the day after the resolution."

George Schmelzer: "When the DOT- what did they answer you on it?"

Supervisor Kozakiewicz: "That was what, I think, alerted us."

George Schmelzer: "Didn't answer you or they did?"

Supervisor Kozakiewicz: "I don't believe we got an answer. I think it was discovered by further inquiry with the Department of Public Works and the County that they didn't receive it."

George Schmelzer: "Oh. What's happening to cleaning out that drain on East Main Street- blocked up."

Supervisor Kozakiewicz: "Passed the information along to the Highway Department. I- we'll look at it. And I don't think it's an issue."

Councilman Cardinale: "I think that's a State drain."

Supervisor Kozakiewicz: "That's right, that is a State drain. I'm sorry."

Councilman Cardinale: "This must be the 42nd time you've asked us- it's a State drain."

George Schmelzer: "Well, you never get it done. That's why I keep asking."

Councilman Cardinale: "We can't. It's not our drain."

Supervisor Kozakiewicz: "It's not our job as pointed out. It's a New York State road, State road 25."

George Schmelzer: "Well, you can tell the State to finish the job."

Councilman Cardinale: "Yeah, like the DEC. We tell them a lot and seven years later we're still talking."

George Schmelzer: "I heard one time you had a half an inch of water in the cellar here because of that because that raised the water tables until it drains out. So maybe you want to get about a foot of water down there, then you'll move. So we've got all these departments that don't know anything what to do. I will say that if we had this nonsense 150 years ago, we'd have no railroads because the people are saying the trains go by, they scare the chickens, they don't lay eggs, the cows go on the track, they get killed (inaudible), they set the woods on fire and everything else, scare the horses. But luckily it didn't mean anything, they didn't have crazy rules the time we got the railroads. So I don't know.

What are you going to do about Grumman? Are you going to have a referendum next November, let the people decide? Not just Wading River."

Supervisor Kozakiewicz: "I think I'm hearing a yes from the right side and a yes from the left side. So it sounds like that's what we'll do, George."

George Schmelzer: "Boy, Give me an answer."

Supervisor Kozakiewicz: "Yes."

George Schmelzer: "Okay. Are you going to have the referendum- you better do it quick because if you propose it in October, they'll tell you it's too late. See. You've got to have time to put it on. So, don't forget don't sneak it out like that by doing it too late."

Councilman Lull: "We'll try to get the trains running, George."

George Schmelzer: "Huh?"

Supervisor Kozakiewicz: "Okay, George, thank you."

Councilman Lull: "We'll get the trains running."

George Schmelzer: "All right. And what do you expect to do with the DOT? Tell them to come down and talk about it."

Supervisor Kozakiewicz: "Are you talking about the drain?"

George Schmelzer: "Talk to the DOT about 58 and the expressway."

Councilman Lull: "The DOT has nothing to do with 58."

George Schmelzer: "Huh?"

Supervisor Kozakiewicz: "The expressway is DOT, right. 58 is County."

George Schmelzer: "Yeah. If you put on the expressway, the County won't have to pay for it then. The County- we're getting as bad as Nassau County. Maybe we don't know it though. That would be bad. Maybe that's what they deserve, I don't know. Not me, but the rest of us. So I wish you would do something about that. The drain, also the drain. That's been going on for two years now and nothing's been done. You might even find some bones in there. Maybe they might find some Indian artifacts in there. Because (inaudible) a casino."

Councilman Lull: "George."

George Schmelzer: "What."

Councilman Lull: "If they find the bones in there- if they find artifacts in there now we're talking about four years to get it fixed. I see Bob has written down DOT. He's going to contact them about the

drain tomorrow."

George Schmelzer: "Really?"

Supervisor Kozakiewicz: "I'll call the Region 10 office in Hauppauge because we dealt with them when we were dealing with the parking issues down on Main Street. When we decided to remove the meters, if you remember that, and that was a hot topic for a while, we met a couple times with an individual from the State DOT. Part of his office dealt with that State route 25, so that's the logical place to start."

George Schmelzer: "What are they doing about that danger in the park where the kid got drowned? The water is about 15 feet deep. You said one time you'd fill it in with more rocks."

Supervisor Kozakiewicz: "I know I spoke to somebody and he told me that's not necessarily true and it's not that deep."

George Schmelzer: "Well, somebody in the Town told me that. I don't know if the Town lies or not. Maybe you ought to bring a fishing rod down there with a sinker on and see how deep it is. Unless you want to jump in yourself but the water is too cold now."

Supervisor Kozakiewicz: "A little too chilly right at this point in time. That's right."

George Schmelzer: "Yeah. So all those things and of course that park down there, it's used mostly by people from Southampton, not Riverhead. What do you propose to do about this \$5 million extra school taxes we're paying?"

Supervisor Kozakiewicz: "Same question that we've had every week- two weeks in a row, right?"

George Schmelzer: "That's right."

Supervisor Kozakiewicz: "Well, we met with the State officials; we had some discussions with them and we proposed what you proposed and I think they said that we should try to address some other issues on our own and handle the issues as a Town matter first. We did talk to them about the other issue which you talked about which is the State taxation- I mean taxation of State lands and told them that we're hoping that they can bring that to fruition and that that Wildwood property will be taxed and that will help offset things. So

that was something we asked them and to follow up on."

George Schmelzer: "Yeah. (Inaudible) it's not your fault but the others, the State land that was the Navy before, they could have (inaudible) now they say the hell with you, they don't have to. Well, that's all."

Supervisor Kozakiewicz: "Thank you, George."

George Schmelzer: "I'm only five and a half minutes now."

Supervisor Kozakiewicz: "I know that, so thank you."

George Schmelzer: "Oh, you're very welcome. Good bye."

Supervisor Kozakiewicz: "Good bye. Sal Mastropolo."

Sal Mastropolo: "Sal Mastropolo, Calverton. Comment on the resolution."

Supervisor Kozakiewicz: "Yes."

Sal Mastropolo: "404, ratifies approval of application of Colonial Shoppe, the tent sale, April 30th."

Councilman Kent: "It already happened."

Sal Mastropolo: "Yeah, but the tent is still up."

Councilman Kent: "They were supposed to come and take it down today, so I don't- "

Sal Mastropolo: "Well, it's going to be impossible because it's full of furniture. I passed it tonight and said, geez, I wonder how that tent got there? I never heard anything come up at the Town Board and then I looked at the resolutions and I said, after the fact- "

Councilman Lull: "The application was late so we got the- "

Supervisor Kozakiewicz: "The application was submitted I think last Wednesday, is that correct? And was considered by the Board at work session. There was some discussion last Thursday with respect to that particular application. I don't think it necessarily would be that- that building that's on the property, I think, has been used for storage or something. So- "

Sal Mastropolo: "It's funny because I should have realized something was going to happen because they finally cleaned up all the garbage cardboard that was on that site. Okay. Which sat there for probably the better part of two years, okay, and then all of a sudden the tent went up and now the tent is still up."

Supervisor Kozakiewicz: "Well, I know that what I can say is that they've been trying to do things with the Town. If anyone has seen there's been improvements to their Main Street store. They also have a store up on 58 and I think there's a desire by that particular owner to do the right thing. I mean, I really do think they're trying to make a- do things in the right fashion."

Sal Mastropolo: "Resolution 382, the third whereas. I think there's a problem with the date, March 20, 2000 to March 19, 2000 at a cost of \$1,400."

Supervisor Kozakiewicz: "2001."

Councilman Lull: "Well, you're right. I underlined that to talk about it."

Sal Mastropolo: Resolution 379. Is that a vacant piece of property or is there a building on that property?"

Supervisor Kozakiewicz: "There is a building on that parcel."

Sal Mastropolo: "What was the appraised value of it?"

Supervisor Kozakiewicz: "Our appraisal was lower than the 85. The owner's appraisal was 90."

Sal Mastropolo: "Okay."

Supervisor Kozakiewicz: "What happened was our appraisal- as I understand it was-- and I don't to get into too much because if this doesn't work out it may be an item of litigation, was based upon certain presumed facts which when we went back to the owner, the owner says, wait a minute. You have some problems with the way you calculated your appraisal and this is the number I arrive at. So that's how- why the difference."

Sal Mastropolo: "Okay. Last one, 375. I realize this is water over the dam because it's the annual financial report for 1999. My concern is are we going to be in the same boat next year looking at

the year 2000 annual financial report. The town went from indebtedness of \$31 million to indebtedness of \$34 million, okay. So our indebtedness went up \$3 million."

Councilman Kent: "Actually 2.4- \$2,454,000."

Sal Mastropolo: "Okay. It still went up. It didn't go down. Okay."

Councilman Kent: "Yes, it went up."

Sal Mastropolo: "It went up \$4.6 million and we only paid off \$2.3 million so we're paying it off at a slower rate than we're incurring it. Okay. And our expenditures were almost \$3 million more than our revenues. What's the Town- what's the plan to control this stuff so that next year we're not in the same boat? I mean, isn't there some kind of law that say you can't spend more than you budget or you can't spend more than you take in?"

Councilman Densieski: "We're well within our bond rating. I believe, Jack will back me up on that because I've asked that question several times and I believe we're running at about 9% of our maximum bonding rate. So we're- go ahead."

Sal Mastropolo: "That's fine as far as the bond rating is concerned. But I mean isn't there a sense of responsibility that we shouldn't continue to go in debt? I mean, you know, you keep growing the debt at \$2.6 million a year, I mean it's just going to grow and snowball, all right. And future generations are going to be paying."

Supervisor Kozakiewicz: "You're right."

Councilman Densieski: "That's true."

Sal Mastropolo: "So is there a plan to control it this year?"

Supervisor Kozakiewicz: "I think what we've been trying to do is not- is to be cognizant of where finances are coming from, where resolutions are. As a matter of fact, this Board has been very vigilant in any budget adjustment, wanting to know why we need the budget adjustment, whether there's sufficient funds in the budget, what is going on. And I think there's been a very concerted effort to keep an eye on how the spending is going.

As far as projects that we've approved, we're doing it to- for

example with the recreation projects, we're using fees that have already been collected, cognizant of the fact that, you know, the general fund should not be invaded for that purpose. So I think just generally there's been a lot of awareness of this particular issue and that's all I can say. I mean as far as plan, everything, as far as expenditure is again being questioned, looked at, and carefully analyzed."

Sal Mastropolo: "All right. So I guess we'll have to wait until next year to see."

Supervisor Kozakiewicz: "Right. I mean there was certain things that were in the budget and I don't want to cry because obviously I've taken over and I have to try and make sure that the budget comes in and we don't have a problem with the budget. I don't want to elaborate too much. But we have to- we'll have to be very cognizant of what we're doing. No question."

Councilman Densieski: "Mr. Supervisor, may I have the floor?"

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "Also I'd like to point out at least two that I can think of, at least two bids we sent back out for rebidding, not being happy with the price. And one of them has saved us \$6,400. The roof at the highway barn. And also another bid, I don't remember quite what it was for. Also some attorneys fees that we've kept at a certain ceiling and we've reduced a couple and also I would like to point out that in my opinion this Town Attorney is saving this Town quite a bit of money also. So I think there are some ways that we are trying to cut back and try to save money for the Town."

Sal Mastropolo: "I guess we'll see. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else would like to address the Board? Terri Fenton, please. Excuse me?"

Terri Fenton: "Terri Fenton, Jamesport Civic. I did fill out a card."

Supervisor Kozakiewicz: "That's all right. Bill, you can come up."

Terri Fenton: "Thank you very much for coming to our March meeting. At that time, we discussed the Lebanon building."

Supervisor Kozakiewicz: "Yes."

Terri Fenton: "The former Lebanon building."

Supervisor Kozakiewicz: "Yes."

Terri Fenton: "And the resolution that was passed October 7th of 1977- "

Supervisor Kozakiewicz: "Correct."

Terri Fenton: "-- to demolish the building."

Supervisor Kozakiewicz: "1997."

Terri Fenton: "1997, I'm sorry."

Supervisor Kozakiewicz: "I hope it wasn't '77."

Councilman Cardinale: "He was a long time ago."

Terri Fenton: "There has been a lot of problems with that building. It wasn't that long."

Councilman Cardinale: "It seems like it."

Terri Fenton: "Have you come to a decision on taking that building down?"

Supervisor Kozakiewicz: "I- we have had ongoing discussions and I should say we, the Board, and especially Phil and myself with the Town Attorney. As you know and as I indicated at that meeting, there was an order which was last year, I think- was it May of '99- June of '99, which dismissed the preliminary injunction. The lawsuit, however, still remains intact. A notice of appeal was filed by Simarga LLC (phonetic). That appeal was not perfected. It should have been perfected- if it was going to be, by January. I think the problem earlier was that there was some thought that the County would take the buildings and do our handiwork or do the handiwork for the owner and he redeemed the taxes.

In our discussions, there's still some question as to liability for the town to go forward at this point. What we've talked about is legal mechanisms by which can force the owner of the property to act or finalize that lawsuit and that's something, I think, this Board is

going to ask the Town Attorney to proceed with. Which would be either a motion for summary judgment. In all likelihood, you know, that could be decided within the next couple months and, hopefully, will be decided in our favor based upon the owner's failure to appear at the hearing that was held in 1997, the fact that he delayed as long as he did before he commenced his proceeding. Hopefully, some of these issues are things which the court will decide upon and forever get rid of that litigation.

