

Minutes of a Town Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, June 5, 2001, at 7:00 p.m.

**Present:**

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

**Also Present:**

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

Supervisor Kozakiewicz called the meeting to order at 7:08.

Supervisor Kozakiewicz: "Let the record reflect that the time of 7:08 has arrived. I'd like to call this public meeting to order. Would either Lt. Comm. William Vehey (phonetic) or Senior Chief Wayne Borlan (phonetic) come up to the podium to do the Pledge of Allegiance for us? I understand that you are somewhere out there. That's fine. And then while you are up here to can go to the presentation thereafter. So come on up to the podium and please lead us in the Pledge of Allegiance."

(The Pledge of Allegiance was recited)

Supervisor Kozakiewicz: "Town Board Members, if you'd join me down below. Gentlemen if you'd come up. Do you wish for any of the cadets to join you this evening? All right. Are they going to come up and announce themselves?"

(Unidentified): "Yes, they are."

Supervisor Kozakiewicz: "All right."

(Unidentified): "Announce yourself."

(At this time, the Cadets announced themselves)

Madelyn Sendlewski: "Ladies and gentlemen, good evening. I would like to ask you to join me in giving a nice round of applause to

our ROTC group, Commander Vahey and Chief Borland for what a beautiful appearance they make and if you'd just join me in a round of applause, we'll explain further.

Recently we had a Polish Town cleanup day. We were very grateful that these cadets offered their time and services to come and help us clean up Polish Town. We dumped how many tons of garbage, Bob-several tons and believe me when we were finished, these kids were tired. But there's a saying that says a cheerful look brings joy to the heart. No matter what area of Polish Town we pulled up at, they jumped out of the truck, they were ready to go. They were thrilled to do it and we were so extremely grateful to them.

Since then I have learned that they volunteer throughout the community in a number of events and this is why we're honoring them tonight. I am also somewhat biased as Christie Sendlewski is my niece. When I returned to Riverhead, she was three years old and now she's standing before me, a grown woman, and I had to throw that in. And I also want to thank before I turn it over to Supervisor Kozakiewicz, my niece and my nephew, Ashley and Andy Sendlewski, who reminded me before I came tonight, I am going to announce their names, too, because they were on that truck as well. So why don't you just stand up and say hi, wave to everybody. Thank you. It was a great community cleanup effort and our efforts are ongoing to improve and enhance our little residential area and I hope you all do the same. So now I'll turn it over to Supervisor Kozakiewicz. Thank you very much."

Supervisor Kozakiewicz: "Thank you, Madelyn. Lest I forget, I understand or recognize that this was a joint effort between the Polish Town Revitalization and the Polish Town Civic Association. It is my understanding that they are arranging for a pizza party to recognize the help that these cadets provided to clean up Polish Town.

I have to say that I've had a chance to attend a couple of mess dinners with the Cadets and during those mess dinners they were a lot more vocal than they were just moments ago. But one thing is for certain as you see then standing at attention today, the ROTC, the NJ ROTC provides them with an additional level of discipline and provides for an extra bonus that they receive in receive to the Central School District education.

I've been extremely impressed just from the appearance of the clothing to what they have to do in order for the additional drilling and the time they put in and I think the parents are also of a great

deal of assistance in that regard. Certainly we want to recognize Lieutenant-- I'm sorry, Commander Vahey and Chief Borland for all of their work, hard work. And I saw first hand the close relationships and the bonds that they have developed with the Cadets because they take a special interest in what goes on at the ROTC as well as in their school studies and in their personal lives.

Just quickly, there's 80 active Cadets that are presently involved with the Riverhead NJ ROTC. The program was established initially in 1976 and has run consecutively each and every year since the program's inception. It involves mentoring, encouragement and commitment to meet the highest of goal. I would ask that you join with me in recognizing this day Riverhead Navy Junior Reserve Officer's Training Corps. Day and thank you. And I want to present this proclamation."

Unidentified: "Oh behalf of Commander Vahey, myself and the Corps Cadets, NJROTC Unit 96871 I want to thank you all very much for this recognition. I think just to let you know that we are very involved in the community. Actually we do over 3,000 hours of community service per school year. So these kids are very involved. In fact, the day that you had the cleanup, I was doing the Blue Waves 5K run with about 15 other kids. So thank you very much and this means a lot to the kids because this is not about the Commander and I. We're the mentors here but these kids are the doers and these are the ones that are going to be your future civic leaders. Thank you very much."

Supervisor Kozakiewicz: "Thank you."

Marilyn Sendlewski: "And ladies and gentlemen, I'd also like to add that and thank publicly the Polish Town Civic Association who fed all of us breakfast and lunch and they were delightful. So it was a good team effort. Thank you very much and thank you, Supervisor."

Supervisor Kozakiewicz: "Thank you, Madelyn. Great job. Yes, I also have one other recognition, Linda Mugford (phonetic) from the Long Island Blood Services. She's stepping up. Joining her will be Jeanine Nebons from Tanger and Frank Iallo (phonetic) from Love 96. Last year through their coordinated effort they- Long Island Blood Services coordinated a monthly blood drive which was held at Tanger Outlet once a month as pointed out. For the entire year, they were able to provide for 339 pints of blood and at this point, I'm going to turn it over to Linda."

Linda Mugford: "Thank you very much. It was a wonderful occasion when we started hosting or asking for Tanger to host the blood drive once a month. We're there every second Wednesday of the month and to tell you the truth, we had some very warm days in the summer where we collected 47 pints of blood and we also had some pretty chilly days in February and January where maybe 13 hearty donors did come out.

Through all of that though, Tanger did host our bus and it was quite a welcome sight to see the donors come in and one of the best parts of it also was have Frank Iello from Love 96.1 doing a broadcast on site as well as greeting the donors and I have to just share one story. In the middle of the summer when we were in full swing, a woman came dashing over to the bus and she said, am I too late? And I said oh no, we're still here and she said I was cleaning my house and I heard there was a blood drive here and I'm going to come. And she has come probably every other month since we started so we are opening, I think a new avenue out here in the Riverhead community and when you think about it, the 339 pints of blood have helped close to 1700 people. And right now when you read in the newspaper and hear our blood appeal and some of the changes happening with Europe there is no greater need than this present time.

And I also have to do a little pitch. We have our Riverhead community blood drive coming up. It's this coming Tuesday, the 12<sup>th</sup>, so hopefully we'll see some of you down there.

At this point, I'd like to invite Jeanine Nebons over for her outstanding support of a very sincere life saving program. Thank you, Jeanine. And Mr. Frank Iello from Love 96.1 radio, again, for his outstanding support of this life saving program. Thank you very much."

Supervisor Kozakiewicz: "Now we can get down to business. Okay. All right. Is there a motion to approve the Town Board minutes of May 15<sup>th</sup>, 2001 as well as the Special Board meeting of May 31<sup>st</sup>, 2001?"

Councilman Cardinale: "So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

yes; Kozakiewicz, yes. The minutes are approved."

Supervisor Kozakiewicz: "Reports, please."

**REPORTS:**

Tax Receiver	Total collected to date is \$60,849,951.01
	Utility collection for May, 2001 - total collected \$160,742.23
Town Clerk	Monthly report for May, total collected \$11,343.73
Recreation Department	Monthly report for April, total collected \$27,251.50
Sewer District	Discharge monitoring report for April
Open Bid Reports	Security, fire, and telemetry control systems opened on 6/1 at 11:00 - one bid was received from Strategic Alarm Systems
	Dam Road Canoe Access Project opened on 5/29/01 - two bids were received

Barbara Grattan: "That concludes Reports."

Supervisor Kozakiewicz: "Applications."

**APPLICATIONS:**

Shows and Exhibition Permit	Radio Shack June 15 to June 17 8 a.m. to 6 p.m. for a tent sale
Parade Permits	Riverhead Business Improvement District 6/9/1, 9 a.m. to 10:30 a.m. to conduct a foot

race

Riverhead CAP 6/1/01 10:00 am  
Just Say No March

Fireworks Permit

CBS Whitcom Technologies -  
11-17-01 - Fox Hill fireworks

Site Plan

Riverhead Commons - con-  
struction of a Target store  
north side of Old Country Rd.

Barbara Grattan: "That concludes Applications."

Supervisor Kozakiewicz: "Thank you, Barbara. Correspondence,  
please."

**CORRESPONDENCE:**

Mary Oleksiak

Regarding a building on the  
northeast corner of Edwards  
and Sound Avenue

Fred Moehring

Regarding Reeves Park Town  
Beach and parking lot

Petition

27 names in support of Palm  
Beach Polo Company

Petition

31 names in objection to the  
issuance of any permits for  
the construction of  
residential or other  
properties in or near tidal  
wetlands on the south side of  
Front Street at the inter-  
section of Center Street in  
South Jamesport

Petition

Residents on Dolphin Way re-  
questing no overnight parking  
on street from 12 a.m. to 7  
a.m.

Richard Steinbrecher

Supporting for the Grumman

Airfield

Alice Graff

Letter of resignation for the Landmarks Preservation Commission

Adam Gatz

Regarding expresses deepest concern for the proposed "Burn House" to be built on the intersection of Route 105 and Northville Turnpike

Warren McKnight

Regarding Town Board passing a resolution requesting the federal government to make the Riverhead post office handi-capped accessible on or before Memorial Day of 2002

Barbara Anderson

she has requested that I read this letter

May 26, 2001 to the Riverhead Town Board.

Dear Town Board Members: I am both saddened and disgusted to learn that the Town Board let the Fresh Pond School go to such disrepair.

My father along with many other old timers from Baiting Hollow attended this school. It was donated to the Town by the family of George Sabat, my grandfather, to be moved, repaired and preserved by the Town.

I took great pride in showing my children and grandchildren where their grandfather/great-grandfather attended school.

I know that Dr. Carol Granttham, a Townscape founder, worked effortlessly with my aunt, Ms. Marion Sabat, to move, restore and research the history of the Fresh Pond School.

Our family is hoping you will find the time and money to make this town treasure a permanent piece of Town history.

I have to wonder how you can possibly consider restoring a four million dollar theater when you can't handle a one room schoolhouse.

Barbara Sabat Anderson

Nature Conservancy

regarding response to the DEIS  
for the North Fork Knolls

Barbara Grattan: "And that concludes the Correspondence."

Supervisor Kozakiewicz: "Any Committee reports?"

Councilman Densieski: "Ah, yes, on the Recreation side. Things- we're going to have the first annual Riverfest and Boat Show this Saturday, June 9<sup>th</sup>, from 10:00 a.m. to 6:00 p.m. on the riverfront behind town. That's going to start off with a 5K run. There's going to be a lot of new boats there; there's going to be a lot of antique boats. There will be plenty of entertainment and a lot of fun and it's free. It's a nice family event happening at downtown Riverhead so I hope you can all make it.

I'd like to thank a few people that were involved with it. Captain Ray Kelly from Wading River did an outstanding job and a lot of hard work to bring this to downtown Riverhead. The BID members did a lot of hard work, and Supervisor Kozakiewicz. I hope you can all make it Saturday."

Supervisor Kozakiewicz: "Any other Committee reports? Not hearing any and the time of 7:25 having arrived, Barbara, would you please read the affidavit of publishing and posting for tonight's first public hearing?"

Public Hearing opened: 7:25 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on June 5, 2001, at 7:05 p.m. regarding the change of zone petition of James Esposito to amend the zoning use district map to provide for the Residence B Zoning Use District to the exclusion of the prevailing Industrial A Zoning Use District on property located at South Path, Calverton."

Supervisor Kozakiewicz: "Your name and address for the record, please?"

Diane Moshieu: "Good evening. My name is Diane Moshieu of D&I (inaudible) Services with offices located at 42 West Avenue in Patchogue.

Mr. Supervisor, Members of the Board, I'm here this evening representing the applicant in a request to change the zone of the subject premises from Industrial A- "

Supervisor Kozakiewicz: "Diane, can you bring the mike up? Some of the people in the audience are waving as if they are unable to hear, so, if you could. Thank you."

Diane Moshieu: "Okay. How's that? A little better?"

Supervisor Kozakiewicz: "Is that better?"

Diane Moshieu: "Is it on? Okay. Yes."

Councilman Kent: "Just change the angle there."

Diane Moshieu: "Okay. How's that? Any better?"

Supervisor Kozakiewicz: "Better? Still can't hear? You can hear, Dave, in the back? All right."

Diane Moshieu: "Okay. I'll start again. Mr. Supervisor, Members of the Board. I am representing the applicant seeking permission to change the zone of the subject premises which is currently zoned partially Residence B and Industrial A. We're looking to change the zone for the Industrial A portion of the property to B Residential to match the balance of the rest of the property.

The total acreage of the site is seven acres. The proposal is to develop the property as residential with six residential homes. I believe that in the past, there was applications on this property for a more intense type use, a church, I believe, was one of the previous applications and I know that the area was not supportive of that. We feel that this is in keeping with the surrounding area and would not create any detriment and actually a better planning approach for the subject premises.

If the Board has any questions, I'd be more than happy to try and address them at this time."

Supervisor Kozakiewicz: "I know some question has come up as the zoning that's proposed vis a vis the Suffolk County Department of Health standards and we need to look at it from that perspective. I understand we may need to look at this from a Residential A Zoning classification and I'm not sure how that affects your lot coverage of

both lots."

Diane Moshieu: "It doesn't. Not at all. As a matter of fact we originally had proposed it as Residential A but in keeping with the surrounding area since the subdivision of Timber Park was zoned Residential C, the front portion of the subject premises is Residential B and that's why we had proposed it as- actually the Planning Board requested us to change it to the Residential B."

Supervisor Kozakiewicz: "Okay."

Diane Moshieu: "We don't have a problem. We'll need Health Department standards. Health Department standards for this area is 40,000 square feet. As I said, we have 7.4 acres. We're looking to develop this into six parcels. So there will be more than enough square footage to accommodate the Health Department and it will more than conform with the surrounding area and most of the surrounding area is- like I said, conforms to Residential C."

Supervisor Kozakiewicz: "So based upon your research, it works as the Residential B as well as the Residential A, is what you're saying."

Diane Moshieu: "Yes."

Supervisor Kozakiewicz: "Okay. I just wanted to clarify that."

Diane Moshieu: "Yes, it's- it wouldn't be a problem if you felt more comfortable with it to be Residential A. We don't have any objection. We're just looking to eliminate the Industrial zoning of the property to make it a residential zone which is, you know, like we said in keeping with the area."

Supervisor Kozakiewicz: "Any other questions? Okay. I guess for now what will happen if anybody else comes up, they may have some questions, Diane, and I'll ask you to come back up at the end- "

Diane Moshieu: "Fine. No problem."

Supervisor Kozakiewicz: "-- respond to them once we get them all put together."

Diane Moshieu: "Okay."

Supervisor Kozakiewicz: "Thank you. Anybody else who would

like to address the Board with respect to this change of zone? Steve Haizlip."

Diane Moshieu: "I'll leave a copy of the map up here."

Supervisor Kozakiewicz: "Okay, thank you."