I think if you've talked to Councilman Cardinale there is still that liability issue out there and the possibility that if we move forward and take the building down, he could turn around and sue the town or he already has sued the town. So he could just tack on additional expenses to it."

Terri Fenton: "Now, which court is this in?"

Supervisor Kozakiewicz: "Supreme Court of the State of- of New York. There is a court action that's been commenced there."

Terri Fenton: "Okay. The one that was completed in the year of 1999?"

Supervisor Kozakiewicz: "Well, that was only one aspect. That dealt with the question of the preliminary injunction and whether the town was, therefore, estopped or could not move forward with that order of 1997. The balance of the court case is still intact and it hasn't been resolved."

Councilman Cardinale: "Terri, I think the important thing in this is the following. We have had a discussion- Bob, myself and the Town Attorney, at some length this week. There's an action that's commenced in- that was commenced in the spring of last year, in June, as he indicated. The court determined that it was not likely that Mr. Samosa (phonetic) was going to be successful, that there was a public safety issue in regard to that, and that he was not going to enjoin or stop the town from pulling it down.

However, in saying that, there still is left outstanding the lawsuit underlying the application that Samosa made for an injunction not to preclude the tear down. And in that he makes allegations, all of which are untrue, about the town and he has not pursued either the appeal of the order denying an injunction to him or has he proceeded with the lawsuit.

The concern I had- and Bob and I and the Town Attorney discussed is that we basically have done nothing understandably until about late November because the County owned the property until late November when Samosa took it back by paying the taxes. But for the last four months we have been doing nothing. And at this point it becomes clear that unless we are more aggressive in the litigation, Samosa is just going to dance as he has been doing."

Terri Fenton: "Right."

Councilman Cardinale: "So I think we've all agreed that we will make a motion to put his feet to the fire by seeking dismissal of the balance of the action which has no basis, in fact, in any event summary judgment. And if that's granted then Bob's concern which is a legitimate one, that the town if it tore it down now, might wind up-- technically might wind up with a problem later if we are unsuccessful in the action will be avoided and we will be able to proceed to tear it down."

In the interval, I think, the Town Attorney is also going to speak with Samosa although I've never found that to be a successful endeavor, in regard to negotiating this logical- this logical suggestion. If you're applying for a subdivision, obviously you have to tear down the building because you don't have any land to put your subdivision on. So why don't you try tearing it down safely now and then proceed with your subdivision if you get whatever number of subdivision lots the Planning Board gives you, they give you, but (inaudible) with a subdivision- mutually exclusive, so why not.

That makes logical sense which more or less assures that Mr. Samosa will disregard it. But at the same time, if we make the motion to dismiss the action, and that is successful, it will allow the Town to be aggressive in proceeding to pull it down."

Terri Fenton: "Okay. How long will it take? Will the Town appeal to the court?"

Councilman Cardinale: "Yeah, the- "

Supervisor Kozakiewicz: "It would be to the Supreme Court as opposed to an appeal. It's a motion."

Terri Fenton: "Okay. How long would that process take?"

Councilman Cardinale: "What it should take or what it will

take? A motion is made, the response is made. That should be 30 days and then they have to give you a decision in 60 days. But the problem is in this and every other instance, if you start asking for the decision and you annoy the judge, you may get the wrong decision. So you wind up waiting four and six months often for a judge's decision which by law is supposed to be to you within 60 days. So 90 days at the minimum."

Terri Fenton: "Okay. Very good. The second question I had was on Iron Pier and Mr. Danowski already addressed part of that. But I think you will have to raise the restrooms. They are sunk."

Supervisor Kozakiewicz: "I know Mr. Testa has looked at them and I don't believe that was part of his proposition but I could be wrong."

Terri Fenton: "We were down there Sunday. It looks like Maidstone. It's just washing into the parking lot. The bathhouses or bathrooms were surrounded by sand quite far up and water and you are now growing lovely beach grass on the dunes in the parking lot. So if you could possibly get that ready for the summer it would be a good undertaking."

Supervisor Kozakiewicz: "I know Ken is planning on doing that. So- "

Terri Fenton: "Thank you very much."

Councilman Cardinale: "Terri, do you have a concern about the Maidstone site that you expressed and I wasn't clear on it. Maybe some other members of the Board can give me the answer."

Terri Fenton: "Well when I was looking at it Sunday, it looked like there was a foundation. As you are looking up at Maidstone on the lower right hand quarter, it looked like a foundation and a lot of black pipes there. And there was visible washout over the winter into- off that bluff. Is there any way possibly that who's ever doing this building or project up there can be forced to put some type of vegetation to hold the sand in there or grow something? Because it's just- every time it rains it washes down."

Supervisor Kozakiewicz: "Is this where the road or the access way was to come down to the beach? Is that where the erosion has occurred? Or further east?"

Terri Fenton: "It's further east. It's coming off of the Maidstone project."

Supervisor Kozakiewicz: "Okay."

Terri Fenton: "It looks like every time it- you know where they denatured the bluff there? Where they ripped all the vegetation off and they were fined, I believe, if I'm not mistaken? That was never replaced and/or (inaudible)."

Supervisor Kozakiewicz: "I believe there was a restoration plan and a planning plan that was required before the Board moved forward with the site plan approval."

Terri Fenton: "Well, there's nothing there."

Supervisor Kozakiewicz: "And, that's- there was a restoration plan submitted. That- there's no question about that. Whether it's there, I know there's a monitor on the property. That was part of the agreement as well. And I have not heard anything in the negative from the monitor."

Terri Fenton: "Have you taken a look at this lately?"

Supervisor Kozakiewicz: "I haven't been up there in the last week or so, no."

Terri Fenton: "You have to see."

Councilman Cardinale: "I wonder if the monitor has taken a look at it lately. Rick Hanley who is in the back there. He'll talk with you, Terri, and you may, you know, what happens a lot of times is the citizens bring to the attention of the Town if there's been any problem. The monitor is supposed to be on site and is supposed to bring it to our attention but maybe if you talk with Rick he can explain it, yeah, it's okay, or no, it isn't okay. And the monitor will do something about bringing it to our attention."

Terri Fenton: "Okay. Thank you."

Councilman Cardinale: "The monitor is our paid employee. He's an engineer. What's his name, Rick?"

Supervisor Kozakiewicz: "Joe Raynor."

Rick Hanley: "Mr. Raynor."

Councilman Cardinale: "Mr. Raynor. And he is supposed to be- he's getting paid, so he should be doing a good job. But he's getting paid by the developer."

Supervisor Kozakiewicz: "Right. Just wanted to point that out. He's being paid by the developer."

Terri Fenton: "Thank you very much, gentlemen."

Councilman Cardinale: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Charles- I know, Bill, you have a card. Charles Cetas and then after Charles, Bill. Okay. Charlie Cetas."

Charles Cetas: "Yeah, I just had similar questions that Terri had. We've also gotten some calls in our office concerned about the additional clearing that has taken place on the property after he got his approvals. Just wondering, you know, has Mr. Raynor observed that clearing? Has it met the site plan restrictions? Because, you know, the history of that project is not too good. So, I think the Town ought to be diligent in its monitoring of that project. And maybe a suggestion I have- "

Supervisor Kozakiewicz: "That was one of the reasons a monitor was appointed."

Charles Cetas: "-- to have Mr. Raynor paid by the Town, then Mr. Fried (phonetic) could put money into a fund and that the Town pay, you know, write the checks, not Mr. Fried."

Supervisor Kozakiewicz: "That's the way it is."

Charles Cetas: "Oh, it is. Well, the way you said it, the developer paid him."

Supervisor Kozakiewicz: "Well, it's paid for by funds that were deposited by the developer. I guess I've got to be very careful the way I say things."

Charles Cetas: "Well, just wanted clarification on that. You know, I don't think it's such a hot idea if was getting- if Mr. Fried was writing checks."

Supervisor Kozakiewicz: "No, no, no."

Charles Cetas: "Yeah, okay. So that's my concern and I haven't had a chance to investigate Terri's complaints yet but I'm going to drive over there tomorrow and take a look at see what- satisfy myself anyway."

Supervisor Kozakiewicz: "All right."

Charles Cetas: "As far as the Iron Pier project goes, I've put in comments to the Corps of Engineers and any project that finally gets approved, I would hope would be a project that's going to be not result in additional erosion to that beach. They've got a lot of problems with that beach- "

Supervisor Kozakiewicz: "I think the project that's been proposed will help in that regard and will finally- and I knock on wood, will finally provide a boat access that will be able to be used."

Charles Cetas: "Right. That's one of my peeves. I think part of the problems with the beach erosion there was the boat ramp that was there (inaudible) the jetty."

Supervisor Kozakiewicz: "Are you suggesting that there be no boat ramp?"

Charles Cetas: "I think I said that in my comments."

Supervisor Kozakiewicz: "Well, I- we don't have a great deal of areas along the Sound where our recreational fisherman and boaters have any access to the Sound. I know growing up I had- "

Charles Cetas: "You know, I think there is going to be a public hearing on this before the Planning Board at some point- I've heard that. But I think the boat ramp that's being proposed is a fairly, you know, large scale boat ramp. It's, you know, almost over 200 feet long. That's two-thirds of a football field. And, you know, 40 feet wide so it can handle two boats at a time. I think maybe either scale the boat ramp back in size or have a boat ramp that's more of, you know, a temporary type structure rather than something that's huge and a monstrosity sticking into the Sound."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "I personally agree with you. I hope we don't have a lot of erosion and I really hope we don't have any lawsuits. That's my opinion."

Charles Cetas: "Well, maybe (inaudible)- your seawall, you're going to build a vertical wall. I've heard testimony by other folks it may be a non-vertical structure that would allow some overwash during storms that would actually end up depositing sand rather than sand being taken away- erosion by a jetty sticking out into the sea."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Do you remember the old Iron Pier?"

Charles Cetas: "I remember going to that beach."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "I- Mr. Danowski, I promised Mr. Kasperovich I would allow him up next and then if you want to get up afterwards and respond."

Charles Cetas: "I know a lot of the problem, too, is the south shore people are going to get mad at me by saying this, a lot of the problem with Iron Pier Beach is a result of some of the beach jetties that were put in by the private landowners to the west. So, but, that's a done deal and we can't change that. I would say the Town putting another huge thing into the Sound there is not going to help matters as far as erosion goes."

Supervisor Kozakiewicz: "Thank you. Bill Kasperovich."

William Kasperovich: "William Kasperovich. I live here in the township but I don't know where. I've spent so much time in this Town Hall I think they ought to pay rent."

Councilman Densieski: "I agree."

Councilman Lull: "Don't say that too loudly in front of Councilman Cardinale. He will take you up on it."

Councilman Cardinale: "Yeah, right."

William Kasperovich: "To get any work done, I would be happy to. I have a few comments on the resolutions, if I may, although

there's one main purpose for my being here. I'll try to rush through the resolutions. On resolution 378, using a drop off facility on Osborne Avenue. Just to caution the Town that the what is referred to as the type of depositing on unbagged yard waste. Yard waste is being interpreted as many, many things and my main concern is flies and smell, that we don't go overboard in leniency in letting people put unbagged deposits there that would attract flies and- "

Councilman Densieski: "The material won't be in the containers long enough. They're going to be transported right away over to the- "

William Kasperovich: "It doesn't take long for flies to find out where the food is. That's the only comment I want to make on that."

Supervisor Kozakiewicz: "All right, thank you."

William Kasperovich: "On 378 authorizing settlement and purchase of property on Railroad Street, through the resolution there seems to be a question of ownership referring to reputed owner, you refer to authorized written offers, you refer to (inaudible) owner, owner of the premises, reputed owner. I think it's ambiguous. If we have dealt with- or they have dealt with us, we certainly should know who the owner is. And that's the only comment I'll make on that."

Supervisor Kozakiewicz: "I think that's comments- that type of working comes from the eminent domain procedure law and that's probably just following the language that's set forth in the law. I think we have a good sense of who the owner is and if we reached an agreement with them, it will be subject to a title search and receipt of a bargain and sale deed wherein they are representing who they are, the fact that they own the property, and that there will be title insurance. So,-- "

William Kasperovich: "Okay. On 386, you are staffing an information booth on Peconic Avenue, question of cost and a question of (inaudible) reference copy attached herewith. I haven't been able to see a copy yet."

Councilman Kent: "Yeah, we don't have it either."

Councilman Lull: "Yeah, we had those in the- "

William Kasperovich: "On 391, I talked on this many times past

my five minutes and given the Town the benefit of my experience in the chemical industry, (inaudible), and I find reading through that I apparently wasted my time. The comments on the second page impact upon the level of service of existing roads. There's only one road. State Road 25. What are they talking about? Make a sentence that accidental leaks of natural gas will not impact ground water as such leaks will evaporate into the atmosphere. Whoever wrote that sentence never majored in chemistry in his schooling. And the fourth item that the potential for explosion is mitigated by project adherence to the standards of. In other words, you're putting the onus onto somebody else. You're not letting the owner say what he's going to do. And then no site plan approval shall issue prior to New York State Department of Transportation. Why are we jumping ahead of them? If we're going to work with them, why are we jumping ahead of them? So that to me is a very disturbing resolution in its contents and the way it's written.

The other couple of resolutions I have here where as many times as I've said it, you people are not referring to people that are licensed and titled by the State to practice their profession. You just name Joe (inaudible), John Smith, and there you go.

I look at resolution 400 and I read about- let me read the whole sentence so there's no misunderstanding.