Steve Haizlip: "Steve Haizlip of Calverton. I don't care about the zone, A, B, C, or D. All I want to know about is this here the property would be on the north side and straight down from Timber Drive where there used to be an old ball field I believe in there at one time in that area?"

Supervisor Kozakiewicz: "I'm not sure about the ball field but it's definitely to the north. I hear- I see people shaking their heads. This was the site where there had been a group that was proposing a church- "

Steve Haizlip: "That's the same- "

Supervisor Kozakiewicz: "-- and religious use."

Steve Haizlip: "I believe that's the same one."

Supervisor Kozakiewicz: "Okay."

Steve Haizlip: "That's all I want to know."

Supervisor Kozakiewicz: "Anybody else? Yes?"

George Conklin: "I'm George Conklin and I represent the residents of Timber Park. I have a petition with 100 names on it that I'd like to give to the Board. Is that the appropriate thing to do?"

Supervisor Kozakiewicz: "Right. Do you wish to also make a comment while you're handing it up?"

George Conklin: "Yes, I do; yes, I do."

Supervisor Kozakiewicz: "Okay, go ahead."

George Conklin: "I have a question, too, for the Planning Director, for Rick Hanley."

Supervisor Kozakiewicz: "Well, this is to- "

George Conklin: "To clarify what I have to say."

Supervisor Kozakiewicz: "Right. Why don't you address your question and then if it's something that we can't deal with, we'll ask Rick to come up and clarify."

George Conklin: "Okay. In 1996, it was our understanding that the front two acres of this particular parcel were changed to Residential A and not Residential B as it shows on the map. Now, is that correct or no?"

Supervisor Kozakiewicz: "That was in 1996?"

George Conklin: "In 1996. In May of '96 by a resolution of the Town Board and that these front two acres are in fact in Residential A and not- I was- we were under the impression that the entire South Path was Residential A. Therefore, we were caught sort of off guard when we got the notices saying Residential B where we were not aware that the front two were Residential B."

Supervisor Kozakiewicz: "Okay. Rick, do you know the answer to that? It seems to me I recall some question whether it was, in fact, Residential A historically."

Richard Hanley: "Yeah, I do recall the application."

Supervisor Kozakiewicz: "Right."

Richard Hanley: "There was a petition for a development of a church or a rectory on the premises by special permit or some other permit and there was a change of zone, motion I think on the part of the Town Board to rezone the premises to a residential use not to allow for uses that weren't in keeping with the area. He may be correct but I've inspected the zoning map and it clearly says B. Now whether that was a mistake between the resolution of a Board in the actual application of a graphic on the map, that's possible. We can certainly research that, it's easy enough to do."

That would be better if that were the case in that if we were disposed to approve this change of zone from Industrial to Residential, I think it would be more appropriate for it to be Residential A than Residential B because of what you had said about Health Department standards as well as B allows more intensive uses than Residential A.

Residential A would certainly be more in keeping with the area."

Supervisor Kozakiewicz: "Residential A is the most restrictive."

Richard Hanley: "That is correct and- "

Supervisor Kozakiewicz: "Right."

Richard Hanley: "-- we would get away from the whole spot zoning issue or having a Residential A floating in a sea of C or sea of industrial or defense institutional. So we will do that research prior to your decision on the change of zone. But we were relying on the zoning map when we did the report."

Supervisor Kozakiewicz: "Thank you."

Richard Hanley: "Okay."

George Conklin: "We would concur with that. We would like to see Residential A. As I was saying before, Residential B allows all of the uses that Residential C allows that the use did in the first place, we requested the change of zone in the first place way back when. So if, in fact, it had been B changed in 1996 that application for the convent, etc., would have been able to go through. So perhaps- "

Supervisor Kozakiewicz: "Well, I remember because of the change they were informed that they could- "

George Conklin: "You were the town attorney."

Supervisor Kozakiewicz: "Right. They could not go forward."

George Conklin: "Right."

Supervisor Kozakiewicz: "So I remember that but whether it was Res A or Res B- "

George Conklin: "Right. And B would not have precluded that. So our petition seconds the Planning Board's recommendation but what I'd like to say the Planning Board resolution at present only talks about the 5.4 acres in the Industrial A. We'd like the resolution to read and Barbara Blass indicated that it would read the front two acres as well to become- so the whole parcel is Industrial A and

that's- "

Supervisor Kozakiewicz: "Residential A."

George Conklin: "Residential A, yes, and that's what our petition says."

Supervisor Kozakiewicz: "So you'd like the entire parcel- "

George Conklin: "We sure would. We sure would."

Supervisor Kozakiewicz: "-- to be Residential A."

George Conklin: "We absolutely would."

Supervisor Kozakiewicz: "Okay. And if it's Residential A- "

George Conklin: "We would be very pleased."

Supervisor Kozakiewicz: "Okay."

George Conklin: "Absolutely."

Supervisor Kozakiewicz: "Very good."

George Conklin: "Thank you very much. Hand in the back. Is that Ann? Ann Miloski?"

Ann Miloski: "My name is Ann Miloski. I live in Calverton. And I'm on South Path Road in Calverton. And I remember that in 1996 it was rezoned to Residential A because it included our three acres and I remember seeing the resolution. Thank you."

Supervisor Kozakiewicz: "Thank you."

Ann Miloski: "And I support Residential A."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board with regard to this change of zone application by Mr. Esposito? Yes, George Schmelzer."

George Schmelzer: "I don't quite understand these purposes, A, B & C in zoning. Does that mean acreage size?"

Supervisor Kozakiewicz: "A is a 40,000 lot- minimum lot size,

that's correct. B, I think, is 30,000."

George Schmelzer: "Well, what's the purpose or what's the reasoning in having different sizes for a house? You should treat everybody the same."

Supervisor Kozakiewicz: "There is different zoning classifications for residential uses in the town."

George Schmelzer: "What's the purpose, I mean? Two different sized lots. You mean- "

Supervisor Kozakiewicz: "Are you in favor of this application or are you opposed to it?"

George Schmelzer: "No. I'm trying to understand the system. The system."

Supervisor Kozakiewicz: "The proposal in this case- "

George Schmelzer: "What is the- what is the reason you're having in some places a half acre, in some places one acre for a house?"

Supervisor Kozakiewicz: "This public hearing, Mr. Schmelzer, is to address this particular application which is the application made by Mr. Esposito to change property on South Path from Industrial A to Residential B or perhaps as we're finding out today, to Residential A. So the question or the purpose of today's hearing is to get your input or your comments with respect to whether you're in favor of this proposed change of zone or you're not in favor of this change of zone."

George Schmelzer: "Well, you're not answering the question. I don't think you want to."

Supervisor Kozakiewicz: "Because your questions are not really addressing the purpose of the hearing."

George Schmelzer: "Well, it's zoning. In some places you say you've got to have an acre for a house, in another place a half acre. It's supposed to be for the same reasoning, what's the reason? Is it safer or better for somebody."

Supervisor Kozakiewicz: "Mr. Schmelzer- "

George Schmelzer: "Are you separating people by economic standing? Which is it?"

Supervisor Kozakiewicz: "Mr. Schmelzer, the question of this hearing is whether the zoning change from Industrial A should be done so that it's then a Residential A or B use. I'm not going to engage in this colloquy, the question of- "

George Schmelzer: "What is the zoning in Timber Park now?"

Supervisor Kozakiewicz: "Well, what we're finding out is it's Residential A."

George Schmelzer: "Yeah, one acre?"

Supervisor Kozakiewicz: "40,000 square foot lot size, that's correct."

George Schmelzer: "Some of those houses look like they have smaller lots."

Supervisor Kozakiewicz: "Well, that was- were established prior to the zoning, that's a pre- as I understand it, pre-existing, non-conforming subdivision. But, again, that's getting away from the question here. Are you in favor of the proposed change of zone, Mr. Schmelzer, or are you opposed to this change of zone?"

George Schmelzer: "I'm in favor of no zoning."

Supervisor Kozakiewicz: "Okay, thank you."

George Schmelzer: "Yeah, thank you."

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

Barbara Blass: "Barbara Blass, representing the Planning Board. Mr. Supervisor, Members of the Board. I believe the agent for the- "

Unidentified (from the audience): "Can't hear you."

Barbara Blass: "I'm sorry. Barbara Blass, representing the Riverhead Planning Board. I believe the agent for the applicant may have misspoke when she said it was at the direction of the Planning Board that the entire parcel be considered for Residence B Zoning Use

District. Indeed we recommended and I'm sure you have a copy of our report and recommendation that was contained in a resolution, that we asked that you consider that the Residential A Zoning Use District be applied on the entire parcel.

Mr. Conklin is correct that the last sentence reads somewhat vaguely in that we talk about applying the Residence A Zoning Use District to the exclusion of the prevalent A- Industrial A District that sits on the rear of the portion. However, the lot- however, the Suffolk County Tax Map number that's so indicated is the entire parcel and it was indeed the Board's intent to ask that the entire parcel be rezoned to Residence A as opposed to the request of Residence B. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address this Board with regard to this change of zone hearing? Diane, is there any additional comments?"

Diane Moshieu: "I apologize if I misspoke what the Planning Board had said but there was some discussion back and forth about the fact that part of the property was zoned Residence B and the rest of Timber Park was C so we were trying to create some consistency.

We have absolutely no objection to this property being zoned Residential A. We currently have a pending subdivision application to propose six residential lots, each lot will exceed the 40,000 square foot requirement so it really does not affect any of the plans for the current owners of the property and they will be moving forward to develop this as residential property and each lot will exceed 40,000 square feet. So we're perfectly fine with the Residential A zone."

Supervisor Kozakiewicz: "Thank you. Anybody else?"

George Conklin: "I have- if I could. Sorry."

Supervisor Kozakiewicz: "Sure, Mr. Conklin, come on up."

George Conklin: "I have a question."

Supervisor Kozakiewicz: "Why don't you come up, you've got to put it on the machine otherwise it won't get on the recording."

George Conklin: "Is- "

Supervisor Kozakiewicz: "You've got to come up to the podium."

George Conklin: "Mr. Esposito doesn't own the property yet, correct? He's contract vendee."

Diane Moshieu: "They closed on the property."

George Conklin: "Oh, they did close on the property. Okay."

Diane Moshieu: "Yes, and he's actually- "

George Conklin: "So he's now in possession of the property- (inaudible) no longer owns the property, correct?"

Diane Moshieu: "Correct."

George Conklin: "Okay, thank you."

Diane Moshieu: "Mr. Esposito and Mr. (inaudible). There's two partners."

George Conklin: "Okay, right. Okay, good. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Seeing nobody move, we declare this public hearing closed at the time of 7:40. Thank you."

Diane Moshieu: "Thank you."

Public hearing closed: 7:40 p.m.

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Supervisor Kozakiewicz: "At this time, it's open period to comment. There is a five minute rule as noted on the wall. Gentlemen was quick with his hand up here and then I've got some cards. So, let the record reflect it's still 7:40."

Warren McKnight: "Warren McKnight, Middle Road, Riverhead. I sent a letter in reference to the Riverhead post office and I also heard from the Architectural Barriers Review Board from Washington, they called me, and they told me that the federal post office lists the Riverhead post office as the only post office being on West Main Street, the only completed building.

As it stands now, we have a post office in Riverhead that's not handicapped accessible. There is no one happening on West Main

Street. It's stopped, it doesn't plan to happen. At the current time, the Architectural Barriers Review Board is investigating the Riverhead post office. There have been a number of alterations at the Riverhead post office over the years and if those alterations to an extent to change the building to a certain degree the post office will have to make it handicapped accessible. But if the building wasn't changed that much since the 1968 Handicapped Accessible Architectural Barriers Act there is no legal obligation for the post office to do this. There's only a moral obligation.

The only thing I am saying here is we have, you know, a township, a village, and a number of handicapped people, veterans and everybody else, you know, a number of people on SSI in the zip code 11901 and right now there is nothing being done for people to have post office boxes or to get to the post office.

So I am imploring the Town Board as, you know, perhaps if they could contact the post office, if they could contact the President, perhaps something can be done. There's no excuse. I mean I'll make this very brief. But every time we go passed and we see Mr. Langhorne's statue out there as a tribute and we have this big monument of World War II honoring our past heroes, men and women, what better tribute than to make the quality of life for the people who need it to honor these veterans. So I really ask you in your capacity because you represent us, even though it's a town- township, but if you, in your, you know, position could write a letter stating the facts, I think it would help and expedite things. Thank you."

Councilman Densieski: "Warren- "

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "-- on behalf of the Handicapped Committee I'd just like to respond to that. We are dealing with the correspondences to all the elected officials and trying to get the post office to come up to code. So we are doing something about that. If you want to stop by during the week, I'll gladly talk it over with you."

Warren McKnight: "I know. I've been- (inaudible) has been contacting me (inaudible) at 3:00 p.m. That's working time for me. But I hope it has, you know, with all deliberate speed, there's no excuse. We're the richest country in the world. You know. Yeah, the stamp machine is broken. And, also maybe the fire inspector should go down there because the- there's only one entrance in and out of that

building and exit and entrance to my knowledge when we go in there. Isn't that correct? Does any- I mean- "

Councilman Densieski: "You're probably right on that."

Supervisor Kozakiewicz: "We'll pass that along to the fire marshal, but I'm not sure if they- because of the age of the building and other issues, whether that's- "

Warren McKnight: "Well, the biggest thing- there's a number of people up to I'd say any one time, I'll be very brief, this is important, too, because if a fluke happens- God forbid a fluke happens or there is a fire there, there's a number of people anyway, 10 to 15, 20 people in that post office at one time with only one door and there's really no excuse for that either, pre-existing conditions or what. It's a federal agency providing a basic service to the people of Riverhead. So, you know, Eddie, thank you very much and I'll call you and I'll call Trainor. Thank you."

Supervisor Kozakiewicz: "Thank you. Steve Haizlip. And Steve, just because we're looking to look at the five minute rule, we agree the time is 7:45, right? Okay, go."

Steve Haizlip: "Let me ask a question."

Supervisor Kozakiewicz: "Go ahead."

Steve Haizlip: "What if I go over? Can I come back later?"

Supervisor Kozakiewicz: "Well, we're trying to give everybody an opportunity to speak. The Board recently told me I'm not doing my job; I'm not enforcing the five minute rule so I told them I would try to be a little more diligent in that regard."

Steve Haizlip: "I've got a lot of community stuff. On resolutions, oh, yeah, Steve Haizlip of Calverton. On Resolution 567, it says about a bid on 69,000 KV. But where is it and who is going to do it?"

Supervisor Kozakiewicz: "The bid means it's going out to bid so we don't know yet who the successful bidder will be. It's authorizing work to be done on the transmission lines that come in from Connecticut Avenue to the Grumman- former Grumman site."

Steve Haizlip: "Oh, that's enough. That's enough. Now we know

where it is and the location. All right.

I'm going to let you in on a little news that's going to happen tomorrow in Bedford, Virginia and you'll probably see it on the news in the evening. The D-Day monument memorial is going to be dedicated tomorrow by President Bush and it will be- it's to be dedicated because- and the reason it's in Bedford, Virginia, the 29<sup>th</sup> and the 30<sup>th</sup> Division lost all the men practically to the invasion and that's why they chose that location to put it up.

And all of us people that did fight over there, soldiers, and myself, 57 years ago, we fought for freedom of America and for each one to be able to compete in business but it seems that Brookhaven town can decide to make laws retroactive and put people out of business for a bigger business. That's what I went over there for.

Can I ask you in turn, I believe Mr. Cardinale has the answer, is-- this Cablevision lawsuit, where do we stand? We never hear nothing. Are we going to get beat out of it or are they- "

Supervisor Kozakiewicz: "Cablevision?"

Steve Haizlip: "Yeah."

Supervisor Kozakiewicz: "On the senior citizen- "

Steve Haizlip: "The senior citizen, they promised to put in place, then because the federal government deregulated and they said, too bad you old seniors in Riverhead, you're not going to get nothing now because the federal government deregulations says you can't have it. That supersedes."

Supervisor Kozakiewicz: "That's their position."

Steve Haizlip: "That wasn't the agreement when they came up here."

Supervisor Kozakiewicz: "That's Cablevision's position that the regulations caused it to be superseded and they're not required to adhere to the franchise agreement. I think the town has taken the contrary position- "

Councilman Cardinale: "That's correct. We have. And to answer your question, Steve, it is clear to me that they're in violation. In regard to giving the senior citizen a discount, they've been in

violation for the last eight years."

Steve Haizlip: "I know they are."

Councilman Cardinale: "We have- I have recommended a lawsuit be commenced. The Town Board, I believe I abstained, determined to hire outside counsel from the state of Florida. They are in the present-- presently looking at the situation to determine whether or not they will recommend- they concur that a lawsuit ought to be commenced. I believe it should be.

They're violating the agreement not only in that regard but in regard to not giving us the necessary channels that we're entitled to-- we're entitled to an additional channel for public access. They're also violating the agreement in regard to- in regard to the rules and regulations for public access and in several other areas. So we're waiting for a recommendation from our present attorneys.

I believe we should not negotiate with them until a lawsuit is commenced and until they correct the existing violations. We're getting recommendation shortly from our attorneys. They may elect to go forward a negotiate a cable agreement. I do not agree that that is good strategy or a good tactic but I'm only one person on a four person Board. So- five person Board, with the Supervisor, we count him, he's the fifth."

Steve Haizlip: "Don't give them nothing until they live up to what they said they were going to do."

Councilman Cardinale: "That is the position I'd like to hold to, yes."

Steve Haizlip: "Right. The (inaudible) park in Calverton and Riley is 95% complete and there's a few minor changes to be done and to be worked out and I am desperately trying to do that with the highway superintendent.

And I would like to inform about the 29<sup>th</sup> of May blood drive at the Ramada Inn."

Supervisor Kozakiewicz: "I was just going to mention that as you were going to conclude, the blood drive and you could mention how many pints you were able to- "

Steve Haizlip: "Twenty-six."

Supervisor Kozakiewicz: "Okay. When is your next date? Do you have that set?"

Steve Haizlip: "What's that?"

Supervisor Kozakiewicz: "When's your next date? Do you have that set at this point in time?"

Steve Haizlip: "No."

Supervisor Kozakiewicz: "Okay."

Steve Haizlip: "But the thing I want to emphasize very much so, I'm glad you came Bob and Eddie because if the leader of the town can come, then that should set an example for the workers to come and Mr. Frank (phonetic) and you and Linda which was just here, they're going to work on that extended hours to do that. And also I believe you enjoyed the part where you acted as a chaplain for quite a few minutes there for the troops of your town.

And the bad part is I couldn't get communication, I couldn't get it through Suffolk Life; I couldn't get it through News Review, and but I did get it with WRIV and they did help me out and announced it there.

And my last comment and question to you, when Mr. Grucci came up here and hollered about that post office, which I don't blame him, is he getting anywhere or are they just telling him quite, old buddy, don't stir the pot."

Supervisor Kozakiewicz: "Nothing definitive at this point."

Steve Haizlip: "Okay."

Supervisor Kozakiewicz: "I did ask him that last Friday when I saw him."

Steve Haizlip: "You did?"

Supervisor Kozakiewicz: "Yes."

Steve Haizlip: "Glad you got (inaudible)."

Supervisor Kozakiewicz: "Linda Margolin. Joey, while Linda is stepping up, there's some papers on my desk from Tony Canetta on this

one. I think I left them in the room."

Linda Margolin: "My name is Linda Margolin from the law firm of Bracken, Margolin and Goovis (phonetic). I'm here representing Headriver LLC which is an applicant for a special permit.

Supervisor Kozakiewicz, Members of the Town Board, I'm here to address you on the subject of Resolution 539 that was tabled on May 15<sup>th</sup> and I believe based upon events that have transpired since then, it ought to be brought back from the table and vote on at this evening's meeting. That was the resolution to approve the FEIS for Headriver and to commence its circulation process.

We- Mr. Brown, representing Headriver as well, Supervisor Kozakiewicz, sent you a version of the resolution with some suggested corrections and I wanted to point out to you that in addition to the various corrections that he noted, the resolution draft that was prepared for the Town Board incorrectly refers to the DEIS hearing date as November 30<sup>th</sup>. It was December 20<sup>th</sup>.

It's my understanding, Supervisor Kozakiewicz, that you did hear from Mr. Cannetta of Divirka & Bartilucci and that- "

Supervisor Kozakiewicz: "That's correct. I don't mean to stop you short, there was conversation with Mr. Cannetta yesterday. He called me to confirm his receipt of the latest submissions that had been given by Headriver and, in fact, there's a letter from Mr. Cannetta which I am searching for in my office right now that addressed three of the four issues to his satisfaction.

There was an outstanding question which was being referred to, the economic analysis, and that was being handled by a Mr. Farendino (phonetic)."

Linda Margolin: "Well, if all the other issues are in order except the socio-economic impact- "

Supervisor Kozakiewicz: "That's the one that's outstanding."

Linda Margolin: "That is one that I, with your permission would like to use my remaining time to address because despite the position of the town's consultant, certainly the SEQRA consultant employed by Headriver, Mr. Michael Gerard of Arnold and Porter (phonetic), and I are both of the same opinion, that is that the socio-economic impact analysis when the use is completely appropriate as a special permit

use for the area, is simply not an impact that the town is entitled to consider under SEQRA.

It is- in order to understand why, you simply have to consider what it is that the applicant might have to do if an impact was found and they were going to have to mitigate. Would you demand that they have a less successful business? I mean, this is not a situation where the effect is ancillary to what it is that they're doing. It is a business. Every businessman hopes the business will be successful and if the business is successful, it will certainly have a socio-economic impact but it's not one that demands mitigation. Our system laws is just not set up to do that.

So with respect to the Town's consultant, I think that that issue is a red herring and that this matter which has gone on now for quite some time, the DEIS hearing was five months ago and change, it's now time to move this application forward. We would like to see the town as I said take Resolution 539 off the table, make the couple of corrections to it that are required to make it correct and adopt it this evening so that the applicant can move forward with the special permit hearing.

I'd certainly be happy to address any questions that the Board might have but I- "

Councilman Cardinale: "Can I ask if you've received what we just received, the June 4<sup>th</sup> letter from Divirka & Bartilucci?"

Linda Margolin: "No, Mr. Cardinale."

Supervisor Kozakiewicz: "I can tell you they don't have it yet."

Councilman Cardinale: "Okay. Because it's- I have a question and maybe the Supervisor may be able to answer. I recall that this was on, that there were four issues outstanding and we felt compelled to table. This letter addresses three of them?"

Supervisor Kozakiewicz: "That's correct."

Councilman Cardinale: "What is the issue that is unaddressed?"

Supervisor Kozakiewicz: "The socio-economic analysis."

Councilman Cardinale: "But I may be confusing this. There were

the salamanders which is now resolved; the traffic mitigation apparently resolved, and the reuse scenarios which I understood to be the socio-economic issue."

Linda Margolin: "That's my understanding, too."

Supervisor Kozakiewicz: "What other socio-economic issues exist here other than the reuse scenario, Bob?"

Supervisor Kozakiewicz: "The consultant, this Feradino, had asked as part of the scoping document that other businesses within the trade zone as they defined it be identified and then when those businesses that could be impacted were identified, there be a further identification process to determine if they're anchor stores in a strip mall or other type of use and then look at what the impacts would be of this particular project upon those other- "

Councilman Cardinale: "Was that part of the- we- "

Supervisor Kozakiewicz: "Part of the scoping review."

Councilman Cardinale: "Yeah, but we seem to- last- two weeks ago we got the letter, the day of the meeting, this- we are now getting it the day of the meeting, was that in the last letter? Because I honestly do not recall that being in the last letter. Or is this a new issue?"

Supervisor Kozakiewicz: "No. It was- there were four issues and this one addresses four- three of those four."

Linda Margolin: "Our consultants addressed the socio-economic impact in the reuse scenarios."

Councilman Cardinale: "Which I thought you were just addressing which I found odd, too."

Linda Margolin: "Well, we did it under a reservation of rights."

Councilman Cardinale: "Okay."

Linda Margolin: "Because we did not think that it was an appropriate area for the town to inquire; we didn't think it was appropriate for SEQRA but in an effort to move this forward, despite the fact that we didn't think it came under SEQRA, we did address it."

Now it is the only issue that apparently stands between us and approval of the FEIS for circulation and now I think, you know, spirit of cooperation is one thing but now essentially we're being asked to address something which the Town Board in establishing the zoning for this piece of property said this is an appropriate use for that zoning if we meet the other requirements, and one of them is not to have an unsuccessful business.

We are- we've addressed traffic impacts, environmental impacts, other things, but we're not supposed to ask for permission to put a business that fits the special permit and then address scenarios that will say what happens if the business is successful. I mean this is not- we're not talking about mitigating traffic or other issues. We're- of course, we have an obligation to treat the development in a way that it has the least impact on the environment and to mitigate whatever impact it does. But this is an impact that is-it's countenanced and expected and incorporated in the town zoning. And that's why it's unfortunate now that this apparently is what's being suggested should delay us from moving forward. I don't know if I've responded to your question, Mr. Cardinale."

Councilman Cardinale: "Yeah, I'm unclear. I'm going to compare this last letter I've been handed this evening with the one I was handed at the last Board meeting- "

Supervisor Kozakiewicz: "Maybe we can take a brief break later and talk to- "

Councilman Cardinale: "-- and compare them. Because I'll tell you what it essentially says is the following in pertinent point- given that there is more information to review comments on the fourth issue economic guidelines will be provided before the end of this week. So our expert is telling us he wants to give us more information which puts us in an awkward position because we're relying on him. On the other hand, I don't recall that this issue was one of the four. So I want to compare it with the letter we received last week. To make sure that they're not creating new issues at a late date."

Linda Margolin: "I'd be happy to wait until you've had that opportunity. Thank you."

Supervisor Kozakiewicz: "Eve Kaplan."

Eve Kaplan: "Eve Kaplan, North Fork Environmental Council. I

have a question about Resolution 606 which sets a date for the public hearing for fire department burn building and race track to be built on Northville Turnpike. If I'm correct, I looked at the resolution before the meeting and I believe it sets the date at July 3<sup>rd</sup> at 7:00 p.m. Is that correct?"

Supervisor Kozakiewicz: "7:10 p.m."

Eve Kaplan: "Right. 7:10 p.m. Isn't there- is it also the case that there's a Town Board meeting? Is there a day meeting earlier that day?"

Supervisor Kozakiewicz: "That's what- I'm looking at the prior notice and it's 2:05 p.m. for a public hearing on Mid Road Properties so there is some question of time. We'll look at that and double check the time of the July 3<sup>rd</sup> meeting?"

Eve Kaplan: "So do you know when the meeting is?"

Supervisor Kozakiewicz: "It should have been 7:10 but maybe- there seems to be some inconsistency. Is that an afternoon meeting, Barbara, July 3<sup>rd</sup>?"

Barbara Grattan: "No, June is. June is an afternoon- "

Supervisor Kozakiewicz: "I know June 17<sup>th</sup> is, the next one."

Barbara Grattan: "Yes."

Supervisor Kozakiewicz: "Right. We'll double check that, Eve."

Councilman Cardinale: "We should conform them to read 7- the evening meeting. That's what it appears."

Eve Kaplan: "Okay. So it appears that it is- "

Supervisor Kozakiewicz: "It should be 7:10- "

Eve Kaplan: "Okay."

Supervisor Kozakiewicz: "-- and the other one should be 7:05."

Eve Kaplan: "Okay. So the hearing will be at the Town Board meeting?"

Supervisor Kozakiewicz: "That's correct."

Eve Kaplan: "Okay. I just was a little bit concerned because I think this is a project that affects a lot of- affects a major (inaudible) shed in Riverhead and I know- we'll let you know that we have some concerns in Aquebogue and potentially Jamesport and a little bit west of there as well. And I think 7:00 p.m. on July 3<sup>rd</sup> will be a meeting that may be very difficult for a lot of people to attend because it's right before a national holiday; it's sort of a weird week. So I know the next meeting in Wading River is going to be packed with the moratorium hearing but if there's a potential to hold this either at the next Town Board meeting, June 19<sup>th</sup>, or perhaps the one after that, I think it's important that people be able to have time to learn about this issue and talk about it. Thank you."

Supervisor Kozakiewicz: "Thank you. I think that's it for the cards. Anybody else? Rolph Kestling."

Rolph Kestling: "Rolph Kestling, Wading River. The first quick question is on the last public meeting, weren't the witnesses supposed to be sworn in?"

Supervisor Kozakiewicz: "On special permits. On change of zones, no."

Rolph Kestling: "It keeps changing- "

Supervisor Kozakiewicz: "No, no, no. On special permits it's been swearing in; on change of zones, no."

Rolph Kestling: "All right. This concerns the parking lot on Hulse Landing Road, the town lot. On the southwest part of the town parking lot between the two parking lots, since about April there's a big mound of debris laying there and it seems to get bigger and bigger as time and people throw things there. Now I want to know why has that been there so long?"

Supervisor Kozakiewicz: "I don't know the answer but we'll ask the buildings and grounds people to hop on it."

Rolph Kestling: "I mean they come down there they cut grass, I think once, and- "

Supervisor Kozakiewicz: "Your concerns are noted and I'm going to ask the buildings and grounds to take care of it."

Rolph Kestling: "Okay. The next thing- you can't- "

Supervisor Kozakiewicz: "This is garbage that's there?"

Rolph Kestling: "Probably some mixed in with it but it's usually leaves, branches, parts of old fences, etc., etc."

Supervisor Kozakiewicz: "Okay. So someone's discarding stuff?"

Rolph Kestling: "Evidently."

Supervisor Kozakiewicz: "Okay. And this is the southwest side?"

Rolph Kestling: "Southwest side Cedar Road."

Supervisor Kozakiewicz: "Okay. On Cedar?"

Rolph Kestling: "On Cedar."

Supervisor Kozakiewicz: "Okay."