Whereas, Bay Gas Service has requested that a modification of said site plan approval in regard to replacing a required concrete pad extending ten (10) feet beyond all sides of said tank with non-combustible blue stone. Whoever heard of stone being combustible?"

Councilman Cardinale: "That's true."

William Kasperovich: "Are we talking about coal? Or are we talking about bluestone? But somebody that writes non-combustible blue stone has got it confused with what we use as coal to heat the house. That's all for the resolutions.

Now this is a request. And I ask that you pay attention. When you have a work session and somebody travels 15 miles to the Town Board to address the Town Board, when individuals have difficulty in finding Councilmen present in their office or reaching them by phone, that you allow two or three 10 minute periods before, after or during, so that individuals that have a serious matter or they think they have a serious matter, can address the Town Board without any effort or put-offs. Now I say 10 minutes because I have difficulty confining

myself to five minutes. But one or two such persons should be allowed to address the Board when it is assembled. And if you don't do this, to me it's an indication that you are putting the public outside the Boardroom and the Boardroom should be open to the public when there is an assemblage of the Town Board, no matter what label you put them under. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Mr. Supervisor, I would just like to say one thing. When someone comes before the Town Board at a work session, that's their time to present- "

William Kasperovich: "Excuse me. Are you addressing me?"

Councilman Densieski: "No. I'm addressing- "

William Kasperovich: "The audience?"

Councilman Densieski: "The audience."

William Kasperovich: "Okay."

Councilman Densieski: "Thank you. When someone comes before the work session to address the Town Board, that's their time to present their views on their project. It's not open for public debate. It's time. If somebody would like to pose them at another time, they can schedule a time and the Town Board will focus just on them and their idea. The idea of that is to not have public debate, to understand their project as presented by them without public comment."

Supervisor Kozakiewicz: "Is there anybody else who- Bill? You found something on the floor?"

William Kasperovich: "I think I'm entitled to a rebuttal because Mister- "

Supervisor Kozakiewicz: "I think he's just pointing out- "

William Kasperovich: "-- Mr. Janoski was most vociferous and demanding that I not be allowed to speak before the Town Board. And since he was not the chairman- "

Supervisor Kozakiewicz: "No-- no one-- I think he was trying to

point out what the purpose of work session is."

William Kasperovich: "Well, I know what your purpose is and it's all with all good intentions- "

Supervisor Kozakiewicz: "The purpose- for what we have scheduled- "

William Kasperovich: "When you are denying a man the right to address a collected group, you are wrong."

Supervisor Kozakiewicz: "We're not- you are addressing us now. Right?"

William Kasperovich: "But when the matter is of urgent current within (inaudible) violation, it can't be put off for a week or two weeks. If there is a matter that requires attention for something that happened- I'm not going to call it violation or impropriety or rectitude- but you put him off, you're putting off the subject matter that is of concern to the people that live here. And Mr. Danowski- "

Supervisor Kozakiewicz: "Densieski."

William Kasperovich: "Densieski- "

Supervisor Kozakiewicz: "Densieski."

Councilman Densieski: "Close enough, that's okay."

William Kasperovich: "Well, so is Kasperovich. You- "

Supervisor Kozakiewicz: "I think what you're asking, Bill, is for the Board to consider changing the way they do work sessions."

William Kasperovich: "If you (inaudible) 10 or 20 minutes within, before or after in a work session, it's because you don't want to."

Supervisor Kozakiewicz: "Thank you. I saw a bunch of hands go up before. I think I owe Mr. Danowski a chance to rebut on some comments and that will be it with respect to Iron Pier hopefully. I think we can go on about Iron Pier in different philosophies and whether we need beach access and all these things I think probably until the wee hours of the night. Right."

Henry Danowski: "Yes. No, just to the gentleman that was previously here about Iron Pier. He's making a big project out of- a monstrosity of a boat ramp. Now, my idea was that- talk to other people about it- that do we own that lake? Does the Town of Riverhead own that lake that's to the south of it, to the Sound?"

Supervisor Kozakiewicz: "Hallock- is that Hallock?"

Councilman Densieski: "I know where you're leading to. The DEC already said no to that. Are you talking about opening that up like they talked about one time?"

Henry Danowski: "Yeah."

Councilman Densieski: "Yeah, the DEC said no."

Supervisor Kozakiewicz: "There was a different plan that had been submitted to the DEC before which involved a lagoon, I guess, for lack of a better way of describing it and that plan was not looked up favorably by DEC and it sat and it sat and it sat and it sat. As a result of that, there was a change in the way the plans were devised and that plan moved forward. So- "

Henry Danowski: "Okay."

Supervisor Kozakiewicz: "All right. Yes, I know there was a hand up on the right and then one to my left."

Ed Weigard: "My name is Ed Weigard and I live in Jamesport. Unfortunately I live right next to Iron Pier Beach and Maidstone and I have to tell you it was a disaster, continues to be a disaster. It seems like you say there should be a monitor, who is the monitor?"

Supervisor Kozakiewicz: "The monitor is an individual by the name of Joseph Raynor."

Ed Weigard: "And who reads those reports?"

Supervisor Kozakiewicz: "The- there's not written reports. It's done orally. My understanding. Correct, Rick? And if I'm wrong, let me know."

Ed Weigard: "Who does he talk to?"

Supervisor Kozakiewicz: "Mr. Hanley."

Ed Weigard: "And does he- how long- does he talk to him like once a week and let them know what's going on?"

Councilman Densieski: "He's right behind you."

Ed Weigard: "Does he talk to you once a week?"

Rick Hanley: "Can I respond to that?"

Ed Weigard: "Yeah, sure."

Rick Hanley: "Mr. Raynor has been to the site at least three times that I'm aware of. The first time was the most critical. We set the silt fence for the level of clearing- for the limit of clearing. I am not aware of any reports from Mr. Raynor that suggest that there has been any clearing beyond what was approved in the site plan. This is the first I'm hearing of this. I would like the opportunity to call him, find out exactly when he's been there. If there's a problem, I'll get him there within the next couple of days and we'll straighten it out. But this is the first inkling that we've had of any problems. In fact, I've heard nothing but good things about the contractor there. So- "

Councilman Densieski: "Rick, if you can check also on sand- any possible sand washouts and what they're doing to alleviate that, too, please."

Rick Hanley: "Sure."

Ed Weigard: "You know, the problem is, it's been going on for two years now. I mean- "

Supervisor Kozakiewicz: "It wasn't cleared for two years. I mean it was cleared initially and then it went through a process. This Board went through a long process in cutting back, doing things that they saw fit to see it come within the original site plan approval that was given to Seawatch- Seawatch Landing. And they finally, I think it was last year, summer time was it- July of 1999, the site plan of Maidstone was reapproved and it was reapproved with the condition that there be a monitor on the property which is something that had taken into consideration the points raised by the residents, the points raised by NFEC, and I think what you're saying is we need to maybe have a monitor- we have to have- not maybe. We have to have the monitor go out there and take a look at it to see if there's a problem."

Ed Weigard: "Well, there's a problem- a number of respects. Number one, I'd say over the last two years, the number of vehicles, pickup trucks at night, all night long, partying up there, these four wheel drive vehicles, the bikes that run Saturday, Sunday, they never stop. I spoke to the police department, they said there's nothing they can do about it if the owner doesn't want them to do anything about it. The owner has to request for them to come on to the property. I spoke to them about putting up a no trespassing sign- "

Supervisor Kozakiewicz: "The owner is requesting them to come on to the property?"

Ed Weigard: "No, no. If the owner requests and so far he hasn't."

Supervisor Kozakiewicz: "Oh, okay."

Ed Weigard: "Okay, and we've come before-- a number of times before the Town Board and request this and nothing seems to happen. That's why I say who's watching it all? You have to come there on a Saturday and Sunday and see the races that go on. The developer doesn't care. I said right from the beginning he doesn't care. He tore down all the trees and was within his budget. He just put out a flyer last week, he said the houses are starting at 250. This week he's changed to 350. He's going to make a fortune. Meanwhile we have to look at a sand dune for two years. I asked him to put up a sign no trespassing, he won't even do that. He's not a good neighbor."

We had all kind of wildlife in the pond, nothing left anymore. We had osprey, we had white egrets and blue herons, we had really a tremendous amount of wildlife in there. It's no longer there. You have- do you guys go down and look at it? Do you look at the site?"

Supervisor Kozakiewicz: "I haven't looked at it in the last two weeks as I mentioned. I have gone down there once in a while and I try to ride by, try to look at it, this place I took swimming lessons growing up. So, but, no, I don't get all over town every day."

Ed Weigard: "You see there's a problem between perception and reality. Perception is- and I don't mean to say this disparagingly, but the perception is that really the Town Board really doesn't care about the northeast end of Riverhead and that's probably the furthest thing from the truth. But I mean, yeah, I know what you're saying."

Supervisor Kozakiewicz: "I've lived in the northern part of

Riverhead a good part of my life, maybe not the northeast part, but- and I think a lot of the other Board members have been in the community for a long time as well and to say that we don't care about Riverhead- "

Ed Weigard: "Well, I said the perception; I didn't say the reality. That's what the problem is. We don't get any communication. For me to find out what's- "

Supervisor Kozakiewicz: "This is the first time we're hearing that there's a problem. No one has communicated with us. I have not received a call from anybody saying there's been a problem. At least I haven't got one in the last week."

Ed Weigard: "I spoke to Stark about it; I spoke to Lull about it. How many people do you have to speak to over the years?"

Supervisor Kozakiewicz: "Well, those are pre-dating the approval of the site plan."

Ed Weigard: "Forget about the approval. I'm just talking about being a good neighbor on the property who speaks to him. Have you implemented the replanting plan there? No one seems to know. It's like no one knows about what goes on except the owner up there. And he really doesn't care. And as far as Iron Pier, I've seen that- I've been here eight years now, I just see it totally deteriorate. Whatever you did two or three years ago for the ramp for boats getting out, that's all shot, gone. The parking lot's a mess, garbage all over the place, graffiti all over the place. Go over to Jamesport, South Jamesport, beautiful beach. Well, my grandchildren- I live one block and I have to go to South Jamesport to bring them to a nice beach. Who's taking care of where we live over there?"

Supervisor Kozakiewicz: "The only thing I can say is when our indebtedness goes up another \$2 million because we improved Iron Pier, Sal's going to get up and say that we spent too much money."

Ed Weigard: "This is what happens all the time. It always come back to what we spend."

Supervisor Kozakiewicz: "No, I think- "

Ed Weigard: "Meanwhile we spend it on a lot- "

Supervisor Kozakiewicz: "-- Iron Pier should be improved. I

think it's a valuable- "

Ed Weigard: "Why shouldn't it be as clean as South Jamesport over there? Why shouldn't the bathrooms work?"

Supervisor Kozakiewicz: "I'm not saying it shouldn't be. No one is saying it shouldn't be."

Ed Weigard: "Well, why isn't it then?"

Councilman Densieski: "Ed, we have a great plan as soon as we get DEC approval."

Ed Weigard: "You know, Eddie, we went through this with Villella. We've had two meetings with the Northville Association and that whole beach down there. I've been involved in it for five or six years and I don't know how many plans I looked at, and every time it's about to get started- we were supposed to have it for Memorial Day this year, it's put off again because somebody found a coin in the grass."

Supervisor Kozakiewicz: "Well, it wasn't a coin in the grass; it was a coin that they dug down in a shovel hole, archeological survey."

Ed Weigard: "Okay, but it's always something and meanwhile you want to put money into the beach, so nothing ever happens. It's frustrating for us, it really is, all right. People don't even want to come down here and talk about it because they say, well, you want to talk about it some more, some more."

Supervisor Kozakiewicz: "I don't think anyone up here, of the five of us, is happy about the situation at Iron Pier either. I mean, we're not jumping up with joy."

Ed Weigard: "I invite you to come down and take a look at the beach."

Supervisor Kozakiewicz: "Okay."

Ed Weigard: "Let me know when you're coming, I'll meet with you. I'll bring you- I'll show you what Maidstone looks like. I mean it's one big mess over there with a few foundations."

Supervisor Kozakiewicz: "Okay. Thank you."

Martin Wollecki: "Good evening. My name is Martin Wollecki of South Jamesport. Let's, hopefully, we can change the subject a little bit. I'd like to talk to you about the Bayview Hotel.

Supervisor Kozakiewicz: "Yes."

Martin Wollecki: "It's been about 18 months I believe since the Town evicted the residents. Mr. Patchell(phonetic) purchased the property and he's gutted the inside. There's two buildings on the piece of property and he's gutted both of them. I think about a year ago or six months ago, he was going to lose his prior use if he didn't reinstall his restaurant or hotel and it's been about six months now. Has the town found anything- what his plans are? What is he going to do?"

Supervisor Kozakiewicz: "He has- we know he has a building permit that's been filed. Are you talking about just with respect to the senior home?"

Martin Wollecki: "Well, the prior use. How about the prior use which was a hotel and restaurant? It's been over a year since the- since that's been- "

Supervisor Kozakiewicz: "Just- I want to make sure I'm on the right piece of property. We're talking about the parcel that was on- the old veteran's home? Because that was supposed to be- I understand that was part of a plan but it's never been submitted, if I'm correct again. I know I have your letter in front of me. I had code enforcement- you had asked about 20- different items."

Martin Wollecki: "I sure did."

Supervisor Kozakiewicz: "You had issue with 288 Washington Avenue, vehicles. I'm told 288 is in compliance."