Rolph Kestling: "Okay. Now I want to ask another question. You can't- the town officials can't see everything that's going on so they encourage people if they see something, notify the proper authority and they'll take care of it. Now I notified them, I'm not going to go into detail, but I notified somebody in Town Hall who said they would take care of it, turn it over to code enforcement, meanwhile nothing's been done. And as long as they're going down there, they just go up about another block, somebody emptied out a house there right on North Wading River Road and there's a load of garbage laying there and that's a main road where a lot of visitors travel."

Supervisor Kozakiewicz: "And that's right on North Wading River Road?"

Rolph Kestling: "Right on North Wading River Road."

Supervisor Kozakiewicz: "And when did that happen?"

Rolph Kestling: "Huh?"

Supervisor Kozakiewicz: "When did that happen?"

Rolph Kestling: "Well, that only happened I think Saturday night and Sunday."

Supervisor Kozakiewicz: "Okay."

Rolph Kestling: "So but meanwhile mattresses, bureaus, you know, all furnishings. Thank you."

Councilman Densieski: "It's amazing that people do that when the town will pick it up in your taxes at no cost- "

Rolph Kestling: "It's more amazing that the town officials and all that in charge that go riding by and don't see it."

Supervisor Kozakiewicz: "They may have responded and we don't know the answer. We'll make sure we follow up. Thank you. Anybody else? Bill Kasperovich."

William Kasperovich: "William Kasperovich from Wading River."

Supervisor Kozakiewicz: "Bill, so that we agree, the time is 8:08. Thank you. Just- I've been asked to be a little more- just so we agree on the time. Okay? 8:08."

William Kasperovich: "I don't agree but if you- "

Supervisor Kozakiewicz: "I've been asked to be a little more vigilant with the five minute rule, Mr. Kasperovich, and I'm going to try."

William Kasperovich: "You're the Chairman."

Supervisor Kozakiewicz: "Thank you."

William Kasperovich: "If people can sway the Chairman to do what they damn well please, that's up to you."

Supervisor Kozakiewicz: "Thank you, sir."

William Kasperovich: "Now, on Resolution- you're approving a plan for PRG Corporation map and the rendering is out on the wall in the hall. One comment I'd like to make on our main highway, 25, at the intersection with Edwards Avenue, when the site plan came up about the southwest corner area to my amazement the Town Board knew nothing about the traffic difficulties. And their solution was with the town

road and no concern with the state road, 25 being a state road. Now here we have a driveway coming onto Route 25 a little bit west of Edwards Avenue. This is a difficult stretch of road and yet the access to this property as a driveway without the 50 foot minimum radius on either side of the driveway. This is a minimum requirement by DOT and by the Suffolk County Planning Board. And yet nothing is done to concern the traffic from on and off the road where you have a 55 mile speed limit.

Now if that isn't worth five minutes of conversation, I don't know what is. But maybe you people don't like to hear the deficiencies of your conduct up there.

Now you have a resolution 576 which tells us that if this resolution passes that you're going to have an agreement with the county on traffic control devices. Now, what is this agreement going to cost the taxpayer? How much will we have to pay as our share of whatever agreement you make with the county? Now, for years, for decades, the county has been reluctant to use traffic control devices. They just put up a control at either any intersection but as far as coordinating or controlling the section of road, they just didn't want to hear any part of that. Now you're going to go into an agreement with them and you're not telling us in the resolution to what extent and how much- well, we'll forget the why. But the county has given us a hard time about traffic control on that street for decades. Now what are you going to do there? You're going to have an agreement with them, agreement on to what? The only one I could think of is money and you're not telling us how much money. That in itself is worth five minutes of conversation. But you write these resolutions and it seems that less and less is being said as to the whys and the whereas. And the accuracies of the statements and coverages seem to be waiting to where practically nothing is said on what you approve or agree to.

Now, this traffic access to Route 25 should certainly be resolved to a better solution than what's shown on paper because on paper there is no solution shown. And if you going to have an agreement with the county, you are going to tell us how much it's going to cost us. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Hand in the back, all the way- is that Joan? Joan. I couldn't see if it was somebody else. Eyesight's going bad."

Joan Griffin: "Good evening, Mr. Supervisor and Councilmen. I

know it's been a long time, you forgot me already. Just some updates on things going on around Riverhead and Calverton area. The Calverton Manors. Is that still a proposal going through or dropped out of sight on Manor and 25?"

Supervisor Kozakiewicz: "That was the one with the 125,000 square foot box?"

Joan Griffin: "Yeah."

Supervisor Kozakiewicz: "We have asked that a letter go back to indicate that we're not interested in that particular layout."

Joan Griffin: "Okay, thank you. The website for the town, is that maintained from within Town Hall or- "

Supervisor Kozakiewicz: "We have an outside consultant but the hope is that each department head when the upgrade is completely done will be able to, with the password, upgrade and modify their respective department sites to keep them current."

Joan Griffin: "Okay. Youngs Avenue and East Meadow Road I brought up last year, I think, in October, area- there's an old, I guess you call a barn that's falling apart there and it keeps deteriorating being very dangerous and I think the town said they would notify the county."

Councilman Kent: "Maybe we should do a Chapter 94- Chapter 54 on that."

Councilman Lull: "We did it five years ago."

Councilman Kent: "We did do the Chapter 54 already?"

Councilman Lull: "We went to the county five years ago and they said they (inaudible)."

Councilman Kent: "Oh, that's the property- that property was taken by the county."

Supervisor Kozakiewicz: "It is county property, right."

Joan Griffin: "Yeah, it's on the edge of Warner Farms and- "

Councilman Kent: "I know where it is. It's the old- it's a

metal type barn."

Joan Griffin: "Yeah."

Supervisor Kozakiewicz: "It used to be a duck- used to be ducks or poultry."

Councilman Lull: (Inaudible)

Supervisor Kozakiewicz: "Yeah, okay."

Joan Griffin: "Graffiti on the buildings, particular Manor and Route 25. Is that going to be cleaned up by the town or whoever owns the properties- "

Supervisor Kozakiewicz: "Which one? I'm sorry."

Joan Griffin: "It's Manor Road and Route 25 opposite Splish Splash. It's an old- "

Councilman Kent: "It's a barn also."

Joan Griffin: "-- barn."

Councilman Densieski: "Yeah, that's where that box store was proposed."

Supervisor Kozakiewicz: "That's where the box store was proposed. Right."

Councilman Kent: "That's Calverton Manors."

Supervisor Kozakiewicz: "That was Calverton Manors."

Councilman Kent: "Cleaning off the graffiti."

Joan Griffin: "Yes, the graffiti situation there."

Councilman Densieski: "That's a Chapter 96 (inaudible)."

Supervisor Kozakiewicz: "Yes. Okay."

Joan Griffin: "A couple more questions. The traffic light on Edwards and Sound. I understand the poles are proposed to go in the next weeks or months?"

Supervisor Kozakiewicz: "I was given a very general timetable by Ken Testa that we were looking to get it all accomplished by Fall."

Joan Griffin: "Fall meaning September, October?"

Supervisor Kozakiewicz: "Yes."

Joan Griffin: "Okay. Edwards and Route 25, I mentioned the beginning of April right after all the snowstorms in March, right north of the railroad tracks as you come over the tracks, the road has a severe dip in it and cars are bottoming out there because nobody does 25 miles an hour there. They do closer to 45."

Councilman Kent: "On the north side of the tracks, right?"

Joan Griffin: "The north side of the tracks. Just as you come over the tracks, there's a big dip going into it."

Supervisor Kozakiewicz: "Okay."

Joan Griffin: "Okay. I understand Edwards and Route 25, the town is working with the state on that intersection to try to widen it and fix that dip on Edwards?"

Supervisor Kozakiewicz: "If it can be done. I know there's going to be some problems with the way the Village Crossroads and that intersection layout but that's been something that's been a topic for some time."

Councilman Kent: "Well, that's why we required when the FedEx building came in- "

Supervisor Kozakiewicz: "An area for- "

Councilman Kent: "We required them to move back 35 feet."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "If you see where they planted their trees, the anticipation was that we would be widening on the north side."

Supervisor Kozakiewicz: "We could do a taking or widening, correct."

Councilman Densieski: "The west side."

Supervisor Kozakiewicz: "That's the west side, right."

Councilman Kent: "The west side."

Supervisor Kozakiewicz: "That's right."

Councilman Lull: "-- north side would give us 200 feet for setback so- "

Joan Griffin: "Okay, and last question, my favorite one, Burman deal. How- "

Councilman Cardinale: "Sixty to ninety days."

Supervisor Kozakiewicz: "Do you want to take- that's a safe guess. But what we- let's go through a little bit of history. The DEC has, as you know if you watch the papers the last couple weeks, there was a notice of complete application which was in order to comply with the Wild Scenic Rivers Act. That public comment period included May 18<sup>th</sup>. The following week, I spoke with Mr. Patterson from the DEC. No written comments were received. There are some additional issues that need to be addressed by Calverton Camelot LLC as far as wording on the map as well as some of the covenants that the DEC is asking them to comply with.

We had a meeting last Friday between counsels for the respective parties in order to address issues in anticipation of moving towards a closing. We expect some written confirmations this Friday concerning outstanding issues so that we, hopefully, will be at a point where the DEC will issue a permit. The Suffolk County Department of Health Services will fall in and we will be a position to clear the closing. That's- as far as a time period, I can't- it's dependent in part upon Calverton Camelot LLC complying with the DEC comments which were received by them back in January or February, I believe. Correct?"

Dawn Thomas: "And some additional comments early this- in May."

Supervisor Kozakiewicz: "In May. There were some additional comments in May from the DEC but we're well on our way. The last couple hurdles should be cleared very shortly."

Councilman Cardinale: "Are there any easement issues still outstanding?"

Dawn Thomas: "I don't think there are any- "

Supervisor Kozakiewicz: "We shared that information with them last Friday and I don't believe there are."

Dawn Thomas: "It's just easement language. Location of easements I think is all agreed upon, so."

Councilman Cardinale: "Good."

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

Supervisor Kozakiewicz: "You're welcome."

Joan Griffin: "Also, I'd just like to say we've turned in over 44 phones now to the police department for the E911 program. I'd like to thank Calverton residents."

Supervisor Kozakiewicz: "Thank you. Yes."

Harold Lindstrom: "My name is Harold Lindstrom from Riverhead. I just have a question for the Board. I was wondering if the town secured a grant to improve Sound Avenue. I brought this issue up some time ago about the safety of Sound Avenue."

Supervisor Kozakiewicz: "The town has inter (inaudible) or multi (inaudible) funds which have been provided by Sen. Ken LaValle to start the process. I think the amount of money that we were able to receive was \$150,000. The game plan and recently I spoke to Mark about this, is to address the worst sections of Sound Avenue first and it's his opinion that the worst sections generally are between Roanoke Avenue to, I think, Cross River Drive. So he's going to attack that area first. In order to address the entire Sound Avenue, we're talking about 15 linear miles and he's not going to be able to do that in one calendar year because there's just simply not enough funding to do it. But that issue has been looked at."

I know that we may need to actually put it on the interior or the inside of the trees if we were to do the bike path or path instead of knocking down trees. But I understand Mark has looked at that and as I say he has received multi (inaudible) funds from the state in order to start that process.

What he's going to look to do as I understand it, he's actually going to take Sound Avenue down to the very base so he's going to take all the asphalt up. It's then going to go into a machine that will grind that asphalt entirely to the point where it can then be melted

back down and that will serve as the subsurface or the base coat and then on top of that they'll put a wearing coat on the roadway. So that's his game plan in order to address Sound Avenue and as I say he's going to address those areas that are the worst first."

Harold Lindstrom: "I'm glad to hear that and I hope that when- as they do the road that they will consider improving the shoulders in some manner to the condition- "

Supervisor Kozakiewicz: "Mark is aware of your concerns and the issues that you expressed to the Town Board at a prior Town Board meeting have, in fact, been conveyed over to him and the Highway Department."

Harold Lindstrom: "All right. Thank you very much."

Supervisor Kozakiewicz: "You're welcome. Ann Miloski."

Ann Miloski: "Ann Miloski, Calverton. I wanted to talk about- a little about this preliminary proposal for the Grumman site which you worked on the work session on Monday I think it was or Thursday? Thursday. Well, anyway- "

Supervisor Kozakiewicz: "Are you talking about the one that was presented to us, Utopia?"

Ann Miloski: "Utopia."

Supervisor Kozakiewicz: "As was mentioned to the press and I think most of the people who called any of the Town Board members, it's going back to RDC and RDC will have to rule upon."

Ann Miloski: "Yes. Well, yesterday morning I listened to Councilman Kent on WRIV which I like to do in the mornings especially when our town officials are on there so I get a lot of answers to my questions. And when they asked you about it, you told them about the theme park and it was going to be like a Universal Studios, but what you failed to tell them that in their proposal that they were also asking for a commercial airport with FAA funding. Now that isn't limited use airport like we've been led to believe."

Councilman Kent: "I don't know if they actually said that they- commercial airport- "

Ann Miloski: "It's in here. It's in here."

Councilman Kent: "-- with FAA funding. I don't know if they said that."

Ann Miloski: "I talked to him afterwards and he said they were going for FAA funding."

Councilman Kent: "Well, I didn't express- "

Ann Miloski: "Well, anyway- "

Councilman Kent: "-- support or anything- "

Ann Miloski: "-- you didn't mention anything about commercial airport."

Councilman Kent: "-- for their proposal, so- "

Ann Miloski: "And I thought that was important. But the other thing I wanted to ask all the Councilmen and Supervisor is didn't you pass a resolution sent to Grubb & Ellis that they should not entertain any commercial airport?"

Councilman Densieski: "Yes."

Ann Miloski: "I remember that being passed."

Councilman Densieski: "Yes, we did. And also Councilman Kent mentioned also on that same radio program that this really wasn't a proposal."

Ann Miloski: "I know."

Councilman Densieski: "It was more or less a wish list letter and it was far from a proposal."

Ann Miloski: "Well, it's a partial- it says partial proposal. That's what I have here. But I just wanted to bring that out and they're asking for both runways open and they want it for a commercial airport for town, county and state."

Councilman Densieski: "I don't think anybody on the Town Board wants a commercial airport."

Ann Miloski: "Okay. I just wanted to bring that out to you. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Sid Bail."

Sid Bail: "Sid Bail, President of the Wading River Civic Association. Wading River is really looking forward to its new shopping center opening. It's going to be, hopefully, it's going to be a very nice thing. We're looking forward to our first Big Mac coming in. But one of the things that we're not looking forward, the talk around the town is the concern about traffic. And I know the Supervisor was at our meeting and I'm certainly not bringing this up to embarrass anyone but it's out there. You know, hopefully, it's going to work better than it looks like it's going to work."

At one time, we were talking about widening Wading River/Manor Road making two lanes in each direction. We were talking to DOT about putting a new traffic light that would have turn signals in all directions and none of that I believe has happened. I know DOT is studying this to see if that area is the problem area but- "

Supervisor Kozakiewicz: "Yeah, I received the same letters or a copy of the same letters that you've had with state."

Sid Bail: "Right. And just- it's out there, the concern in the community, you know. Surely it will be an improvement of the area in one sense but that exacerbates other- it's hard to say that word, exacerbate."

Supervisor Kozakiewicz: "Exacerbate."

Sid Bail: "Yes. Good. Thank you very much."

Supervisor Kozakiewicz: "Thank you. George Schmelzer."

George Schmelzer: "It appears that the town is going to get rid of any problem with the DEC or the scenic river on Grumman?"

Supervisor Kozakiewicz: "There's been a petition submitted to move the line but to get rid of it entirely?"

George Schmelzer: "Yeah."

Supervisor Kozakiewicz: "I don't think it's going to happen."

George Schmelzer: "Why don't you? What are you afraid of? Are you just only concerned with the town land? You don't give a damn about people's private land. Is that what it is?"

Councilman Densieski: "George, I agree with you on this one."

George Schmelzer: "Huh?"

Councilman Densieski: "I agree with you on this one."

Supervisor Kozakiewicz: "Let's get rid of- "

George Schmelzer: "That's right. About time we did something. Are you a scared of somebody? Who are you afraid of?"

Councilman Densieski: "What do you recommend we do, George?"

Supervisor Kozakiewicz: "You."

George Schmelzer: "Huh?"

Supervisor Kozakiewicz: "We're afraid of you."

Councilman Densieski: "What do you recommend we do?"

George Schmelzer: "Get rid of- Ken LaValle was here I heard recently, our favorite weasel, you should have talked to him then. He caused this mainly. Get after him. Tell him we don't want it. What are you afraid of?"

Supervisor Kozakiewicz: "You. Thank you."

George Schmelzer: "Come on. Give me a good answer."

Councilman Lull: "George, the town submitted to the state a proposal to change that Wild & Scenic Rivers Act line to include everything south only of Route 25."

George Schmelzer: "Why don't you get rid of the damn thing? What are you afraid of?"

Councilman Lull: "It's- "

George Schmelzer: "You voted last year to have no referendum. You don't want anything that the people want."

Councilman Lull: "George."

George Schmelzer: "Come on."

Councilman Lull: "This is a state- this is a statewide- this is a statewide project- statewide rule. But the point is- "

George Schmelzer: "Statewide rule? If affects scenic river for here."

Councilman Lull: "Yes."

George Schmelzer: "You put the damn thing in there, nobody cared."

Councilman Lull: "Will you drain the Peconic then?"

George Schmelzer: "Huh"

Councilman Lull: "You want to drain the Peconic, is that what you're talking about?"

George Schmelzer: "I didn't say drain anything. We're drained by the Town Board. When do you intend to do something?"

Councilman Lull: "We already did it. And- "

George Schmelzer: "That's all you can do, huh? Can't do anything more."

Councilman Lull: "It's a state law."

George Schmelzer: "Did you speak to Ken LaValle in the last two years? Are you afraid of him? What are you afraid of?"

Councilman Lull: "It's pending their response."

George Schmelzer: "Pending their response? You never got an answer, huh?"

Councilman Lull: "We got an answer that they received it."

George Schmelzer: "That's all you can do, huh? You ought to be proud of that."

Councilman Cardinale: "How long ago was that sent, Jim?"

George Schmelzer: "Pardon me?"

Councilman Cardinale: "How long ago, Jim, was it- "

Dawn Thomas: "(inaudible) was February."

Councilman Cardinale: "Five years ago?"

Supervisor Kozakiewicz: "And then the most recent petition was February this year."

Councilman Cardinale: "So for five years we've been waiting for the DEC to respond."

George Schmelzer: "When it comes to Grumman land, that's a little different, isn't it?"

Councilman Cardinale: "It's amazing."

George Schmelzer: "That's a little different, isn't it? Well, you've got to get after them fast. When it comes to private land ruining most of the town from Peconic River west, you don't care. What kind of people do we have on the Board here? What are you afraid of? You are being paid off or something? You've being swapped? What's being swapped?"

Supervisor Kozakiewicz: "We're being paid off by the state, okay. Anything else, George, Mr. Schmelzer?"

George Schmelzer: "Well, a good answer."

Supervisor Kozakiewicz: "Anything else?"

George Schmelzer: "No. I want a good answer."

Supervisor Kozakiewicz: "Anything else?"

George Schmelzer: "A good answer."

Supervisor Kozakiewicz: "Anything else?"

George Schmelzer: "Two good answers."

Councilman Cardinale: "George, I believe that the public is entitled to an answer. I will follow up with Jim. We've been waiting five years. We will definitely write another letter indicating that even for the DEC, five years is excessive to wait between letters."

George Schmelzer: "That's right. If you go (inaudible) to the state, the DEC there following the rules and they'll weasel out, you know that."

Councilman Cardinale: "I do know that. But that should not keep us from trying."

George Schmelzer: "Well, yeah, really try. I don't think you tried at all, this Board, and no other Board. What is there some secret trade off we've got? Who said something?"

Supervisor Kozakiewicz: "Anything else? If not, we'll follow up with the DEC. I know what you're suggesting. You're asking us to get the law repealed and this river removed from the Wild Scenic Rivers Recreation designation."

George Schmelzer: "Yeah."

Supervisor Kozakiewicz: "Thank you."

Councilman Kent: "Maybe we can change the rules."

George Schmelzer: "Like the DEC, they- one of their rules says you're not supposed to impound any waters. If they put extra water (inaudible) that's okay, though, it's different. I told them you own the land under the water. They said well, that's our water. Well get your damn water out from our land then. That was the end of that. So, I'll ask you every time until you get sick of hearing it. Every meeting if I can."

Supervisor Kozakiewicz: "You're going to stop when we're sick of hearing it, is that what you're suggesting?"

George Schmelzer: "Stop what?"

Supervisor Kozakiewicz: "Nothing. Anything else? If not- "

George Schmelzer: "I guess it is nothing the way it sounded like. Yeah."

Supervisor Kozakiewicz: "George, anything else? If not, I'm going to ask you to sum up."

George Schmelzer: "Okay. What I'd like to tell you now I'll tell you privately. It wouldn't be- "

Supervisor Kozakiewicz: "Okay. Very good. All right. All right, very good. Anybody else then?"

George Schmelzer: "So long."

Supervisor Kozakiewicz: "Thank you. Anybody else? Not seeing any hands, what I would like to do, if the Board would like to take a moment we could talk about this Headriver issue. Rick, would you be willing to talk to us about this issue? Is Rick here to go through this a little bit so we better understand? If that's being the case, could we take a 10 minute recess, the time being 8:31."

Unidentified from the audience: "Ten minutes."

Supervisor Kozakiewicz: "If we take 12, what happens?"

Councilman Kent: "Do you think that's the right thing to do then?"

Recess: 8:31 p.m.

Reopened: 8:50 p.m.

Supervisor Kozakiewicz: "We're going to reconvene the meeting, the time of 8:50 having arrived. Since Chris did run out, I would like the record to reflect that we had discussed the issue of the tabled resolution which was Resolution 539 involving acceptance of the final impact statement for Headriver LLC. As a result of the conversation and the letter that we had received dated June 4<sup>th</sup> from Divirka & Bartilucci, a copy of which I've asked to be provided to the counsel for the applicant, the Board will leave that resolution tabled.

I understand further, that based upon my conversation with Mr. Farendino (phonetic) late today, that he hoped to have his written comments to Divirka & Bartilucci and, hopefully, then convey to my office which I'll then share with the Town Board by tomorrow, I hope, latest by Thursday, and I will see that they are promptly shared with counsel for the applicant as well."

Linda Margolin: "Thank you, Mr. Supervisor. We'll hope then that this tabled Resolution 539 can be addressed at the June 19<sup>th</sup> meeting."

Supervisor Kozakiewicz: "Thank you."

Linda Margolin: "Thank you very much."

Supervisor Kozakiewicz: "Okay. At this point in time, I'd like to adjourn the Town Board meeting and convene the Community Development Agency meeting."

Meeting adjourned: 8:52 p.m.

Meeting reopened: 8:54 p.m.

Supervisor Kozakiewicz: "We're going to reconvene the Town Board portion."

Resolution #565

Councilman Kent: "Resolution 565 amends Resolution 513. Basically it changes the date of Milton Tyte's, both the commencement and the ending date of his three month non-paid leave of absence. 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 #566

Councilman Lull: "Approves the temporary sign permit of Central Suffolk Hospital 1951-2001 celebrating 50 years of service to the community, a six month approval temporary sign. 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 #567

Councilman Densieski: "Authorization to publish a bid for the 69KV pole replacement and related work. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'll save my comments for the actual vote. Yes."

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

Resolution #568

Councilman Lull: "Rescinds resolutions awarding bid and awards bid for Equestrian Estates Extension #60 of the Riverhead Water District. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #569

Councilman Lull: "Is a budget adoption capital project Manor Lane Estate road improvement. 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 #570

Councilman Densieski: "Is a general fund budget adoption. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes. One of the things this is going to do is bring the Jamesport Marina into handicapped compliance. The gangplank that brings you down to the floating dock so I'm going to support this. Yes."

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

Supervisor Kozakiewicz: "Yeah, I was prepared for some questions on this one but since they've already done their homework, I'm impressed. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #571

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

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I have some reservations on setting up the budget on this. As I understand it, the bids have been substantially higher than the budget would allow. I'm going to abstain on this vote. I've also have some conversations in regard to the expense of the skate park in general which concern me so I abstain on setting up the budget at this time. I believe we should get the bids in order before."

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

Councilman Kent: "I understand what Phil's point is on that but I also spoke to Lou Kallageras (phonetic) who is our engineer on this project and he's pretty confident that he's cut between \$450 and \$500,000 off of this project and the bids had come in about 1.4. So we do believe that we'll come in under budget on this time around so I'm prepared to set aside this amount of money and to tell you the truth, if the bids don't come in, I don't think we should spend more than this. So I think we may have to tweak it some more until we get it into line with this amount, this budgeted amount. So I'll vote yes."

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

Councilman Lull: "Yes. The planning as so far to reduce looks like it probably will work. So let's hope it does. Yes."

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

Supervisor Kozakiewicz: "I, too, have spoken with Mr. Kallageras as well as the town engineer and they are very confident that with the additional work and revisions that have been made to this particular proposal, which I understand has also been reviewed and discussed at the Rec Committee level with their approval, we will achieve a bid that will come within the confines of the number set forth in this resolution and, therefore, I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #572

Councilman Lull: "Is a budget adjustment Edwards & Riley Avenue drainage capital project budget adjustment. 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 #573

Councilman Lull: "Budget adjustment general fund gas conversion capital project. 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 #574

Councilman Cardinale: "This is a resolution for the Riverhead Ambulance gas conversion capital project budget adjustment, \$850 from

serial bonds to HVAC improvement. 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 #575

Councilman Densieski: "CDBG Consortium 2001 budget adoption. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I don't think we should be in the consortium. I think we're locked in there for another year or two but after that I think we can do something a little better but I'm going to vote yes for this."

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

Councilman Cardinale: "What is the CDBG Consortium?"

Councilman Kent: "Community Development Bloc Grant."

Councilman Cardinale: "Yeah, I know, but- "

Councilman Kent: "Through the county."

Councilman Cardinale: "-- I presume that we have selected where these bloc grant monies are going to go."

Supervisor Kozakiewicz: "We had the public hearing."

Councilman Cardinale: "Right, after the public hearing."

Councilman Kent: "We selected all the to's."

Councilman Cardinale: "I see that \$50,000 is going to the

historical restoration of the Corwin Benjamin House."

Councilman Densieski: "Yeah, that's going to bring- that's going to make it handicapped compliant and then they will be receiving other federal monies once they do become handicapped compliant."

Supervisor Kozakiewicz: "That's the grant we discussed- "

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "-- where we needed to extend their lease term in order to do that \$50,000 match."

Councilman Cardinale: "I see."

Councilman Kent: "This is our match- "

Councilman Cardinale: "That's what I was getting at. In other words- "

Supervisor Kozakiewicz: "It's a total of 100."

Councilman Cardinale: "So we're giving 50 from these funds and they're going to get another 50?"

Supervisor Kozakiewicz: "Correct."

Councilman Cardinale: "Ah, I understand. I vote yes."

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

Resolution #576

Councilman Densieski: "Authorizes the Supervisor to execute agreement with the County of Suffolk in connection with the installation of traffic control devices on County Road 58 Old Country Road at Riverhead Center access driveway. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Councilman Kent: "Can we have some discussion on this? I'm sorry. I wasn't here when this came up. I think Mr. Kasperovich brought it up. I didn't really get to hear the discussion. Do we actually have an agreement that we can look at on this or can you give us the basis of the agreement?"

Supervisor Kozakiewicz: "Yeah, this is typical county agreement. They provide for and do all the installation and we agree to maintain the traffic signal once it's installed."

Councilman Kent: "Have we seen the design for this intersection? Is this for the Mill Road- Route 58 and Mill Road?"

Supervisor Kozakiewicz: "There's- this one is actually further east where their access is off of 58."

Councilman Kent: "There's going to be a right turn lane, much like up at Applebee's, is that what it's going to be like?"

Supervisor Kozakiewicz: "Correct."

Councilman Kent: "Okay."

Barbara Grattan: "Densieski, you voted yes?"

Councilman Densieski: "Correct."

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

Councilman Cardinale: "I am concerned that the agreement is not attached. As I indicated in the past, I am hesitant to authorize signatures on documents I haven't seen so I'm going to abstain."

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

Councilman Kent: "I wish we- not that this is a big issue, but we didn't- did we see a design of this?"

Supervisor Kozakiewicz: "I don't know if we saw the design but I know the agreement was part of the packet that was distributed to the Board."

Councilman Kent: "I'm not so much concerned about the agreement because we've seen these before."

Supervisor Kozakiewicz: "I think the- I think if you go back to the- "

Councilman Kent: "They're not negotiable and they're not particularly drawn out to any extent. They're pretty- "

Supervisor Kozakiewicz: "Right."

Councilman Densieski: "And they're paying for it."

Councilman Kent: "They're pretty simple. But I would have really liked to see the design on this and I don't really remember-"

Supervisor Kozakiewicz: "I think it was part and parcel of the Riverhead site plan."

Councilman Lull: "Yes, it was."

Supervisor Kozakiewicz: "That that site plan included a number of different pages including the traffic- "

Councilman Kent: "And it's just that turning lane that's coming off- it looks like a slow down lane so you can access it off of 58."

Supervisor Kozakiewicz: "That- the- there's going to be two access points. There's going to be one where you will only be able to access if you're traveling westbound to turn onto it, and then there's going to be this intersection which- or this signalization which would be approximately halfway down the property itself and I think it's almost directly across where the easterly boundary of the service station would be."

Councilman Lull: "Mobile gas station."

Supervisor Kozakiewicz: "Right."

Councilman Lull: "That's the same place- "

Supervisor Kozakiewicz: "And what they're looking to do is put in a number of lanes that would then tie into the Mill Road improvements as well so that there would be turn lanes from both west and- "

Councilman Kent: "Yeah, actually I remember now. They're going to improve all the way down to Route 25, aren't they, on Mill Road."