Martin Wollecki: "Let's not go into that right now."

Supervisor Kozakiewicz: "124 South Jamesport Avenue."

Martin Wollecki: "I'm not asking about that now."

Supervisor Kozakiewicz: "Okay."

Martin Wollecki: "I'm asking about the Bayview Hotel."

Supervisor Kozakiewicz: "You threw a lot of things out there. I'm trying to get answers to and that's one of the things I had- "

Martin Wollecki: "Sure, I didn't reference that."

Supervisor Kozakiewicz: "I know you didn't."

Martin Wollecki: "I referenced the Bayview Hotel."

Supervisor Kozakiewicz: "I'm just trying to point out as a reference that you had asked a lot of issues to me- "

Martin Wollecki: "Tonight I'm asking one question, sir."

Supervisor Kozakiewicz: "All right. Mr. Hanley, I think you may have some information and respond to you on that."

Rick Hanley: "My recollection was that the Town Board approved a site plan for the redevelopment of both those properties. They were rather well done architecturally and his intent was to re-establish the hotel use through a bed and breakfast- as a bed and breakfast. It was clear that hotel use existed on the premises. I believe that since a building permit- I think a building permit has been issued so that has commenced so I don't think there's any issue with regard to him losing that use. It's just a function of how long it's going to take to do the construction."

Supervisor Kozakiewicz: "I think Mr. Wollecki's question is how long can he keep the building permits going, is the question."

Martin Wollecki: "When was the building permit issued?"

Councilman Lull: "Right here, behind you."

Supervisor Kozakiewicz: "Mr. Barnes is Senior Building Inspector."

Leroy Barnes: "The only thing I can tell you is that it's still pending Health Department. We have a pending building permit to be issued but we have a pending Health Department issue. So that's why the building permit hasn't been issued yet."

Supervisor Kozakiewicz: "And the question, I guess, is how long does he have in that status? Is there a certain time period by which he must get an answer?"

Leroy Barnes: "I would think while he has a pending application in and he has a- we're waiting for Health Department, I think everything stays status quo until we receive it. In all fairness to him."

Councilman Cardinale: "Leroy, what is the issue, do you know?"

Leroy Barnes: "No, I don't."

Councilman Cardinale: "It's a Health Department issue?"

Leroy Barnes: "Waiting for the red stamp- "

Councilman Cardinale: "I see. So he's got the survey, he's waiting for the Health Department which is- it's preliminary to your being able to approve a permit. It's an interesting question though but I kind of agree with your analysis that if he hasn't been using it for anything for over a year because he's had such troubles with the Health Department."

Leroy Barnes: "Well, he's been nothing but cooperative with us. He certainly has submitted a beautiful plan and a change for the property. I mean I hope the people of South Jamesport realize that, you know, it was- "

Councilman Cardinale: "It will be a big improvement, yes."

Leroy Barnes: "It's a tremendous improvement to what it was a few months ago."

Councilman Cardinale: "Well, I think- I suspect what you just said is very helpful because I think the suspicion is that he doesn't- he has lost any inclination or does not have the funding to proceed. What you've just said is that he wants to proceed with the Health Department. Two of my favorite agencies and I hope I am not alone, are the Suffolk County Health Department and the Department of Environmental Conservation of the State of New York just for really screwing things up and not letting anything get done. They are masters. And I think that's what you're telling us."

Leroy Barnes: "Basically, yes."

Rick Hanley: "I also recall when he appeared in front of the Board for the site plan, he was able to show a letter of pre-existing use prior to 1965 which showed use as a hotel. So I don't think we

have any question here relative to time periods as far as losing that use. I think that exists on the premises prior to '65 and it will continue."

Councilman Cardinale: "Except that if you don't utilize the use for a period of more than a year, it's deemed abandoned but I think that Leroy has correctly pointed out even Riverhead wouldn't be so arbitrary as to say because the poor guy can't use it because the Health Department has screwed him around for a year, he's going to have an abandoned use."

Rick Hanley: "Exactly."

Martin Wollecki: "Well, sometimes I question Mr. (inaudible) intentions."

Councilman Cardinale: "I know you do."

Martin Wollecki: "He also owns two and the half acre parcel directly across the street and south of this Bayview Hotel. He also has purchased, about 12 years ago, Front and Center Street- it was known as (inaudible) Bar, a half acre parcel just east of that. He did gut the inside of that building, ultimately he sold it to another investor, but he has a history of doing nothing in the area. We've lived with this on and off proposals and some weird proposal that he wanted the street area of South Jamesport, south of Front Street, which is a ludicrous proposal, so I'm just questioning his intentions here, and I'd like to see him, you know, move on something or I don't know what else to do with him."

Supervisor Kozakiewicz: "I understand."

Martin Wollecki: "All right. The other question that you had mentioned- I sent you my letter."

Supervisor Kozakiewicz: "Yes."

Martin Wollecki: "It was dated January 28th. It's been about 90 days-- "

Supervisor Kozakiewicz: "I did not see it until that meeting when I came to the Jamesport meeting. I don't know. I can't say where it went from January 28th. The first day I saw it was March 3rd. I passed the information along to the Building Department and Code Enforcement. I did get a response back on a number of the vehicles

and, yes, I owe you a response and as you can see there's a lot of things that are going on and I know I owe you a reply."

Martin Wollecki: "The remediation rate so far is about 35% which is not too good, 90 days."

Supervisor Kozakiewicz: "It's not as easy as, you know, going out there and telling somebody your car is not in compliance and the next day they remove it. I wish it was but it's not."

Martin Wollecki: "The next question is that there was going to be an amendment to the Town Code relating to unregistered and abandoned vehicles and it was tabled sometime maybe in September or October. And I mentioned this to you before."

Supervisor Kozakiewicz: "Yes, you did."

Martin Wollecki: "Has anything been done, any research or any new proposals on amending the Code?"

Supervisor Kozakiewicz: "We have not looked at that particular- we have looked at some other issues dealing with the vehicles and we had a public hearing on commercial vehicles. The- we have not. I can say. I'm not going to lie to you and say we've looked at it and we have it fine tuned to go to public hearing tomorrow. The answer is no."

Martin Wollecki: "Well, can we get some impetus to get it done? Over the course of time. It is an eyesore. I think I've identified one parcel right in Jamesport."

Supervisor Kozakiewicz: "You identified a lot of parcels."

Martin Wollecki: "Right. But one in particular. There was abandoned vehicles and unregistered vehicles in the commercial district of Jamesport. It didn't look very nice. Not to any diner or any antique hunter or any investor. Subsequently it's been cleaned up."

Supervisor Kozakiewicz: "Yes, it has."

Martin Wollecki: "Right."

Supervisor Kozakiewicz: "Right."

Martin Wollecki: "One other question. This involves Mr. Patchell again. He has an agreement or a tentative agreement with Mrs. Luce, she owns the southwest corner of South Jamesport Avenue and Front Street. I think it's about a three-quarter acre parcel. That seems to be the (inaudible) to that whole area down there. If we can use maybe farmland preservation funds to purchase it, that would preserve that beach area."

Supervisor Kozakiewicz: "Well, we can't buy it once it's in contract. But as you and I talked about, this parcel was one of those that was identified previously for open space and for drinking water protection with the County. So it has been a parcel that's been identified before."

Martin Wollecki: "In the order of priorities, where is this priority for this piece of- this parcel?"

Supervisor Kozakiewicz: "Well, it's like saying where can we go while it's in contract with someone else? And the answer is we can't yet."

Martin Wollecki: "Okay, now, this is- "

Supervisor Kozakiewicz: "It is up high on the priority list. It's one of those pieces that we know has got some sensitivity. It is a voluntary program, as pointed out. It's not an eminent domain proceeding."

Martin Wollecki: "Right. This agreement that Mr. Patchell and Mrs. Luce had agreed to, it's been in effect for about 18 months. It should expire shortly. I think it was a two year agreement."

Supervisor Kozakiewicz: "He's got another six months."

Martin Wollecki: "Fairly shortly. So I hope the Town could make preparations to move on this."

Supervisor Kozakiewicz: "If they're willing to sell."

Martin Wollecki: "Okay. Thank you very much."

Supervisor Kozakiewicz: "Okay. Is there anybody else who would like to address the Board? Yes? And then I think we'll take up resolutions unless there's anybody else who wants to address the Board."

Tom Horrizon: "How are you doing? Tom Horrison, Adelia Path. Two points. Hate to keep beating a dead horse, but the condition of the beach. It's starting to look like an abandoned property between the floods, the potholes, the debris on the beach, the graffiti, floods, it's really an eyesore. I mean someone asked a question, is the town committing to a time line of by Memorial Day I believe some temporary work to be done if not more. Is that what I'm hearing?"

Councilman Densieski: "That's what the town engineer told me."

Supervisor Kozakiewicz: "We've have to do that in order to be in a position to open up for public bathing. We have to do that work for the restrooms and that's what- the other work, yes."

Tom Horrizon: "Okay. My second point and, again, is another ugly topic, Maidstone. I mean I really didn't come here to speak about Maidstone. When I heard some issues come up, I said, that's not sounding too good. I'm getting the feeling that the ball is being dropped on this thing as it proceeds along. A lot of fuss was made, you know, and all the fighting about what was going on with the site plan, and funny thing, artifacts, oh, gee whiz, now artifacts- "

Supervisor Kozakiewicz: "No, artifacts were with the Iron Pier project. There were artifacts that were discovered on that when it was Seawatch and there had been an archeological study done, you know. The artifact discussion today dealt with the Iron Pier project."

Tom Horrizon: "I know. But there was also discussions when it was Maidstone and then well maybe he- "

Supervisor Kozakiewicz: "Yes. I think it was when it was Seawatch actually there were artifacts discussions. It goes back to when it was- Maidstone, okay."

Tom Horrizon: "Maybe he moved him down to the beach- "

Supervisor Kozakiewicz: "Okay, okay. All right."

Tom Horrizon: "But, I just want- I mean this whole thing with this monitor, I mean it seems like, oh, the monitor goes down to the beach when somebody comes down here and raises a flag. Is there no scheduled plan like he's supposed to be there once a week or once every two weeks, once a month? Is there a plan in place? A schedule?"

Supervisor Kozakiewicz: "He is- I know that he's supposed to go down there on a periodic basis and there's not a schedule because the idea is to try and be there when- he makes surprise visits, unannounced visits, and there's scheduled visits."

Tom Horrizon: "Which have totaled three."

Supervisor Kozakiewicz: "Right. Right."

Tom Horrizon: "And this project has been- this monitor has been assigned for how long?"

Supervisor Kozakiewicz: "Well, the approval was July but the actual construction didn't start until earlier this year. I mean last year- I'm sorry, you're right, okay."

Tom Horrizon: "So three times I understand, I don't know- nine months."

Supervisor Kozakiewicz: "Right. Your point is that you want to see the monitor out there more often."

Tom Horrizon: "Well, the point is the monitor has not been very useful because there hasn't been a scheduled time- I mean there is no periodic-- what is- define periodic. It seems like whenever local residents come down to the town and raise a stink."

Councilman Densieski: "Rick, do you know the answer to that?"

Rick Hanley: "Sure. We are not reacting to residents with this particular project. The visits that Mr. Raynor made were made during the critical time of clearing. All the issues with regard to this project had to deal with clearing of the premises. I think the original problems there were involved with clearing areas around the bluff area. He was there during- three or four times during the clearing process. He is not the Building Department employee who is going to watch the construction of the units. This is merely for setting up the clearing limit lines, the silt fence, and to be there during the bulk of the clearing. He was there for that period. I will get reports to the Town Board when he was there and I will call him and let him know that he should go up and take a look. Again, this is the first time I'm hearing of any problems there and I really would appreciate that when people or residents do see problems that they contact the department or contact the Town Board so we can react instead (inaudible) public meeting."

Supervisor Kozakiewicz: "Question, Rick. When the clearing is done, I guess there's a plan that he takes with him to make sure he's within the clearing limits?"

Rick Hanley: "There is a site plan approval by the Town Board."

Supervisor Kozakiewicz: "Right."

Rick Hanley: "We set the limit of clearing. Mr. Raynor was there to look at the clearing limits. There were silt fences put up so there was no problem or no question of a contractor making a mistake. We have no information that there are any problems up there whatsoever."

Supervisor Kozakiewicz: "So if the silt fences come down or there's been additional clearing that's something we'll have to actually go up and see."

Rick Hanley: "I don't know whether the statements being made are- there is clearing beyond what was approved or they're just upset about the fact that the original clearing where all the sand is, is still visible. That won't change until this development goes forward and the units are put in, the foundations set, and the roads put in."

Supervisor Kozakiewicz: "The restoration plan that was part of- "

Rick Hanley: "It was made part of the site plan."

Supervisor Kozakiewicz: "Was that done, do you know?"

Rick Hanley: "I'm not sure. But I'll check into that."

Supervisor Kozakiewicz: "Okay, all right. Thank you."

Tom Horrizon: "I'll just make a couple of comments and I'll be done. But I appreciate, I thank- I appreciate his response and clarification of what the monitor's role is defined to be. But, you know, coming to the meetings and stuff it was kind of-- telling people that hey, there's going to be a monitor on site, kind of gave the people then a false sense of security that hey, a monitor is going to be on site. It wasn't defined at the time, oh, he's only going to be here x, y and z. Everybody left this place here thinking, oh, the monitor is going to be on the scene. He's going to be there once a week, once a month, or something. Now we get clarification that's not

the case. So, there was a little bit miscommunication, misinformation distributed to the people.