Supervisor Kozakiewicz: "That's right."

Councilman Kent: "Okay. Again, like I said, this is just authorizing the execution of the agreement which these agreements are fairly common. The county puts in the devices and the town maintains them. So I'm going to vote yes."

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

Resolution #577

Councilman Lull: "Amends Resolution #550 of 2001. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes, this is for the Grace Episcopal Church. They were nice enough to help us out for I think the time period was a couple of years- more than that?"

Supervisor Kozakiewicz: "The past three altogether."

Councilman Densieski: "Three years for our adult day care and they've done us a great service so I'd be glad to help them out a little bit. At no charge they helped us out. Yes."

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

Resolution #578

Councilman Densieski: "Authorizes the Supervisor to execute a modification agreement with the Suffolk Network on Adolescent Pregnancy, Inc. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "Yes, we're actually paying them less than what we agreed to pay them. So there's a \$2,000 savings. Yes."

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

Councilman Lull: "SNAP is a good program, yes."

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

Supervisor Kozakiewicz: "Yes. This is also being done in conjunction with as I understand it the Title V Go Girls Grant in order to have that administration as part of that program. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #579

Councilman Densiski: "Website reconstruction and maintenance consultant fee. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Discussion."

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "I think all business- just about every business and just about every private person has a computer these days. It certainly is the tool of the future and by going this route we will soon be able to access probably any document in town hall via the website. In other words if you wanted- needed a building permit or a host of other permits and applications and papers, you will be able to access them through the town website. You could fill them out at home and then when you come in to file it, it will save you time and it will be more efficient and it's the way of the future and I think it's a reasonable amount compared to some other proposals that we've received. So I'm going to support this and say yes."

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

Councilman Cardinale: "The applicable clause as I read is reads

that this agreement covers the period of March 20, 2001 to March 20, 2002 or March 19, 2001, cost of \$4,000 to redesign the website; \$3,500 for search engine registration maintenance, website management, technical support, Domain name annual registration ([www.RiverheadLI.com](http://www.RiverheadLI.com)), and annual hosting fee (including 25 e-mail addresses) total cost \$7,500.

I don't believe that that service is greatly enhancing what we already have which I think we're paying \$1500 for. Also, I don't believe that this allows for downloading forms which is what Eddie was just discussing, does it, Bob?"

Councilman Densieski: "It's leading into that."

Supervisor Kozakiewicz: "We're going to try to make that part of it and that's part of the reason why each department head will be able to upgrade and do things to their particular department website by a password. So the hope is that that will become a reality."

Councilman Cardinale: "All right. But this \$7500- "

Supervisor Kozakiewicz: "Presently, no. But this does involve a complete upgraded website, a great deal more ability to link to all the other particular services that are around the town so that when someone goes to our particular website, they'll be able to tie into other sites that are tourist attractions, golf courses, Splish-Splash, whatever it might be and also provide for the ability to upgrade on a more consistent basis than what's been done. The site will be more user friendly, easier to navigate through and greatly enhanced.

And as you know we did have a presentation some time back by another consultant who was looking to redesign our page and that was I think just starting for the redesign at \$10,000 for the redesign."

Councilman Cardinale: "I'm just concerned that we are comparing apples and oranges. As far as I can see here, we're redesigning the website and that's it."

Supervisor Kozakiewicz: "It's more than that. As pointed out, there's the search engine registration maintenance which is in addition I understand to it, and- "

Councilman Cardinale: "Is there a contract or is this it?"

Supervisor Kozakiewicz: "There will be just a- there will be an

agreement but I haven't seen an agreement yet."

Councilman Cardinale: "Okay. I have reservations not having seen the agreement. I'm going to abstain on this because I think I'd rather keep the \$7,500 in my pocket until I see exactly what they're going to do for us."

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

Councilman Kent: "This was brought up to us yesterday for the first time. I kind of agree with Phil somewhat on this, not that I'm trying to, you know, halt progress at town hall because I think this is progressive. But maybe we should sit down with Barry- have Barry come in, any maybe make us feel a little bit more comfortable as to what exactly he's going to provide for the increase in the amount of money that he's seeking."

Our original agreement with him was somewhere around \$1,400 a year and now all of a sudden it's going up to \$7,500. I know he's- this proposal is to provide far greater amount of services and maybe the enhanced services are worth the money but I think I'd like to see Barry face to face across the table from us explaining to us why it's worth this much more money. So I'm going to also abstain."

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

Councilman Lull: "We provide service to the constituency of the town of Riverhead and anyone else who would like to see what is in the town of Riverhead, but we also provide services-- through this we also provide more efficient service for our own businesses who can tie into and be a part of our website and I think it only makes sense to go ahead. I've talked with Barry and talked with a couple of other people who are interested in doing this type of thing and I think it's the direction to go in. So I vote yes."

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

Supervisor Kozakiewicz: "There's been a lot of discussion about the design of the website as pointed out in the second Whereas. As a result of the work that's being done by the developer, the site is nearly 400 pages. He's making it a great deal more attractive, user friendly. I think that what we're receiving is very fair considering what some of the other proposals were to do the redesign and upgrade and I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #580

Councilman Lull: "Amends Resolution 984 of 2000 approving the application of the Riverhead Improvement Business District Management Association for the Riverhead Blues Festival. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "As I indicated at the work session, I have concerns that we exempt from our code regarding alcohol consumption certain events and not other events. I don't know if that is the kind of even handed activity that you'd expect from municipal government. I had asked whether this was legal. I know we've done it apparently for a while I was informed for many years.

But what this does is it exempts from Chapter 46 of the Riverhead Town Code alcohol consumption this particular festival and I-- something strikes me as wrong about exempting as we see fit certain individuals and entities from the law that applies to everyone else. So I'm not going to do it. I'm going to abstain."

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

Councilman Kent: "I don't really believe that the town does not approve organized events when they want to have alcohol consumption at their events. So I think Chapter 46 deals more with people walking down the street drinking out of open containers. This is an organized event. It's recognized by us as an event that we want to encourage people to come to town and enjoy the festival, so I'm going to vote yes. I don't think that exempting them from Chapter 46 is a major issue here, so I'll vote yes."

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

Supervisor Kozakiewicz: "I think if we start questioning each one, we're going to have a real test on our hands. I could think of a number of proposals including one where the Rotary Club is the sole vendor at a particular event where it would prevent them from going forward. I think- I agree with Chris that this is really a statute

Chapter 46 which was designed to prevent the individual walking down the street- the pub, similar to other open alcohol beverage laws that have been enacted around the state. And since this is an organized event, an event that we would like to see make something of itself and this is under controlled circumstances. Last year's Blues Festival was a three day event and there were no- little or no incidents, certainly none that were attributable to alcohol consumption, I vote yes."

Councilman Cardinale: "I would- if we're going to persist in doing this as a general policy, we should have a legal opinion I would suggest in the file confirming that your interpretation is correct."

Supervisor Kozakiewicz: "Again, that's fine, we'll look at it and if we're going to close that door on all events, then we'll really need to look at it what we're doing here."

Councilman Kent: "I believe these events also- having been involved with some of them in the past in a private manner, not this event in particular that we're voting on today, but they have to also secure temporary licenses from the SLA."

Supervisor Kozakiewicz: "They do, that's correct."

Councilman Kent: "And they have to meet all the requirements of the State Liquor Authority of an organized event- "

Supervisor Kozakiewicz: "That's right."

Councilman Kent: "-- and it's not an easy burden. There are things you have to provide to prove that you are an organized event and you must demonstrate to the State of New York that you are going to control the consumption of alcohol and if we deny these, I don't really think Chapter 46 is really applicable to these types of events. That's where somebody walks down the street with a brown paper bag or without a brown paper bag- "

Councilman Cardinale: "Well, if it's not applicable, why are we exempting them from it?"

Councilman Kent: "Because it's consistent. I believe it's a consistent approach."

Supervisor Kozakiewicz: "Why don't we- rather than engage in a colloquy here, you've asked for an opinion. Dawn, you'll provide us

with an opinion so we know whether we're acting contrary to Chapter 46 in the future."

Barbara Grattan: "Okay, that resolution was adopted."

Resolution #581

Councilman Lull: "Approves the application of Martha Clara Vineyards, LLC. 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 #582

Councilman Cardinale: "582 approves the application of American Diabetes Association Tour De Cure. So moved. It will be on June 10<sup>th</sup> between the hours of 6:00 and 3:00 p.m. in Grangebél Park."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded. Jim, was that a second?"

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "Okay. Moved and seconded."

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

Resolution #583

Councilman Lull: "Considering the discussion we had before, I don't think 583 has an appropriate title at least."

Councilman Kent: "I think I'm going to move to table this. I don't think it threatens the event if we have further discussion with the applicant and take it up at our next meeting."

Councilman Lull: "I don't believe that's- that title doesn't

make sense."

Councilman Cardinale: "Seconded to table."

Supervisor Kozakiewicz: "Motion and second to table."

The Vote: "Densieski."

Supervisor Kozakiewicz: "I think what the issue is is whether it should be the application- you want to have a discussion?"

Councilman Densieski: "Yeah, I'd like- do you want to table it?"

Councilman Kent: "Well, we're giving a license to- pursuant to the other- "

Supervisor Kozakiewicz: "To Silver Dollar Shows, Inc."

Councilman Kent: "Right. Silver Dollar Shows, Inc. and this application is to Suffolk County Fair, Inc.-- "

Councilman Lull: "Which I'm not sure exists."

Councilman Kent: "Oh, well, I have some question as to whether we can approve their application when we're licensing the other organization to be on the premises, not this organization. And since it's not really scheduled to be until June 28<sup>th</sup>, I think we can get this resolved at the next Town Board meeting and have the right applicant for this- for this permit."

Councilman Densieski: "Okay, that's fine. My concern is that this guy obviously is spending money to advertise and things. I don't want to jeopardize his investment."

Councilman Kent: "Oh, no. I think we can square it away. I think we can square this away."

Councilman Densieski: "Dawn, are you comfortable that this will be squared away in time?"

Dawn Thomas: "We approved the license agreement and the license agreement allows them to start occupying the property and make the preparations for the fair."

Councilman Lull: "Right."

Dawn Thomas: "The fair itself won't start until June 28<sup>th</sup>?"

Councilman Kent: "June 28<sup>th</sup>."

Supervisor Kozakiewicz: "June 28<sup>th</sup> is the first day of the fair."

Dawn Thomas: "So I think there's ample time for us to see if it needs resolution and if it does, make that- "

Councilman Densieski: "Okay, are there any other concerns by any of the Board members other than that? Because if there are, I'd like to know them now."

Councilman Kent: "No. I don't have any other concern other than the name. I just want to make sure we have the right entity."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "Well, I'm more concerned certainly for the license agreement, to make sure we have the right identity as opposed to the Chapter 90 application."

Councilman Kent: "It should be consistent."

Dawn Thomas: "Right. Both entities are going to provide insurance and money and everything else that they need to comply with the agreement prior to your executing it, but I think Councilman Kent raises an interesting point. I'd like to investigate that a little further."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "All right. Okay. Vote, please."

The Vote: "Densieski."

Councilman Densieski: "Yes, to table."

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

Councilman Cardinale: "Yes, to table."

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

Resolution #585

Councilman Densieski: "Approves application of the Jamesport  
Fire Department. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes, I'll be there."

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

Councilman Kent: "Do they need- oh, yeah, they're exempted from  
Chapter 46. I vote yes."

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

Resolution #585

Councilman Kent: "Approves the application of Apple Chevrolet,  
and I don't think they'll be serving alcohol. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "We wouldn't approve the exemption in  
any case. Moved and seconded."

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

Resolution #586

Councilman Densieski: "Amends Resolution 493. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "One second here."

Councilman Kent: "Just changes interns."

Councilman Densieski: "Yeah, okay, yes."

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

Resolution #587

Councilman Densieski: "Appoints member to Handicapped Advisory Board, that person is George Richmond, a previous member. So moved."

Councilman Lull: "Second, sorry."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #588-599

Barbara Grattan: "Resolution #588, Councilman Densieski."

Councilman Lull: "Point or order. Would you like to do the Recreation Department all at one, 588 to 599?"

Councilman Kent: "All different positions."

Councilman Densieski: "No objection."

Councilman Kent: "Yeah, no objection."

Councilman Lull: "Who's doing the first one?"

Councilman Kent: "Ed."

Councilman Lull: "Ed, why don't you just read what each of them is; we'll do them as- "

Councilman Densieski: "Okay, 588 appoints a park attendant. 589 a fill in lifeguard. 590 is a fill in security guard. 591 is a

fill in lifeguard. 592 is a recreation aide. 593 is also a recreation aide. 594 is a recreation aide. 595 is a recreation aide. 596 is a park attendant II. 597 is a park attendant II. 598 park attendant II. 599 is a score keeper. That's it."

Councilman Kent: "All in the recreation department."

Councilman Densieski: "Yeah. All in the recreation department. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #600

Councilman Densieski: "Promotion of Michael Zaleski to HEO in the Highway Department. 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 #601

Councilman Cardinale: "601 is a promotion to HEO for James Warner. 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 #602

Councilman Lull: "Is also a promotion to Heavy Equipment Operator, Joseph Quinn. 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 #603

Councilman Cardinale: "This is a promotion to HEO for Jeffrey Davis. 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 #604

Councilman Densieski: "Authorizes the Town Clerk to publish and post for public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead owned by Raymond and Cecilia Zaleski. It's 57 acres of agricultural lands on the Main Road in Jamesport. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded. There needs to be a change made to the notice of public hearing. The next page we're identifying it on the 3<sup>rd</sup> day of July at 2:15 p.m. o'clock. It should be 7:15."

Councilman Lull: "Yeah."

Supervisor Kozakiewicz: "Moved and seconded, yes."

Barbara Grattan: "Okay."

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

Resolution #605

Councilman Cardinale: "This authorizes the Town Clerk to publish and post notice of public hearing for Mid-Road Properties. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "This also the same thing."

Barbara Grattan: "Yes, same thing."

Councilman Kent: "Somebody thought that was an afternoon meeting."

Barbara Grattan: "7:05."

Councilman Cardinale: "Yes."

Supervisor Kozakiewicz: "Maybe someone was trying to tell us something."

Councilman Densieski: "7:05?"

Supervisor Kozakiewicz: "7"05."

Barbara Grattan: "7:05."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #606

Councilman Kent: "This is a resolution that refers a site plan of the Riverhead Fire District to the Planning Board and authorizes us to set up an informational meeting which is also going to be held on July 3<sup>rd</sup>. This one is correct, 7:10 p.m. This is for that burn center and firehouse out on 105 and Northville Turnpike. 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 #607

Councilman Lull: "First word in the title of that last one is refers not referred."

Councilman Kent: "And it should be notice of informational hearing."

Councilman Lull: "607 authorizes the Town Clerk to publish and post a public notice for a local law to repeal and replace Chapter 101-10.1 entitled Parking, Standing and Stopping Prohibited of the Riverhead Town Code. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "And that should also-- no, that's right. That is 2:20. Yes."

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

Resolution #608

Councilman Cardinale: "608 authorizes the Town Clerk to publish and post notice for a local law to repeal and replace Chapter 64 entitled Fire Prevention of the Riverhead Town Code. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Cardinale: "Is this designed for the 19<sup>th</sup> of June at 2:25 or do we have to make that change as well."

Supervisor Kozakiewicz: "That's an afternoon."

Councilman Lull: "That is an afternoon."

Councilman Cardinale: "That truly is going to be an afternoon?"

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "Yes to have a public notice."

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

Councilman Cardinale: "Yes, for the public hearing."

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

Resolution #609

Councilman Densieski: "Accepts performance bond of Great Rock  
Golf Course. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "No, for reasons previously stated."

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

Dawn Thomas: "Before you- "

Councilman Cardinale: "Yes."

Dawn Thomas: "Five percent site plan bond was never  
(inaudible)."

Councilman Cardinale: "So you're saying that this is not part  
of the change?"

Dawn Thomas: (Inaudible)

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

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

Resolution #610

Councilman Cardinale: "610 authorizes the release of performance bond of Peconic Bay Golf. 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 #611

Councilman Kent: "This releases Suffolk County National Bank irrevocable letter of credit of Schembri Enterprises LLC regarding Country Vue Estates, Water District key money. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #612

Councilman Lull: "Authorizes the release of performance bond for AJ Richard & Sons, Inc. 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 #613

Councilman Cardinale: "Excitement continues here. Authorizes the release of performance bond of Liberty Self Storage LTD. 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 #614

Councilman Lull: "We've been releasing them, now we accept one. Accepts performance bond of James Tsunis. 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 #615

Councilman Kent: "This accepts the 5% site plan performance bond of East End Cardiology. 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 #616

Councilman Lull: "Approves site plan amendment, Atlantis Marine World. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, for a temporary mast. Yes."

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

Councilman Kent: "This is the temporary mast- it says concrete stadium, for the construction of a concrete stadium."

Councilman Densieski: "Yes."

Supervisor Kozakiewicz: "It's a temporary mast, concrete pad it should say instead."

Councilman Densieski: "It's that ride thing behind there."

Councilman Kent: "It's not a stadium, is it?"

Supervisor Kozakiewicz: "No."

Councilman Kent: "Okay, so this is a concrete pad."

Councilman Densieski: "With a- "

Supervisor Kozakiewicz: "And temporary mast."

Councilman Densieski: "Temporary mast on it."

Supervisor Kozakiewicz: "It should- you're right. The first Resolve should read the same as the first Whereas."

Councilman Kent: "So it's a 10,000- "

Supervisor Kozakiewicz: "Twelve thousand- "

Councilman Kent: "Well, that's really what we do. The Resolve is the important part."

Supervisor Kozakiewicz: "Right. So it should say for the construction of a- "

Councilman Kent: "Twelve thousand square foot- "

Supervisor Kozakiewicz: "Right."

Councilman Kent: "-- concrete pad."

Supervisor Kozakiewicz: "Twelve hundred square foot."

Councilman Kent: "Twelve hundred, I'm sorry. I wrote 1,200; I said 12,000; 1,200 square foot concrete pad- "

Supervisor Kozakiewicz: "And temporary mast."

Councilman Kent: "And temporary mast in the Resolve clause. I'll give this to you, Barbara. You have it? Okay. Yes, I'll vote yes as amended."

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

Supervisor Kozakiewicz: "Yes, as amended."

Barbara Grattan: "The resolution is adopted."

Resolution #617

Councilman Kent: "This is a SEQRA classification of action on the special permit petition of Joseph Sciotto, DMD and refers the petition to the Planning Board. 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 #618

Councilman Lull: "Approves special permit petition of Long Island Partnership Housing Development Fund Company, Inc. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "Looking out there I just hoped I could see Mark Kwasna out there. I would like to mention Mark as part of this. He was the original driving force behind this project. Yes."

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

Supervisor Kozakiewicz: "Since we're talking about driving forces, I have to mention Gwen Mack- "

Councilman Kent: "Gwen Mack who's right there."

Supervisor Kozakiewicz: "-- who's been here and I know that she's been anxiously waiting for this one. Yes."

Councilman Kent: "For nine years?"

Barbara Grattan: "Kozakiewicz, did you vote yes?"

Supervisor Kozakiewicz: "I voted yes."

Barbara Grattan: "All right, that resolution is adopted."

Resolution #619

Councilman Cardinale: "Approves Hardy Plumbing and Heating as drain layer for Riverhead Sewer District. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "We sure do have a lot of drain layers in this town. Yes."

Supervisor Kozakiewicz: "Well, actually at one point in time we didn't. But there's a renewed interest."

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

Resolution #620

Councilman Densieski: "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 Disposal of the Riverhead Town Code. So moved."

Councilman Kent: "Seconded. This property is located at 1489 Sound Avenue in Baiting Hollow."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes. Briefly, what a Chapter 96 in case anybody doesn't know, is if somebody doesn't maintain their property, garbage and grass, the town will go in and clean it up for them and will put it on their tax bill. So it doesn't costs the other taxpayers any money to have the area spruced up. Yes."

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

Resolution #621

Councilman Kent: "621 authorizes the Town of Riverhead to remove rubbish, debris, and the cutting of grass and weeds from property pursuant to Chapter 96 entitled Removal of Trash, Rubbish and Refuse Disposal. This is property located at 58- just- actually it's off Route 58 on Delores Avenue in Riverhead. 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 #622

Councilman Cardinale: "Authorizes the Town to remove rubbish, debris and the cutting of grass and weeds from property pursuant to Chapter 96 at 1084 Delores Avenue. 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 #623

Councilman Kent: "This authorizes the Town Clerk to post and public notice of public hearing to consider a proposed local law for an amendment of Chapter 108 which is the Zoning section of the Riverhead Town Code regarding off street parking. And the public

hearing will be June 19<sup>th</sup> at 2:15 p.m. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes, to post and publish."

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

Resolution #624

Councilman Densieski: "Authorizes the Town Attorney to send a letter to Swezeys Riverhead Holding LLC inquiring as to the company's intentions regarding the property located on East Main Street. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes. What we're going to do by this letter is to find out from Swezeys what their intentions are. They're got a deal that expires in just a few short months and if they have no intentions this Board is hopefully going to rapidly work on another proposal. But all due respect to the Swezeys company, when there was nobody else downtown Main Street, they were there for us so I don't want to disrespect them but I think they have to let us know as the Town Board and the community what their intentions are. And this letter is going to do that. So I'm going to vote yes."

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

Councilman Kent: "He just voted yes."

Barbara Grattan: "Oh did he? We're talking- "

Councilman Densieski: "I didn't even notice."

Councilman Kent: "You didn't hear what he just said?"

Supervisor Kozakiewicz: "You were totaling ignoring him. He voted yes."

Barbara Grattan: "Okay."

Councilman Densieski: "Brilliant speech."

Councilman Kent: "Could you say that again because that was- "

Supervisor Kozakiewicz: "No."

Councilman Densieski: "I forgot what I said."

Councilman Lull: "Turn off his mike."

Barbara Grattan: "We have this as a Community Development resolution. Is that okay?"

Dawn Thomas: "That's what we were talking about."

Barbara Grattan: "That's what we were talking about, business. Okay."

Councilman Kent: "I know. Should it be a Community Development- I don't think so."

Dawn Thomas: "Yes."

Councilman Kent: "It should?"

Dawn Thomas: "Yes- "

Councilman Kent: "So we should do this as part of the CDA portion of the meeting. So why don't we- can we renumber- do we have to reopen then and- why don't we put this on at the end and reconvene the CDA meeting and change it to number 16 I think it is."

Barbara Grattan: "Number 16. So we'll hold this out. Now we're going to have resolution- "

Councilman Densieski: "This will be 25-"

Barbara Grattan: "This will be 624. We're going to have a little mess here."

Councilman Densieski: "25 wouldn't it be, Barbara?"

Barbara Grattan: "No. Because this was 624."

Councilman Densieski: "No, 625."

Supervisor Kozakiewicz: "It's 625- "

Councilman Kent: "Well, we're replacing the prior one which was 624 about the Swezeys letter."

Barbara Grattan: "So one minus, you know- "

Supervisor Kozakiewicz: "I've got a solution."

Barbara Grattan: "Why? What do you got?"

Supervisor Kozakiewicz: "A resolution that I was proposing to bring off the floor."

Barbara Grattan: "Put it in here? That's fine. Okay, Resolution #624, floor resolution."

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Resolution #624

Barbara Grattan: "Resolution 624, floor resolution."

Councilman Densieski: "Here we go."

Councilman Cardinale: "This is a resolution that's coming off the floor?"

Supervisor Kozakiewicz: "It is."

Councilman Cardinale: "For the first time?"

Supervisor Kozakiewicz: "Yes, it is."

Councilman Cardinale: "It hasn't been shown to anyone previously?"

Supervisor Kozakiewicz: "It's been just received."

Councilman Cardinale: "From whom?"

Supervisor Kozakiewicz: "Wilke Farr. What it's calling for is a special referendum to hear what the voters are indicating they wish to do and direct us upon concerning the issuance of bonds concerning the Suffolk Theater. It's directing that there be a special election, a referendum, to be held on the 8<sup>th</sup> day of August, 2001, between the hours of 7:00 a.m. to 9:00 p.m. so that the issue of whether we should expend \$4,000,000 in funds to renovate the Suffolk Theater can be heard and so that this Board in light of the petitions that have been filed numbering about 1,400 in total can have their voice and their day in order to direct us and to determine how we should proceed from this day forward."

Councilman Densieski: "So that's 624. Are you moving it, Mr. Supervisor?"

Supervisor Kozakiewicz: "I would move it."

Councilman Densieski: "I'll second it."

Barbara Grattan: "Okay, do you have a copy of that resolution?"

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Supervisor Kozakiewicz: "I do."

Barbara Grattan: "Supervisor and Densieski seconding it?"

Councilman Densieski: "Is this- taking- okay- "

Supervisor Kozakiewicz: "Yeah, what we're doing is substituting 624 that was taken out before."

Councilman Densieski: "Okay."

Barbara Grattan: "Okay. Are we ready for a vote or- ready for a vote?"

Supervisor Kozakiewicz: "Yes."

Barbara Grattan: "Okay, it's been moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Over 1,400 people asked to put the Suffolk Theater up for a referendum and I think that's a great big number for the size of this town so I agree with the 1,400 people and let's put it up for a vote. I'm going to vote yes."

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

Councilman Cardinale: "I'm still reading this that was just handed us so if you'll bear with me a moment. As I'm reading it, the proposition that's going to be before the voters is apparently going to be the following: Shall bond resolution dated May 1, 2001, authorizing the issuance of \$4,000,000 serial bonds of the Town of Riverhead to pay the cost of reconstruction of the interior of the Suffolk Theater building including incidental costs and expenses in connection therewith and the purchase and installation of furnishings, equipment and apparatus to be used therein providing that the period of probable usefulness and such reconstruction is 20 years and that the maximum maturity of such serial bonds will exceed five years and delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance of the sale of such serial bonds pledging the faith and credit of the town to the payment of the principal of and interest in such obligations and providing for an estoppel provision- which I have no idea what an estoppel provision is. Does anyone know?"

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Supervisor Kozakiewicz: "Estoppel is where at the end of the time period you file the estoppel which prevents anyone from thereafter litigating that question."

Councilman Cardinale: "Say that again, please. Providing for an estoppel provision- "

Supervisor Kozakiewicz: "In other words, the estoppel, you notice the bond, you then wait the applicable time period and once the estoppel period is concluded- I meant the time period is concluded, you then file your certificate of estoppel or estoppel."

Councilman Cardinale: "Estopping what?"

Supervisor Kozakiewicz: "Estopping any further challenges under the permissive referendum- "

Councilman Kent: "Phil, Phil, we would still- yeah, after the referendum we would still, I think, have to approve the bonds again, I believe, because- "

Supervisor Kozakiewicz: "No."

Councilman Kent: "No? Then the estoppel provision is already passing- "

Supervisor Kozakiewicz: "Well, the estoppel provision has been- "

Councilman Kent: "Passed as of May 31. They did file the- the petitions were filed."

Supervisor Kozakiewicz: "But as a result of the petitions coming in within the estoppel period, we cannot file an estoppel certificate because there's the petitions that are outstanding. What this is doing- "

Councilman Kent: "So the outcome of the referendum- "

Supervisor Kozakiewicz: "-- although there could have been a challenge to the petitions, we could have raised questions as to the authenticity of the signatures, whether they were properly signed, whether they were properly witnessed, whether they were properly in accordance with the BOE standards. This resolution is proposing to avoid that. I don't think that gets us anywhere. I believe it would

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only further complicate the issue. The issue obviously has caused at least 1,400 signatures to come in. I think that what this does, is since the 1,400 signatures, the petition has come in, we should hear from, hopefully, the people who are in favor of it. The people who spoke at the public hearing, the people who want to see this, the people who believe that this is a project that not only is a linchpin to downtown but a linchpin to- but a project that benefits all of us and that's what this does. The question- "

Councilman Cardinale: "My questions is what's the- what does it mean when it says providing for an estoppel provision within- that's what I want to know."

Zabby: "I'd like to know- "

Supervisor Kozakiewicz: "The estoppel provision- "

Councilman Densieski: "Keep it down, Zabby. Thank you."

Supervisor Kozakiewicz: "-- the estoppel provision is the time period by which the- there is no further ability to litigate the question of whether it should be subjected to further permissive referendum."

Councilman Lull: "In other words, if it's approved."

Supervisor Kozakiewicz: "If it's approved."

Councilman Lull: "The estoppel is enforced."

Supervisor Kozakiewicz: "Similar to what we do on any bond. If a bond is not challenged and there's not a permissive- and the petitions aren't filed- "

Councilman Kent: "We publish notice."

Supervisor Kozakiewicz: "We then publish a notice which is an estoppel notice. That's saying just the same thing here."

Councilman Cardinale: "What- it says basically shall this bond, \$4,000,000 serial bond, and then it's very confusing but it basically says be approved. But it also adds before saying be approved, and providing for an estoppel provision. Can you tell us what the wording of the provision is? That's my question."

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Supervisor Kozakiewicz: "The- "

Councilman Cardinale: "Or can our attorney who apparently just delivered this to you a moment ago because no one else has seen it until this very moment."

Supervisor Kozakiewicz: "Well, the estoppel provision as I- if you- "

Councilman Cardinale: "Yes, do you have the language is what I'm really asking. Because as you know, I hate to approve things that I haven't seen."

Councilman Kent: "Is it the customary estoppel language that we publish in the paper?"

Supervisor Kozakiewicz: "That's what it would be. That would be the same- "

Councilman Cardinale: "Do you know what that language is?"

Councilman Kent: "It basically says that the time period for which- "

Supervisor Kozakiewicz: "It's a reiteration of the bond. It recites the language and says that the estoppel period has now ended. We do it on all of our bonds."