And, again, I'm getting a little concerned the ball is being dropped and nobody knows what the time line is of like when is the restoration supposed to take place? Is it the beginning of the project, the middle, end? When does it happen? Nobody knows. I mean, do we need to have like a citizens committee to oversee this guy and become very intricately involved with what's going on there? I mean I was down here to Chris Kent arranged a meeting because there were some concerns a while back and Chris was nice to arrange this meeting where the developer's site supervisor was down there. A very nice fellow, calmed some of our fears and everything. He invited us to come there at any time we wanted to just kind of survey the spot. Is that offer still available and maybe we can get a group together that comes very knowledgeable about the project because I'm not feeling very good about this being monitored by somebody. I throw that out to the Board if they can (inaudible) that arrangement."

Councilman Kent: "Did you take him up on that offer? Did you ever go over to his construction site?"

Tom Horrizon: "No, I did not. I did not."

Councilman Kent: "I think the offer probably does still stand. I think if you want to have another meeting, I could probably arrange to have the construction manager come back to Town Hall and sit down and go over what's going on there right now."

Tom Horrizon: "I mean, I don't want to become the expert but if I have to get involved, I will. But I'm just feeling that there's a void there where I thought there wasn't."

Councilman Cardinale: "I think also I was surprised by the definition of the monitor's role because I agree with you that I thought it would be an ongoing thing and not just the first few weeks. I also am concerned about when the restoration is going to be done. Certainly we can get answers to those questions. I would expect that we should expand the role of the monitor so that he makes it his business to be there every 10 days to look at the place or every week to look at the place. Just to make sure that there has been no changes from what he had set up as the ground rules.

You can't just set up the ground rules and then assume they're going to stay the same. People have a tendency to knock over the

boundary lines or to extend beyond them and I think that may or may not have happened but somebody has got to give us the answer and it certainly won't be us because we're not skilled enough."

Councilman Kent: "Particularly with the past experience we've had with this builder, I think we should be out there watching it more closely and I took a lot of notes on this and I'm going to follow up with the people that I think should be followed up with. Okay."

Councilman Lull: "Phil, my question on that is I fully appreciate the fact that the monitor is, in fact-- was, in fact, that job role was designed to oversee the clearing, the rest of the clearing. It is very possible that what we're talking about here for the rest of this is actually Building Department responsibility which we're overseeing the actual building, the foundations and clearing and so forth. Maybe it should be Building Department responsibility because this is not what we hired a monitor for."

Councilman Cardinale: "Well, I think that at least in so far as establishing that he's within the boundary lines and that the restoration plan is proceeding, that is what the monitor is for. And I think the Building Department has so much- I think the whole concept here was the Building Department is so over-extended that this project because of the sensitivity of it and the history of it, was going to have an individual assigned to it and I was delighted because the individual was going to be paid for by the developer so I don't certainly want to spare the expense here. He's paying for it so why shouldn't he be there every week? I'm sure he could send in his \$75 bill and everybody would be happy and the developer could care less if he's in compliance. But if he's not in compliance, we won't know that unless he's there. So I think the point is well taken."

I have one other question. Rick, if you have the answer come up; if you don't, just say no. When is the restoration supposed to take place in your understanding and that of the monitor? Is it going to take place at the end so at least we can give people who are watching this some sense that this is going on as it should be going on."

Rick Hanley: "I would think it would take place at the end prior to the site plan visit, prior to the CO. Certainly construction is going to impact upon that area. So I think that the restoration plan is going to take place in a timely fashion relative to what vegetation is being put in, time of the year, more towards the end of the project."

Councilman Cardinale: "Well, there could be an argument on that, too, because- "

Rick Hanley: "There was no erosion that was associated with this. This was a- there was some clear cutting within the coastal erosion hazard area. There's been a restoration plan that we have approved, typically that would happen towards the end. And I know that there were certain species at certain times of the year where it be planted."

Councilman Cardinale: "The area closest to Iron Pier which is visible and very scarred and ugly looking- "

Rick Hanley: "Yes."

Councilman Cardinale: - is it possible to repair- I had understood that that area was not a building site. That was an area off of the building site so I don't see any particular reason why that couldn't be restored now."

Rick Hanley: "The sandy area you're talking about- "

Councilman Cardinale: "Yeah."

Rick Hanley: "-- is landward of the erosion hazard line."

Councilman Cardinale: "So that it is- "

Rick Hanley: "When you drive up Iron Pier and you look across at that expanse and you see that sandy area, that's an area that is to be built upon."

Councilman Cardinale: "Okay. Well, then I'm wrong. Then you're saying that will not be restored until the project is completed."

Rick Hanley: "That's correct."

Councilman Cardinale: "I think that's part of the problem."

Rick Hanley: "Right. It certainly is ugly."

Councilman Cardinale: "Ugly, yes."

Rick Hanley: "But as the project moves forward, as section one

is completed, the roads will be set, the foundations will be set, the landscaping will be put in and that situation will change dramatically."

Councilman Cardinale: "But it is part of the building site."

Rick Hanley: "Yes. That is part of the building site."

Councilman Cardinale: "I would love to see those areas restored that are not part of the building site before the building is completed."

Rick Hanley: "The two areas that we had problems with were in the coastal erosion hazard area. There was some minimal amount of clear cutting. And the second sensitive area is the wetland itself."

Councilman Cardinale: "And those areas are not building site and, therefore- I understand the point. You're not going to revegetate a building site until it's built upon but those areas that are not, I would expect that the monitor would have revegetated by now, frankly"

Rick Hanley: "That sensitive to time of the year in terms of the types of vegetation. We'll take a look at that as soon as we know."

Councilman Cardinale: "All right. If you'd concentrate on that, I'd appreciate it."

Rick Hanley: "Okay."

Supervisor Kozakiewicz: "Thank you."

Tom Horrizon: "I just want- I appreciate all the input and the effort on this. I just want to get- he's a little sketchy on when the vegetation- revegetation would take place- "

Supervisor Kozakiewicz: "I think he was sketchy because I think it's an issue we have to- we've got to go back- "

Councilman Cardinale: "He doesn't know the answer."

Supervisor Kozakiewicz: "-- I think you raised a good point and I think we have to go back and ask the developer flat out when is this going to happen."

Tom Horrizon: "Fine. Right. So we can be all informed of like when, what stages things are supposed to happen so we can be informed."

Supervisor Kozakiewicz: "Right. Correct."

Tom Horrizon: "And that's really it. And if somebody- how do we get information back on this- "

Councilman Cardinale: "Which incidentally is what I would have expected from the monitor that he would set up a schedule. That this area doesn't need to be revegetated until you finish because it's a building area. This area needs to be revegetated in the fall, this area in the spring. That does concern me. So we'll try to get some answers and I think Rick will focus- "

Councilman Kent: "I don't know if that's the monitor's- "

Councilman Lull: "We did not hire the monitor to do that."

Councilman Kent: "The land that's going to be vegetated, I think that really comes from their environmental consultant which I will also endeavor to contact Mr. Seaman, okay, and find out if we can't get some real plans- "

Supervisor Kozakiewicz: "Charlie, is this on Maidstone still? All right."

Councilman Cardinale: "Just a question. What is the monitor monitoring?"

Councilman Lull: "The clearing that was- "

Councilman Cardinale: "Just the line- well, I had- "

Supervisor Kozakiewicz: "And after this, we are taking up resolutions."

Charles Cetas: "A suggestion. On a lot of the plants that were suggested for the restoration plan was suggested by (inaudible) and Eric LaMont which I think you'd want to contact them as to when would be the appropriate time to do some of these plantings. You know, bring not just the developer's consultants but, you know, maybe bring us back in on it. If you are going to do that. So we would be happy to, you know, sit down on talk. You know, we can bring in the LaMonts

to sit in on any discussions. Okay."

Supervisor Kozakiewicz: "Thank you, Charlie."

Charles Cetas: "I have one resolution I'm concerned about. Resolution 392 I believe, TS Haulers."

Supervisor Kozakiewicz: "Yes."

Charles Cetas: "I notice they're making a special permit application for mining."

Supervisor Kozakiewicz: "Pursuant to a court stipulation."

Charles Cetas: "Right. The court stipulation is to allow them to make a request for an illegal use in the Town of Riverhead?"

Supervisor Kozakiewicz: "I believe the court had made a determination that there had been a finding by the Zoning Board of Appeals that the use was a non-nuisance industry or non-nuisance (inaudible) industry within that particular zoning district and, therefore, the proper remedy would be a referral back to the Town Board for a special permit. That was- that application was approved by the Zoning Board of Appeals and there is also a mining permit that's been issued by the DEC. That was the arguments raised by TS Haulers in their court action and the court in its decision said yes, that there has been a record in this fashion already, therefore, you, Mr. T.S. Haulers, are obligated to make an application. The town can't decide anything- "

Charles Cetas: "The town can still deny the application though because it's a special permit discretion of the Town Board."

Supervisor Kozakiewicz: "They have to meet the standards for a special permit."

Charles Cetas: "Right. But you still can add- because it's- I think it's the policy- "

Supervisor Kozakiewicz: "We've talked- "

Charles Cetas: "The policy of the town has been established that there shall be no more sand mines in the Town of Riverhead. So, I mean, you're kind of in a Catch-22 situation, I would say. I mean, you've got a town policy that supercedes the DEC permit. So- "

Supervisor Kozakiewicz: "That's an issue."

Charles Cetas: "I would say that you have every right to deny the special permit- I would say- "

Supervisor Kozakiewicz: "Whether we can- well, you can make that argument when the public hearing comes up."

Charles Cetas: "Okay."

Supervisor Kozakiewicz: "This is a referral to the Planning Board and it's being referred because that's what the court said, Mr. T.S. Haulers had to do, make that application."

Councilman Kent: "And we made it- we identified it as a Type I action so- "

Supervisor Kozakiewicz: "Right."

Charles Cetas: "Well, it's going to be a brouhaha again, I'm afraid."

Supervisor Kozakiewicz: "Resolutions."

Councilman Kent: "Are you sure nobody else wants to speak?"

Supervisor Kozakiewicz: "I'm ready, Melissa. I think we all are."

Resolution #375

Councilman Cardinale: "Resolution 375 authorizes the Town Clerk to publish and post the annual financial report summary for the year ending 1999. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #376

Councilman Densieski: "376 authorizes the Town Clerk to publish and post a public hearing notice to consider the demolition of buildings owned by Peter T. Gillespie pursuant to Chapter 54 of the Code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures. This is the building behind the former Trucks of Suffolk or the former Triac piece. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #377

Councilman Cardinale: "This resolution authorizes the Town of Riverhead to remove rubbish, debris, and the cutting of grass and weeds from property pursuant to Chapter 96 entitled Trash, Rubbish and Refuse Removal or Disposal Town Code, 54 Millbrook Lane. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #378

Councilman Lull: "I'm going to start the resolution by reading the first part of it."

Whereas, the Town has entered into an agreement with Universal Recycling Services leasing a portion of the Youngs Avenue landfill; and

Whereas, said agreement provides for the lessee to process at no cost to the Town up to 100 cubic yards per week of unbagged yard waste of residents of the Town of Riverhead; and what has happened is that the loose yard waste makes the tally of 100 cubic yards and that limit is difficult and that limit is regularly reached way too quickly each week and many Riverhead residents have been turned away with their vehicles full of their own yard waste because the 100 cubic yards has or has not been reached and we cannot be sure of that.

The Highway Superintendent, Mark Kwasna, came up with a solution- a possible solution to this and the next whereas clause says that in order to facilitate this provision, this 100 cubic feet- cubic yard provision of the agreement, it may be more efficient to all parties to the agreement to have the yard waste delivered to a collection transfer center at the Town Highway Department property on Osborne Avenue and it can then be transferred-- weighed, counted, and transferred to the landfill as per this resolution.

And this resolution, therefore, authorizes the use of Highway Department property located at Osborne Avenue as a collection transfer station for non-commercial resident only yard waste by Town residents. And that's so moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "As Jim states I think we owe Mark Kwasna a debt of gratitude because he's helping us out. Yes."

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

Councilman Cardinale: "That's funny because that's what I wanted to know. How much will we owe Mark Kwasna. I think I get it. We're being probably short weighted at the dump- "

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "That was the question, whether- "

Councilman Cardinale: "You know, they probably are. Maybe they're not. But if we're not then we're being silly doing this so assuming we're being short weighted, the real question I have is in the second Whereas clause, Jim, where you say it may be more efficient to all parties to have the waste delivered to this other location and then cart it by us over to the dump and weighed in a proper manner with someone looking over and making sure we're not getting short weighted, it may or it may not and I had asked what the budget was going to be. Do you know, Bob, if Mark is doing this within his budget?"

Supervisor Kozakiewicz: "I was told by Mark- I spoke with him,

the dumpsters and the rolloffs are there. He has a chipper which will allow him to take the smaller branches and create mulch. These two items would be at no cost- no difference in his budget. As far as the manpower, he would need somebody there on Saturdays but he's indicated that it's entirely feasible and he thought he could shift one person to be there on Saturday and, therefore, he could do everything without any additional cost."

Councilman Cardinale: "Well, I just decided this is going to be easy because Eddie was just saying we should thank Mark for doing this because he's doing above and beyond the call of duty, which I hope he is, and I have no difficulty now I think of it to pass this. So I'll vote yes. But when- if there's a budget transfer because of this- "

Councilman Lull: "Then we'll have to come back- that would have to be a difficult resolution, yes."

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

Councilman Kent: "This is not based on weight. It's based on cubic yards."

Supervisor Kozakiewicz: "Yards, correct."

Councilman Kent: "And the real reason that we're doing this is because yard waste is often bulky with not much weight. This will allow us to compact it and stick as much as we can into a dumpster which is usually 30 cubic yards. I'm familiar with this because at my house you smash as much as you can into there. It has no regard for weight. It's- "

Councilman Cardinale: "Yes. I know, I was using that as a- just as a- not as a term- but I understand your point. That we have to- we're going to- "

Councilman Kent: "What these guys at the landfill were doing is they were looking at the back of a pickup truck that was full of branches and maybe trees and saying oh, that's 10 cubic yards. So what you can do is you can take that and chip it or smash it and compact it and you can fit a lot more. So, I think this makes a lot of sense. So I vote yes."

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

Resolution #379

Councilman Lull: "Authorizes the settlement and purchase of 227 Railroad Street, Suffolk County Tax Map No. 600-128-03-003 in Riverhead, New York. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #380

Councilman Kent: "Resolution 380 approves the request for leave of absence by Police Officer Timothy McAllister to serve as part of the Naval Reserve Force and it will be May 8th through the 18th. So moved."

Councilman Lull: "Second."

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

Resolution #381

Councilman Kent: "Authorizes the attendance at a conference on New York State Aging. Our town representative will be Judy Doll. She'll be attending the conference from June 14th to- from June 12th to June 14th in Albany, New York. So moved."

Councilman Lull: "And after declaring this Older Americans Week, it's very hard to say anything but yes to that. I second it."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "Abundantly mature."

Councilman Lull: "Abundantly mature, wonderful line."

The Vote: "Densieski."

Councilman Densieski: "The accounting department head said it's not going to cost us any more than \$500. I vote yes."

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

Councilman Cardinale: "Yes. And it's Albany and it's in June. And what- and it's tulip festival time. Yes and I hope she learns something."

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

Resolution #382

Councilman Lull: "The Town of Riverhead has engaged Suffolk Online Advertising Website Developers which is Barry Karlin- "

Supervisor Kozakiewicz: "Hold on, the tape stopped."

Councilman Lull: "Oops, sorry about that."

Supervisor Kozakiewicz: "Well, it's okay?"

Councilman Lull: "Okay, the town has engaged Suffolk Online to conduct maintenance and updating as needed of our website. The website for the Town of Riverhead consists of 380 pages and the agreement which we are to approve tonight covers the period from March 20, 2000 to March 19, 2001. The cost is \$1,4000, approximately the same or exactly the same as it was last year. I will make that motion."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Yeah, I'm going to vote yes. I'm also going to point out that somebody's got to give Barry Karlin this updated material which we were never very good at so I hope you're better at it, Bob. Otherwise you see stuff from March in May."

Supervisor Kozakiewicz: "There you go."

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

Resolution #383

Councilman Kent: "This authorizes the filing of an application for New York State assistance from the Household Hazardous Waste State Assistance Program and Signing of the Associated State Contract under the appropriate laws of the State of New York. I believe this is the STOP program- Stop Throwing Out Pollutants- and we host them at our landfill. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #384

Councilman Kent: "This authorizes the Supervisor to execute an agreement with Jacqueline O'Sullivan for stenographer services for the Planning Department. This is for the Zoning Board of Appeals meetings and the Planning Meetings and the Architectural Review Board meetings. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #385

Councilman Cardinale: "This authorizes the Supervisor to execute stipulation of discontinuance in the Matter of Town of Riverhead versus ALJ Corp. since the matter has been successfully resolved. How do you like that? A successful resolution of legislation. It doesn't happen often but I move this."

Councilman Lull: "Glad to have that done."

Councilman Densieski: "I'll second that."

Supervisor Kozakiewicz: "Wait- "

Councilman Densieski: "Is it mine?"

Supervisor Kozakiewicz: "No. Moved and seconded. It doesn't matter."

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

Resolution #386

Councilman Kent: "This authorizes the Supervisor to execute an addendum to the contract between the Town of Riverhead and the Riverhead Business Improvement District Management Association for the staffing on the information booth on Peconic Avenue. It's \$5,000 and do we know where this is coming from? Jack?"

Councilman Lull: "It's coming from the BID."

Councilman Kent: "It seems to be an additional \$5,000."

Jack Hansen: "No."

Supervisor Kozakiewicz: "No we have presently a contract with them which allows so much to be paid for them per month, \$3,000 a month, I think, is the number of the contract. So this is allowing an additional expenditure. That contract only allows a certain amount of expenditure per month. And they've indicated that they need additional funds from that special BID tax- the taxes they raised in order to pay for the staffing of the information booth. So since we've devised this agreement, we needed to do an addendum to the agreement."

Councilman Kent: "Okay. The agreement- the addendum says- maybe I'm unclear of the language. It says the town will pay the RDMA the total sum of \$5,000 in addition to the monies it receives under the December 1999 contract between the parties to provide staff at the information booth. That's in the- I'm reading the contract."

Supervisor Kozakiewicz: "Right. That's over that \$3,000 a month."

Councilman Kent: "So they're- so now it would be \$8,000 a month?"

Supervisor Kozakiewicz: "No. A lump sum of \$5,000. Oh, you're

asking if that's a total sum of \$5,000 per month?"

Councilman Kent: "It's not really clear to me. I don't know what it is."

Councilman Cardinale: "Well, it's clear to you than it is Ed and I because we don't have any agreement attached."

Councilman Kent: "Oh, it's on your little handout."

Councilman Cardinale: "My handout?"

Councilman Kent: "Yeah."

Councilman Cardinale: "Good, because I don't have anything."

Councilman Kent: "I'm sorry I looked at it."

Councilman Lull: "It says \$5,000 in addition to the town money it receives- the BID receives. And that money that it receives is \$3,000 per month. This is a single payment of \$5,000 to cover the staffing of the information booth for the summer."

Councilman Kent: "So it's one- it's a one time payment."

Councilman Lull: "Yes."

Councilman Kent: "Okay."

Councilman Cardinale: "This is BID money, right?"

Councilman Kent: "Yes."

Councilman Lull: "Raised through BID taxes."

Councilman Cardinale: "I'm going to approve it. It's worth it just not to hear from Tim Yousik about it. It's his money. They tax themselves, they want to spend it- "

Councilman Kent: "Are you scared of Tim Yousik?"

Councilman Cardinale: "I'm not scared- I don't want to hear- it's his- they tax themselves for it I supposed they should spend it the way they want to spend it."

Councilman Kent: "Okay, well, I'm moving it. I'm so moving it."

Councilman Cardinale: "And I have seconded it."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #387

Councilman Cardinale: "We also don't have this one."

Councilman Kent: "Oh, no, you do. It's in this little separate packet that was handed out."

Supervisor Kozakiewicz: "That additional packet. What happened was it wasn't in there so I made copies for everybody."

Councilman Cardinale: "Riverhead Blues Festival July 21, 2, 3, 2000. We're giving them \$15,000 this year?"

Councilman Lull: "\$10,000 for talent; \$5,000 for the promoter."

Supervisor Kozakiewicz: "Right."

Councilman Cardinale: "And this is out of the BID money?"

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "Correct."

Councilman Cardinale: "So they want to pay- they want to use the money for that and they also want to use the money to get the information booth staffed, God bless them."

Councilman Densieski: "387 authorizes the Supervisor to execute a management contract between the Town of Riverhead and the Riverhead Business Improvement District Management Association for the Riverhead Blues Festival. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Yes, and the festival is free. So I may actually attend."

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

Resolution #388

Councilman Kent: "This is an authorization to publish bid for coffee snack truck services to be provided at Calverton Enterprise Park. So moved."

Councilman Lull: "I'll second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Several months ago, a man named Tom Sun (phonetic) asked to be put on the property to bring mobile food onto the premises and I got a list of all of the vendors and contractors that go on the property. There was no mobile caterer. So I asked the Supervisor if we could put him on the list. We did put him on the list and this has come up several times. I don't think we should go out for bid. I have a letter from the Comptroller of the State of New York. I'll just- it's a two page thing; I'll read you the important part.

Therefore, not subject to formal competitive bidding under municipal law. There is no expenditure of public monies. There was no vendor on the list when Mr. Sun applied. He went through the proper procedure because now apparently there is another mobile vendor that's stating he was there first. Well, he wasn't on the list and I don't think Mr. Sun should be penalized for doing the proper procedure and I called one of the largest mobile caterers on Long Island, one of the largest commissaries, they service about 120 mobile caterers and there is no other municipality that charges for this.

So every time I try to do something on the Grumman facility somebody has thrown a monkey wrench in it. So I'm voting no."

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

Councilman Cardinale: "You might call this a tempest in a teapot or maybe a coffee pot. I agree that Ed got a bad rap and unfairly criticized for trying to do something that I think was well intentioned. I don't think- I understand he's not your brother, Mr. Sun, not even a friend, in fact, I understand you don't even like the guy. But I also think that being frugal and liking money coming in instead of going out that I'm amazed that some guy actually spent \$400 I think to sell ice cream at Iron Pier which is under water from what I can tell. They bid in for \$400 for the season and then I think it's even a thousand or more for the other park so maybe we can get this guy to pay a few hundred bucks, which I'd like. So I'm going to vote yes but you did get a bad rap and I don't think it was fair either."

Councilman Densieski: "Thank you, Phil."

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

Councilman Kent: "I don't think Mr. Sun's being put in any different position than any other carter, so- I mean any other coffee truck person that would want to come on site. He can bid, too. He's not being put in an unfair position. But see if we've got more than one coffee truck vendor who wants to come in, I think they should fight it out. Maybe mud wrestling would be- "

Councilman Cardinale: "It's only two cups of coffee and then (inaudible)."

Councilman Kent: "So I vote yes."

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

Councilman Lull: "I appreciate the bind you find yourself in and you made the right decision to get somebody on there for the people who work there and if we're going to follow with the procedure that we normally follow, then we do have to go with sealed bids. He would continue on there until those sealed bids are in and until its awarded. I'm assuming that's the procedure that we follow. Is that right, Bob?"

Supervisor Kozakiewicz: "That's what we've done with all the other properties in the town as far as Iron Pier."

Councilman Lull: "My point is the person who is now serving will continue to serve until the sealed bids are in."

Supervisor Kozakiewicz: "Oh, yes."

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

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

Supervisor Kozakiewicz: "Since I was the one who gave him the exclusive to be on the property as a result of Ed's request, I'm sort of being asked to countermand that so at this point in time I would just abstain from this vote since you have sufficient votes anyway. Rather than let the tempest keep growing over."

Melissa White: "The resolution is adopted."

Resolution #389

Councilman Cardinale: "389 ratifies the authorization of the Town Clerk to publish and post notice to bidders for installation of water mains and appurtenances project #99-57 Stoll Associates who will also pay for these which is also a good thing. Seconded- no, I'm firsting- or I'm motioning- moving, whatever I'm doing."

Councilman Lull: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #390

Councilman Lull: "390 awards bid for building renovations to administration facility of the Riverhead Water District on Pulaski Street and the Pulaski Street plant. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes, the Department Head said that he has a wake tonight and the lead man is monitoring wells so- but I did talk to him about this and I'm going to vote yes."

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

Councilman Cardinale: "Yes, I also spoke with him and I was pleased to hear that this project which is \$192,000 is actually not going to be bonded. They're going to use their- they have a fund that they've saved up. So God bless them. Yes."

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

Resolution #391

Councilman Kent: "This approves the special permit petition of Thomas Witkop, Peconic Propane, to construct a wholesale propane business on Route 25 in Calverton. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "In regard to this, as I recall, I was concerned and still am on the initial vote that there was no draft environmental impact statement. I'm amused by the resolution since they indicate that the presence of a 30,000 gallon- of two 30,000 gallon gas storage tanks and a 1,000 gallon gas storage on a 2.1 acre parcel is a non-nuisance industry. They also indicated that the site location is located within a special ground water area, that the proposed land use presents a potential for an explosion or leaking of product into ground water or over land drainage. That accidental leaks of natural gas will not impact ground water, such leaks will evaporate into the atmosphere, apparently with the people if it blows up.

I guess what I'm trying to say here is without a draft environmental impact statement, without as it were knowing how high I go if it blows up, I don't have sufficient information to make a decision. But I like Mr. Witkop because he's a nice fellow and I, therefore, will abstain because I do not believe I have sufficient information because I do believe we need a draft environmental impact statement."

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

Councilman Kent: "Yeah, I'm a little concerned about the findings we make and then the resolve we come up with."

Councilman Cardinale: "Yeah, that's my concern, too, Chris."

Councilman Kent: "I think we should either amend our findings or have a different resolve because I don't think that we could make this finding- it- it's- they're contradictory. The finding states like as Phil stated, that it presents a potential for an explosion or leaking of the product into the ground water or overland drainage and then later on we say that the accidental leaks of natural gas will not impact ground water as such leaks will evaporate into the atmosphere. Well either it's going to evaporate into the atmosphere or it's going to leak into the ground water. We can't have the same- "

Supervisor Kozakiewicz: "I think you've got to read them in turn. Paragraph 4, I think was a process by which the investigation was done and the analysis was done. And that paragraph 4 was that the proposed land use could present the potential for explosion or leaking. And then paragraph 5 is that when there was additional environmental information, that upon review of that additional environmental information these issues were determined to be either mitigated or not real environmental issues that needed to be mitigated. I think you have to read them in turn. So reading them in turn, they're not contradictory."

Councilman Cardinale: "That makes sense in regard to the water, it's a ground water protection area, the potential for leaking exists and then you conclude that it won't impact the ground water because it will evaporate. However, they leave hanging out there the proposed land use presents a potential for an explosion and then nothing."

Councilman Kent: "No, no, number four- "

Councilman Lull: "The potential for explosion is mitigated by project adherence to the fire prevention codes."

Supervisor Kozakiewicz: "NFPA standards- "

Councilman Cardinale: "Well, I suppose if they do- "

Supervisor Kozakiewicz: "And this is going to be an item that will be looked at very closely with site plan review as well and all these considerations- the installation of (inaudible) and other things so that there's not an accidental- where someone runs into it. I

think-- these are things that were done with the other propane storage facility that was on Kroemer and they were very particular to make sure these issues were addressed."

Councilman Cardinale: "At the risk of arguing of- vote I lost, would- I know that this is an industrial zone and I don't believe this much- is this one across from T.S. Haulers? Well, yeah, there's not much that we worry about blowing up. So, I know that but there's no record that I've seen, draft environmental impact statement or anything else that tells me that this is not in a well populated area. In other words, there's no indication of what would happen if these tanks went up. Seriously. I'm only joking when I say I don't want to find out how far I'd go. Will it affect Jamesport or only the Town of Riverhead village or will it affect other entities down the road. We don't know that. And that scares me a little. No, more than a little. That's why I'm concerned."

Councilman Kent: "I think this has been addressed in other areas. I don't- "

Councilman Cardinale: "Like the fire prevention guys."

Councilman Kent: "Right. I don't think this has to be addressed and I voted that we didn't need a draft environmental impact statement on this at the time."

Councilman Cardinale: "I recall."

Councilman Kent: "And I think that the way to address the concerns is in site plan. The findings are a little bit odd the way they're written. And it's really your findings are what you ultimately find. You don't do your preliminary findings and then find- I don't think you should do it that way. But- "

Councilman Cardinale: "Right. And I guess you're right but what I'm saying is I don't see how you can come to findings and that is probably why they're not very well written because you don't have enough information to come to conclusions."

Councilman Kent: "I mean the findings really are what we ultimately find."

Councilman Cardinale: "Right."

Councilman Kent: "I'm going to vote yes on this because I know

that in site plan we will deal with those issues about mitigation. I wish the findings statement would really just put what we found not what we decided on an interim basis, you know, what issues we identified. Really, the findings were that this would not impact ground water. The way it's worded here, it says if we thought it would impact the ground water and then we found that it didn't. Which is really a strange way to do it because our finding is that it will not. So that was really my- I wish that we could somehow address that- "

Councilman Cardinale: "I wonder if the hole it would impact the ground water-- the crater-- would that impact?"

Supervisor Kozakiewicz: "So your vote is yes."

Councilman Kent: "I'm going to vote yes on the resolution but I think we should draft findings in the future what our ultimate findings are, not what we- findings."

Councilman Lull: "You want paragraph five and that's all, right?"

Supervisor Kozakiewicz: "I think what your question or your point is maybe in the Whereas, we can describe the analysis- "

Councilman Kent: "We could (inaudible)."

Supervisor Kozakiewicz: "I read it as a chronological sort of review and we identified a, b, c. We identified the issues- "

Councilman Kent: "Those are issues that are identified, those aren't our findings. Our findings were ultimately that it will not impact ground water. That was our finding."

Councilman Cardinale: "That's right."

Councilman Kent: "Not that it does and then it doesn't because- "

Councilman Lull: "Paragraph five."

Supervisor Kozakiewicz: "Okay."

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

Councilman Lull: "Yes. Mr. Witkop is going to have a lot of people to appeal to with his site plan approval, but at this point, yes."

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

Resolution #392

Councilman Densieski: "392 classifies action and declares lead agency on special permit petition of Edward Partridge (T.S. Haulers, Inc.) and refers to Planning Board. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "Yes. I vote yes on this. It's a Type I action, it's going to require full environmental review, so I vote yes."

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

Councilman Lull: "We're just asking the Planning Board for their determination of significance and pertinent planning, zoning and environmental issues. That sounds that way to me, too. Yes."

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

Supervisor Kozakiewicz: "We'll plan on a bigger room the night it's on for a public hearing. Yes."

Melissa White: "The resolution is adopted."

Resolution #393

Councilman Cardinale: "This resolution and incidentally the next four, classifies the action and declares lead agency on Cablevision Telecommunications Facility special permit (site plan) and refers petition to the Planning Board. Again, here we're simply indicating it's an unlisted action, meaning it's not listed in I or II and that we'd like the Town Planning Board's opinion as to whether we need a draft environmental impact statement. So I move this."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #394

Councilman Lull: "(inaudible) something that the Supervisor said earlier to one of the people at the microphone, 394 classifies the action and declares lead agency on the special permit of Michael Davis, and refers it to the Planning Board for a mini-golf facility. It's an indoor miniature golf facility at the what is now the- what used to be the Atlas Truck Body plant right across the street from Mr. Densieski's place and now is that Deere family outlet (inaudible). So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #395

Councilman Lull: "Classifies the action and declares lead agency status on Felice Enterprises, special permit (site plan) and refers to the Planning Board. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "This has some surprisingly language I'd like to make sure the Board is aware of. This is a two acre parcel, 96 unit motel facility. It's unlisted, okay, because it's not a I or a II. It's not a I so it's got to be unlisted. But then it says that the Planning Department by preparation and evaluation of its SEQR staff report, has further recommended the action will not have a significant effect upon the environment, which I find interesting in lieu of the fact that we've got a 2.03 acre parcel with 96 motel units

proposed on Route 58 and this is not going to have a significant impact on the environment. I'm- I guess that doesn't make much difference though so I'm going to vote for it because that Whereas is not what we're passing but it surprises me. And I hope surprises others on the Board. So the resolution here is simply that we're going to declare ourself lead agency and again type the action as an unlisted and ask the Planning Board for its opinion.

But apparently the Planning Department feels that- is going to recommend to the Planning Board that this is not a project that will have significant effect on the environment. I think maybe we should talk to our Planning Department and figure out where they came to that conclusion. With that, I vote yes."

Councilman Densieski: "I wonder if they know that there's a race track next door."

Councilman Cardinale: "Yeah."

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

Councilman Kent: "Yeah, that was something I highlighted also about that but just remember the Planning Board has just denied the application for a batting cage across the street."

Councilman Cardinale: "Yeah- "

Councilman Kent: "Because it did not fill in with surrounding environment or the plans for- "

Councilman Cardinale: "The Planning Department and the Planning Board must really be a little disparate in their visions of Riverhead."

Councilman Kent: "And that was on a three acre piece. So I know this is just a referral, so- it says it's not going to require- it doesn't require coordinated review but it does have to be referred to the Suffolk County Planning Commission."

Supervisor Kozakiewicz: "Planning Commission, yes."

Councilman Kent: "Because it's on Route 58 so I'll vote yes."

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

Councilman Lull: "Yes, to refer."

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

Resolution #396

Councilman Kent: "This classifies the action and declares lead agency on Blue Meadow Farm bed and breakfast which is proposed in an existing dwelling located on a three-quarter acre parcel zoned Agricultural A and owned by William Rule and this is for a special permit and a site plan which will be referred to the Planning Board. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "There isn't a tourist town around that isn't loaded up with these things. I vote yes."

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

Resolution #397

Councilman Densieski: "397 amends site plan of Carmine Martino. It is- "

Rick Hanley: "Might I approach the bench?"

Councilman Kent: "Let's move and second it first."

Supervisor Kozakiewicz: "Mr. Hanley, you're recognized."

Councilman Lull: "Have to move and second it first, Rick."

Rick Hanley: "Okay."

Supervisor Kozakiewicz: "Well, okay, you want to do that first, guys."

Councilman Kent: "Yes."

Supervisor Kozakiewicz: "Because I know what his comments are going to be."

Councilman Kent: "It's the same one I had."

Supervisor Kozakiewicz: "Yeah, I think we all have the same note on our resolutions."

Rick Hanley: "I don't think you've got the right resolution."

Supervisor Kozakiewicz: "Yes, okay."

Councilman Densieski: "To continue. Amends the site plan of Carmine Martino which the (inaudible) containers on the property gives him, I believe, a year, I think."

Rick Hanley: "I think we agreed on six months."

Councilman Lull: "We agreed at the work session six months."

Rick Hanley: "So that should be changed."

Councilman Densieski: "So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Supervisor Kozakiewicz: "Just so we're clear. Moved and seconded. We're going to have to- we're going to make the first Resolve clause instead of 12 months it's going to state six months. And that's moved and seconded as amended. Is that correct? All right."

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

Resolution #398

Councilman Kent: "This approves the site plan of Stephen Wirth to take the old Rosie Cake and Candy Kitchen and construct an appropriately placed ice cream shop across the street from the

aquarium- across the parking lot. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "We've got another person investing in downtown Riverhead. I think we should give him all the support we possibly can. I definitely vote yes."

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

Councilman Lull: "I think it's a very wise place that Mr. Wirth has chosen, extremely wise place. However, I did see information and I haven't gone through this to take a look. I have seen information from the Fire Marshal about a wooden ramp. Has that been addressed?"

Unidentified: "It's not a concern of mine."

Supervisor Kozakiewicz: "Mr. Hanley."

Rick Hanley: "I went to see him today. Unfortunately he was not around. I think he may not be aware that we have changed the fire limits- I believe Business D was one of them- so I don't think that this necessarily applies. So we can find that out at building permit stage but I believe that we took Business D out of the fire limits."

Councilman Lull: "Good. Good project. Yes."

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

Resolution #399

Councilman Lull: "399 approves the site plan of Sellpan Enterprises. That is Riverhead Truck Parts on Route 25 across from Apple Motors next door to the Homeside Florist. So moved. It's for a building expansion."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "This is quite a building expansion so that you're not shocked, those of you out there in Cablevision land. This is 225 by 100 single story addition to the Long Island Truck which is just next to Homeside on Route 58 which is by my calculation 22,500 square feet already. Half acre of enclosed space. But it's my understanding that it's within the- as we well know- within the zoning code for the use variance property and it's within the site- within the lines, too, right. And as we all also know, he builds a nice building. So I hope he builds this one nice. And with that, I vote yes."

Councilman Kent: "I'm going to vote no. I don't think it's appropriate to take an original 6,000 square foot building that needed a variance to be built in the first place and grant him an additional 22,500 square feet in that area of Route 58 which has already got traffic congestion. I may be wrong- I've been wrong before, I'll be wrong again, but I don't think this is an appropriate addition to this building. I vote no."

Councilman Cardinale: "Yeah. I'd like to clarify- my sentiments go with your vote, Chris. However, I want to put on record that we've been advised by the Town Attorney that the variance granted requires us- the use variance granted some years ago requires us to approve the site plan because it's as I pointed out, within the side yards and back yard requirements and within the lot coverage requirements of the use variance law."

But you make a good point and I did, in fact, speak with Mr. Fox last night and asked him to alert the other members of the Board that if you give use variances which is a bad idea to begin with because it simply overturns zoning as we all know, that you- at a minimum, limited to a variance- use variance sufficient for the project in front of you. They approve something 6,000 feet I think you were saying, right?"

Councilman Kent: "6,000- "

Councilman Cardinale: "And apparently did not know some seven years ago, whenever it was, that that would entitle these people to a 22,500 foot addition now. So my sentiments are with you but I wanted to explain my vote."

Councilman Kent: "Well, just- I'm sorry. If I could just say

one thing on that."

Councilman Cardinale: "Yeah."

Councilman Kent: "I think we- it's true that the ZBA does have to be careful when they grant these use variances but I don't think a use variance, the granting of a use variance should be the equivalent of a change of zone. And I just, you know, I think- I just- with the information before me now- "

Supervisor Kozakiewicz: "I think we all agree with your thoughts but- "

Councilman Kent: "With the information before me now, I just don't feel that I can vote yes for this. I'm going to vote no."

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

Councilman Lull: "Yes, I understand what you're saying, Chris, and we had that conversation obviously. But this is a- falls into a different category. It was approved in the past and it applies to this expansion which, by the way, is an interesting expansion in that it takes the truck parts industry there and puts it all inside because the building would be a drive through pickup which will be that much cleaner and better to control. Yes."

Supervisor Kozakiewicz: "There has been a lot of discussion about this one and as pointed out it's been the equivalent of a use variance- a change in zoning. The variance did not limit it. It granted the use. We asked our Town Counsel to go back and investigate whether we could somehow require him to go back to the ZBA and we've been advised that that would be ill advised and there's some cases right on point. As pointed out by Councilman Lull, this is going to be a drive through facility, similar to Riverhead Building Supply is what I understand they're going to envision. So given everything, I vote yes."

Melissa White: "The resolution is adopted."

Resolution #400

Councilman Densieski: "I'd just like to make one more comment on that. Long Island Truck Parts- "

Supervisor Kozakiewicz: "I'm going to start limiting you guys

because discussions are getting longer than the vote."

Councilman Densieski: "Okay. Well, I think the people need to know that it's probably one of the nicest businesses in town as far as landscaping and cleanliness.

Resolution 400 amends site plan of Bay Gas Services. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "And it is a non-combustible use. Yes."

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

Supervisor Kozakiewicz: "Bluestone which is non-combustible."

Councilman Cardinale: "Incidentally it may have meaning because isn't that oiled bluestone? Maybe they don't want the oil on it."

Councilman Lull: "It could be."

Melissa White: "The resolution is adopted."

Resolution #401

Councilman Densieski: "401 approves the site plan of Riverhead Commerce Park Lot 8. So moved."

Councilman Lull: "Boy have we been around the barn about this one. Yes. Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "He's not building a barn, though? Yes."

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

Resolution #402

Councilman Cardinale: "This resolution authorizes the Town Clerk to publish and post notice of a public hearing for Grace's Place Agri Business Child Development. So moved. I'd like to discuss before the vote."

Supervisor Kozakiewicz: "Is there a second? Okay."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Okay. It's moved and seconded. Discussion."

Councilman Cardinale: "Yes. I had brought up the point at the work session that we do not have yet a recommendation as to whether we require a draft environmental impact statement on this. It seems more logical to have that prior to the special permit hearing because it will give us information upon which we could make a decision. I expressed that to- at the work session but- as to whether we should do that and I wanted to bring that discussion up again."

Councilman Lull: "And I wanted to bring- ask Rick about that."

Councilman Kent: "Well, this is- we're putting this on for June 6th."

Supervisor Kozakiewicz: "June 6th public hearing."

Rick Hanley: "I understood Phil's point. We are not yet aware as to whether the Planning Board is going to recommend, formally recommend the preparation of an EIS. If we were to schedule this, this is expected to be heard or resolved by the Planning Board on Thursday of this week."

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "They appeared last month in front of the Planning Board. Is that correct?"

Rick Hanley: "Right. If we were to resolve or set a date for a public hearing, the Planning Board did, in fact, on Thursday recommend an EIS, we might look silly at the hearing. It might make some sense to table this until such time as you have the formal Planning Board

recommendation."

Councilman Kent: "I move to table."

Councilman Cardinale: "I'll second it for the reasons indicated."

Supervisor Kozakiewicz: "Okay, there's a motion and a second to table based upon the advice given by Rick Hanley. Vote on the motion to table."

The Vote: "Densieski, yes, to table; Cardinale, yes, to table; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is tabled."

Resolution #403

Councilman Cardinale: "This resolution authorizes the acquisition of farmland development rights pursuant to the Town of Riverhead program with Suffolk County in the Suffolk County Community Greenways County Fund. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I know this has been re-worded and I just want to make sure I understand it. We're going to contribute at least 30% of the cost and hold this property with the County and the property that's eligible is attached. I get that. I hope we paid 30%. But what I don't understand is it says Resolved that the Farmland Development rights the parcels listed in Exhibit A, and there are numerous ones, are hereby authorized to be acquired and the Town's portion thereof shall be deemed to be included in the Town of Riverhead Farmland Preservation Program. The funding will be at least 30% of our money. Do we get- what is the purpose of the resolution and do we get another look at each piece as we purchase? That concerns me that this appears to be a blanket authorization- "

Supervisor Kozakiewicz: "I don't believe so because there's a Resolve that says these proposed acquisitions may be consummated in accordance with the provisions of the Riverhead Town Code in connection with such farmland development rights acquisitions. I think that's the key Resolve which is saying that these are proposed

parcels and that before we actually proceed forward and consummate any transaction it's understood we're going to follow our own Town code. It's going to be looked at by the Farmland Select Committee. We'll have a public hearing as we had earlier today and, therefore, decide to go forward. So- "

Councilman Cardinale: "And the mutual cooperation agreement that's alluded on the final page top Resolve we say that we are authorizing you to negotiate and to enter into municipal cooperation agreement with the County in regard to this. Do we get a look at that before you sign it? That was my other concern."

Supervisor Kozakiewicz: "We don't have that agreement yet. But yes, the answer would be that."

Councilman Cardinale: "Okay, well, that- so the purpose, I guess, is just to indicate- what we're indicating here but we will see these before a purchase occurs and we will see that agreement before you sign it. Is that basically it, Bob?"

Supervisor Kozakiewicz: "I got distracted."

Councilman Cardinale: "Okay. I'm just asking we will see the purchases as you indicated because they have to go through the code procedures."

Supervisor Kozakiewicz: "Right."

Councilman Cardinale: "And we will see the agreement before- even though we're technically authorizing you to negotiate and enter into it- "

Supervisor Kozakiewicz: "Right."

Councilman Cardinale: "-- you'll get it in front of us before you sign it."

Supervisor Kozakiewicz: "Actually, I have one that we had talked about earlier that I wanted to have you look at before I sign off on it."

Councilman Cardinale: "Fine. With that understanding, I would vote yes."

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

Councilman Kent: "I'll vote yes. This is merely a procedure of identifying the parcels- "

Councilman Cardinale: "Is that what it's for? Now I get it."

Councilman Kent: "-- so that the County can have a list of properties within the town that are eligible for the program. Just looking at the list, just a quick- really a quick rundown. I see one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve- I see twelve parcels that are already on our town list, by the way, for potential acquisition that we are considering now. So the process will continue. It will go through the Farmland Select Committee. So I vote yes."

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

Resolution #404

Councilman Cardinale: "This ratifies the approval of the application of Colonial Shoppe to run a sale, April 28th, 29th and 30th, tent sale. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "Question. Could we make any provision in here for when we'd like them to remove the tent? Because that was raised, it's a real concern."

Councilman Cardinale: "That's a good point."

Councilman Lull: "Well, it's difficult, Chris. You can do that. But they have it down for April 28th, 29th, and 30th. It depends upon weather- if they get- the 29th or 30th, if they get rain- "

Supervisor Kozakiewicz: "Well, it's past so it- "

Councilman Lull: "No, no. My point is you can't do that because in other words when you give the permission, this is a ratification. But if give permission you can't do that because you can't take down a wet tent. You have to give it a couple days- "

Councilman Kent: "In this instance we know that they're finished. But I thought the maximum limit for any of these tents was two weeks."

Councilman Lull: "Yes."

Councilman Kent: "So, I mean, maybe we can put an outside date that they should have it down by two weeks from April 28th, whatever that is, May- "

Councilman Lull: "Yes, we can do that."

Councilman Cardinale: "May 12th. Yes. May 11th."

Councilman Lull: "That can be mentioned. That's our regular- "

Supervisor Kozakiewicz: "We haven't done that in any other resolution. I think it's just understood that that's what we're going to do. Right."

Councilman Kent: "Well, we did that in Garsten's- I remember last year we made him take the tent down and put it back up."

Supervisor Kozakiewicz: "Was it by resolution?"

Councilman Kent: "He wanted to keep it up the whole summer."

Councilman Lull: "Well, he said he put in a resolution to keep it up for six months."

Supervisor Kozakiewicz: "Right. But we- I mean, I don't think we've ever done it by resolution."

Councilman Kent: "We broke it into two periods."

Supervisor Kozakiewicz: "Yes."

Councilman Kent: "All right. I mean I don't have a problem with it but I think what we did in his is we gave him a time period, April 28th to May whatever- the tent has got to be down. And then we can go out and cite him. I know there were some interest on the town's part to, you know, force something there."

Supervisor Kozakiewicz: "Yeah, we cited him. They didn't know that you had approved it on Thursday, so he got cited."

Councilman Kent: "I know. So he can bring this into court saying that he did- that it was ratified nunc pro tunc or whatever."

Councilman Cardinale: "We are going to withdraw the citation I understand. But we'll substitute a new one for not taking down- "

Councilman Kent: "That's what I'm saying."

Supervisor Kozakiewicz: "If it doesn't come down, we can cite him. I don't think it's necessary."

Councilman Kent: "Well, the code allows two weeks. So, just somebody should go out there, make sure he has it down before two weeks from April 28th."

Councilman Densieski: "Welcome to Riverhead."

Councilman Kent: "Taking tents down? Putting tents up without approvals I think is- "

Supervisor Kozakiewicz: "So you vote yes?"

Councilman Kent: "Yes."

Supervisor Kozakiewicz: "Okay."

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

Resolution #405

Councilman Lull: "Ratifies the approval of the application for fireworks permit of Fireworks by Grucci, Inc. at Fox Hill Golf and Country Club. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #406

Councilman Cardinale: "This the application of Kmart Kids Race

Against Drugs to be held for kids 7 to 12 on August 10th and 11th between 12 noon and 6 p.m. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Councilman Densieski: "It's a great cause. I just wish older people like us could go. Yes."

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

Supervisor Kozakiewicz: "Councilman Densieski would have an unfair advantage if he was allowed to race."

Councilman Densieski: "Probably not."

Supervisor Kozakiewicz: "But anyway, yes."

Melissa White: "The resolution is adopted."

Resolution #407

Councilman Kent: "This amends the resolution 346 of 2000 which decreases the hourly rate of a fill in lifeguard. He's actually a pay cut from \$8.00 an hour to \$7.75 per hour. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Cardinale: "I'm really glad to caught that quarter an hour."

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

Resolution #408

Councilman Densieski: "408 appoints full time cook in the

Department of Senior Services. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I understood they wanted two part timers but I guess not. Did Judy recommend this?"

Councilman Lull: "Yes."

Councilman Densieski: "Okay. Upon that recommendation, I'll vote yes."

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

Councilman Cardinale: "I assume that the Personnel Committee is recommending that they need a cook."

Councilman Lull: "Well they have a part timer, they're using a part timer, they need a full time."

Supervisor Kozakiewicz: "They have a part time fill in."

Councilman Lull: "Yes. So yes, they do."

Councilman Cardinale: "All right. What the heck. They're in budget I assume still until we get beyond June. Yes."

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

Resolution #409

Councilman Lull: "Appoints a part time clerk typist, Jill Sollazzo, in the Scavenger Waste Department. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I'm going to vote yes. This is the person that quit before they started the last time they hired somebody. So I hope this one lasts longer."

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

Resolution #410

Councilman Kent: "This appoints James Welsh as beach attendant level I to the Riverhead Recreation Department. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #411

Councilman Densieski: "411 appoints a recreation aide to the Riverhead Recreation Department. That person is Jeffrey Sterlacci. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #412

Councilman Kent: "This ratifies the appointment of a recreation aide, Leslie Miller, who already started work, in the Fun-A-Rama program which is a lot of fun."

Councilman Cardinale: "As its name implies."

Councilman Lull: "Was I supposed to second that?"

Councilman Densieski: "No. I'll second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #413

Councilman Densieski: "413 appoints a scorekeeper to the Riverhead Recreation Department, Erica Manglaviti. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #414

Councilman Cardinale: "This resolution establishes a capital project budget adoption for 1031 Parkway Street demolition. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "This is money coming from real property and going into contractual expenses- real property taxes. I didn't know we had a line for real property taxes. Could somebody explain this?"

Councilman Kent: "Anybody out there can explain this to us?"

Councilman Cardinale: "There's nobody- I- "

Councilman Kent: "Where's Jack?"

Councilman Cardinale: "I obviously don't understand how we have a line for real property taxes that we're taking money out of and putting it into another department for contractual expenses."

Councilman Kent: "The scary thing is it appears to be the same account fund, 406."

Supervisor Kozakiewicz: "It is the same fund, 406, as far as the budget line, but- "

Councilman Lull: "Real property taxes get paid by a different district, right?"

Supervisor Kozakiewicz: "Correct."

Councilman Cardinale: "So what's going to happen when we have to pay the tax? If we use it to pay our contract."

Councilman Lull: "I'm assuming that they didn't have to use it for that."

Councilman Cardinale: "Large assumption."

Councilman Lull: "Because they- just an assumption."

Councilman Kent: "You know what happens though? This gets charged back so real property taxes might be- "

Supervisor Kozakiewicz: "I think that's the reason why. It comes in and out."

Councilman Kent: "It's a fund that we're going to end up collecting back anyway. So it's a fund that we have money- that we're charged- it's probably a fund that has charge backs in it."

Councilman Cardinale: "What did I say on the propane people? Insufficient information to make an intelligent vote so I will sustain."

Supervisor Kozakiewicz: "So the vote is no. Okay."

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

Councilman Kent: "I'm going to vote yes because I've seen this house. This is the one where the appliances in the kitchen fell through to the basement."

Supervisor Kozakiewicz: "Yes. Yes. And it needs to be removed."

Councilman Kent: "And we really need to demolish this house."

Councilman Cardinale: "Even if we have to use the tax money to do it."

Supervisor Kozakiewicz: "I don't think it's tax money."

Councilman Kent: "And you know it's right next to Stotzky Park, too. It's right by Stotzky Park and there are a lot of kids who ride their bikes on that street going to and from Stotzky Park. It's a danger."

Councilman Densieski: "Thank you, Chris."

Councilman Kent: "So I'm voting yes."

Councilman Cardinale: "What the heck?"

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

Councilman Lull: "Yeah, it will be charged to the homeowner anyway. Yes."

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

Resolution #415

Melissa White: "Resolution #415, pay bills."

Councilman Lull: "Yes."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes, we should pay our bills; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Councilman Kent: "I move we adjourn."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded at 10:59. Meeting adjourned."

Meeting adjourned: 10:59 p.m.

*Barbara Stratton
Gown Club*