Councilman Kent: "The time period for which you can commence litigation to stop the action of the town has passed. You know it's a 30 day period from the date you pass bonds. We also pass an estoppel resolution 30 days thereafter. We put it in the paper and say you can no longer- this issue is no longer subject to permissive referendum."

Councilman Lull: "Yeah, that's right. It basically says that if it is approved, then there is an estoppel provision which means if it is approved at that point, then there's no more challenge."

Councilman Cardinale: "If it is approved at that point."

Councilman Lull: "Yes."

Councilman Cardinale: "And does the law permit challenge otherwise if you don't put the estoppel provision in?"

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Councilman Lull: "The referendum- "

Supervisor Kozakiewicz: "The estoppel is to put an end to it so that at some point there's a finality and, therefore, any challenge- we must do it on all bond resolutions. This is not asking for anything different or distinct from any other permissive referendum or any other bonding referendum resolution that this Board has asked.

What we do is we adopt the bond resolution; they are subject to permissive referendum, and then we wait out the applicable period. Then it's noticed again for an estoppel notice to put all people on notice that the period of time has ended and at that point it concludes it so that when we go to the issuance of the bonds, we by law are permitted to do that. We- it's an extra step in the process that's required- "

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "-- by local finance law-- "

Councilman Kent: "And, Phil, in looking at this- "

Supervisor Kozakiewicz: "When we bond."

Councilman Kent: "And looking at this- let me- can I just tell you something? This is not, it's in no way misleading. If it was misleading in some way where a yes vote meant a no or a no vote meant a yes- "

Councilman Cardinale: "Right."

Councilman Kent: "-- there would be some question but this is obviously if you vote yes, you are supporting the Town expending and issuing the \$4,000,000 in serial bonds. If you vote not- "

Councilman Lull: "And closing discussion on it."

Councilman Kent: "That's basically what this says. I don't see any- "

Councilman Cardinale: "I understand that and I agree but what I'm really- I'm asking really is this. That assuming that the vote was positive to expend the money, without the estoppel provision would it not be required that the Town come back and vote to expend the money in a new vote?"

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Councilman Kent: "I believe we already voted to expend the money."

Supervisor Kozakiewicz: "We voted to- we had a 4 to 1 vote which already approved the bond referendum- "

Councilman Cardinale: "Yeah, but that as I understand- "

Supervisor Kozakiewicz: "-- resolution."

Councilman Cardinale: "-- was in fact nullified by the referendum."

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

Councilman Cardinale: "Petitions."

Supervisor Kozakiewicz: "Not at all."

Councilman Kent: "It's subjects it to the referendum."

Supervisor Kozakiewicz: "It subjects it to the possibility of a permissive referendum and rather than go through the issue of counting these petitions and determining the validity of the signatures and (inaudible) 1,400- let's go forward."

Councilman Cardinale: "Let me disabuse you of the- let me disabuse you of the misstatement of law. The fact is that you haven't challenged within five days of the submission of the signatures so you can't challenge anymore."

Supervisor Kozakiewicz: "Well, let's- "

Councilman Cardinale: "That's the truth of it. You're not doing anything voluntarily at all here."

Supervisor Kozakiewicz: "Let's go forward with the resolution."

Councilman Kent: "This is setting- this is actually- "

Supervisor Kozakiewicz: "The bottom line is you were asking a question on the estoppel."

Councilman Cardinale: "Yeah."

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Supervisor Kozakiewicz: "I've tried to answer it. Let's go forward with the vote."

Councilman Kent: "This is actually doing exactly what the petitions wanted to be done."

Councilman Densieski: "Phil, Phil, I'm a little surprised because you asked for it."

Councilman Cardinale: "I'm a little surprised that we weren't handed this resolution- this meeting."

Supervisor Kozakiewicz: "Let's go forward with the vote."

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

Councilman Cardinale: "I'm very surprised. Let's not. I would prefer to discuss this matter a little further."

Supervisor Kozakiewicz: "Any- well- "

Councilman Cardinale: "First of all, I am about to vote but I am first going to read every single word of what you're handing me because I believe that that is the appropriate thing for an elected representative to do. Not to vote on something which he hasn't read. And it's amazing that none of the other Councilmen that I can see have read this document because all of them have been handed it at the same time."

Councilman Kent: "I actually just read it just now."

Councilman Cardinale: "Well, I'm- "

Councilman Kent: "August 8<sup>th</sup>, 7:00 a.m., 9:00 p.m."

Councilman Cardinale: "I'm reading the notice that's going to be published."

Supervisor Kozakiewicz: "It's granting that which you wished for."

Councilman Kent: "I'm a little concerned about the affidavit of posting though. I don't- "

Supervisor Kozakiewicz: "Same form that we use all the time."

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Councilman Kent: "Interestingly it provides for the vote at the Suffolk Theater."

Councilman Cardinale: "Yes."

Councilman Kent: "I think it's appropriate."

Councilman Cardinale: "I would think that the vote would be at a more- at another location."

Councilman Kent: "I know they do the school board elections- they do the school budget elections at the school. They do the Riverhead Library- "

Councilman Lull: "The library elections at the library."

Councilman Kent: "-- the library elections at the library."

Councilman Lull: "Baiting Hollow elections, Baiting Hollow."

Councilman Kent: "That's correct. My church does it at my church."

Councilman Cardinale: "Chris, where is the location set forth?"

Councilman Kent: "It sets it forth in the notice."

Councilman Cardinale: "Right in the first paragraphs? Will be held at the Suffolk Theater?"

Councilman Kent: "At the Suffolk Theater building is what it says. A special election- "

Councilman Cardinale: "They're going to have a- "

Councilman Kent: "-- of the qualified electors of the Town shall be held on the 8<sup>th</sup> day of August, 2001, at the Suffolk Theater building in the Town which location is hereby designated as the polling place for each town election district for said special election for the purpose of voting upon a proposition with respect to the bond resolution referred to in the preambles hereof. Voting shall be by voting machine in the polls and such special election shall be kept open between the hours of 7:00 a.m. and 9:00 p.m. prevailing time."

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Councilman Cardinale: "The only place in the Town that you can vote is the Suffolk Theater? That's the only place where the people of this Town are going to be able to vote?"

Councilman Kent: "That's what this provides for. But it is consistent like I said with the library vote is at the library, the school vote is at the school and my church votes at the church."

Councilman Lull: "The fire district- "

Councilman Cardinale: "It strikes me that more than one location would be appropriate."

Councilman Densieski: "You'd have to put one in every district. If you were going to have more than one location, you'd have to have every location in Town."

Councilman Cardinale: "That's what I was thinking would be appropriate. As with any other election, people should be allowed to vote within their election districts."

Councilman Lull: "And that's \$50,000."

Councilman Densieski: "Yeah, that's right."

Councilman Kent: "That would be cost- that would be quite costly to us."

Councilman Cardinale: "Well, we could also run the- run this vote at the- we don't have to run it at this time. We could run it a little later. You are legally entitled to set the date."

Councilman Lull: "No, you're not really."

Supervisor Kozakiewicz: "Between 60 and 75 days."

Councilman Lull: "It must be- "

Councilman Kent: "We didn't challenge- since we didn't challenge- I didn't know that what you were saying before but- "

Councilman Cardinale: "It did not challenge and you cannot challenge."

Councilman Kent: "So I think it would have to be within no less

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than 60 and no more than 75 days from the date of the petition filed."

Councilman Lull: "It has to be between August 1<sup>st</sup> and August 15<sup>th</sup>."

Councilman Kent: "Actually you filed the petitions what, May 20<sup>th</sup>?"

Barbara Grattan: "May 30<sup>th</sup>, I think."

Councilman Cardinale: "Ah, yes, you actually- I don't want to tell you what you can and can't do but I happened to research this and if you so desired you can have all the voting district available for voting, which I think is appropriate. I think what's happening here is you are- that you are attempting to limit the vote by having it only at that spot and I think you are trying to prejudice the vote by having it only at that spot as well. So I would object to that aspect of the notice.

I also believe that you are trying to prejudice the ability of the opponents to come forth by springing this on us at 9:30 at night so I would suggest that we table this for further discussion at the work session because I think it needs some work obviously."

Supervisor Kozakiewicz: "Is there a second to table? Not hearing any, let's take up the vote."

Councilman Cardinale: "I will complete the reading. All right. The vote, first of all I want to thank all those people, the 1,469 people who came into my office and Sherri Patterson's office and signed the petition to demand and receive a say in how the Town is spending \$4,000,000 or 20% of the annual budget after having spent \$1,000,000 already. I think- those people indicated and apparently the rest of this Town Board has heard that they want to vote, they want to be heard.

I think, number one, there is no question but that a vote has to take place because there was no challenge. I think this document by the manner of it being sprung forward at the last moment, by the fact that it had not been handed out to anybody previously, by the fact that every member of the Town Board voting in favor of the proposition is now denying a tabling of this to discuss it intelligently and cooperatively at a work session, that what we're really talking about here is not a gesture of largesse and generosity by the proponents but a tactical ploy to try to place in this resolution a demand that every

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voter from as far away as Wading River and as far away as Laurel come not to their own districts to vote as in every other matter, but come to the Theater no less, itself, that is the subject of the vote. A building that is not even open to the public, a building that is not- that is not even legal as I understand it to occupy for public assembly. So I believe among other things that this is probably illegal to place it here. Certainly it is ill advised and certainly it is politically motivated.

I do not understand the language which troubled me and I discussed with the Board which indicates a provision for providing for an estoppel provision. I have asked and I do ask that counsel who prepared this resolution be available for us to speak with to have that explanation made. It seems very reasonable to me.

I point out to the public that the County Legislature of Suffolk and I have recommended that the Town do this as well, does not permit this kind of shenanigan of placing of the agenda, putting out of his literally his pocket, the Supervisor, a significant- a significant resolution without previously having had it placed on the table for review and discussion. We could not do what the Supervisor and the other three members of this Board are doing today if- in the Suffolk County Legislature. They have a provision that you must place it on the table for two weeks before it is considered.

It is clear to me, as it should be clear to the public who are watching this I hope on TV and here today, that the four members of this Board other than myself did not read this resolution. They could not have read it if it was just handed to them today because they couldn't have had the time. This is no way to run a business. I believe that this is as flawed and tainted as the initial resolution which defied the people. We'll get the people out for the vote but I won't vote for this because this is a setup."

Councilman Kent: "I tell you what. I will move to table this and I think maybe we should have an opportunity to speak to our counsel on this. I believe you said Mr. Rothman prepared this or Wilke Farr."

Supervisor Kozakiewicz: "Wilke Farr."

Councilman Kent: "I'll move- I'll second- or I'll either- I guess I have to move to table it at this point- "

Councilman Cardinale: "I'll second it."

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Councilman Kent: "-- because I think your motion is no longer- "

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "I have a question though. It's- there is an inconsistency in one place and I would like to find out if it was- which it is, how it was meant to be stated."

Supervisor Kozakiewicz: "Which page?"

Councilman Kent: "Is it a 7:00 a.m. start because that's what it states in the text of the resolution and then the notice says 6:00 a.m. to 9:00 p.m. Do you know which it was meant to be?"

Councilman Lull: "It states seven."

Supervisor Kozakiewicz: "Seven."

Councilman Kent: "Well, most elections are 6:00 to 9:00 p.m. but the notice itself the notice of special election to registration voters- "

Councilman Densieski: "It's stated 6 to 9."

Supervisor Kozakiewicz: "Maybe six- "

Councilman Kent: "So then the text of the resolution is incorrect. I- to tell you the truth, I will move to second or I will move to table the resolution, Phil has seconded it, but that's strictly for the opportunity to discuss it with counsel. In looking at the resolution, I have read it completely through while we sit up here now, it's very similar to our bonding resolutions. It provides for a special election and if the special election was called pursuant to the petitions that were submitted, which I think we're going to have one anyway, I really don't understand why it's a problem to have it on August 8<sup>th</sup>. I could somewhat see his- Phil's argument about not wanting to have it at the theater if he feels that the building is unsafe. I don't know if we can make provisions for having it at the theater or not but I don't believe we should have it in every election district. I think it would be cost prohibitive to the town to- if we're looking really to save money by having the special election, I don't know if we want to spend the money to have voting booths in every election district in order to conduct the special election.

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But as I said before, the school has it, the school district budget vote which is much larger than this has it in one location. The Riverhead Library had their bond vote which was more than this at the Riverhead Library. It's not uncommon when you're voting on something special like this to have it in one location. Perhaps we should have it at Town Hall though as an alternative location but that can be discussed if we- I will join the application to table it and we can discuss that issue and also have the opportunity to discuss it with counsel."

Councilman Cardinale: "Seconded the motion to table."

Supervisor Kozakiewicz: "Motion to table, second to table."

The Vote: "Densieski."

Councilman Densieski: "No, to table."

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

Councilman Cardinale: "Yes. I believe it should be tabled for the reasons indicated."

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

Councilman Kent: "I'll vote yes to table."

The Vote (Cont'd.): "Lull, no; Supervisor, no. Resolution is not table."

Councilman Kent: "Can we have some discussion on the general issue at this point?"

Supervisor Kozakiewicz: "We've had a lot of discussion on this."

Councilman Kent: "Well, I have some questions."

Councilman Cardinale: "Well, not very much considering we just got it tonight."

Councilman Kent: "No. Let's go away from this resolution."

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

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Councilman Kent: "Phil, you said you had done some study or maybe the Town Attorney- "

Councilman Cardinale: "Yes."

Councilman Kent: "I am not that well versed. If we did not as a Board move to set a date for a vote on the special election, how would the date for the special election and the wording of the proposition be- how would the date be set and the wording be established? Does anyone have any- "

Councilman Cardinale: "No. I don't have any problem with the fact that the Town Board has to establish the wording and has to establish the date within 60 to 75 days. However, incidentally there are ways you can place this on the November ballot as well if you prefer. You could place this question on.

But I'm not going to- but that much I do know. But what I am concerned about is simply that this was placed before this Board deliberately without discussion and that every member of the Board- certainly myself, was unaware that this was coming up. I was in this building yesterday from 4:00 reviewing resolutions. I was in this building at 2:00 picking up the resolutions for today. No one mentioned a word about this to me. If I am the only odd man out here, let me know. Does anyone else know anything about this before tonight? I don't think Chris did and I think this is just a dirty way to do business, quite frankly.

It's an important thing for the town. The provisions of where the vote was going to take place, when it was going to take place, the wording of the proposition, the notices to the voter that be published. These are significant items that demand significant attention and we're not giving it. We're just taking a piece of paper that was pulled out of the Supervisor's pocket and stamping our stamp upon it. Well, I'm not going to do that."

Supervisor Kozakiewicz: "Zabby, please sit down."

Councilman Kent: "I actually think the wording is fairly good, to tell you the truth."

Councilman Cardinale: "The wording may be- "

Councilman Kent: "It does not- there is no opinionated- there's no editorializing like I saw in some of the other proposed referendums

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when we were talking about opening the airport as an economic catalyst. It doesn't say any of that. It just is very straight forward about whether we should spend \$4,000,000 to renovate the theater."

Councilman Cardinale: "The location- "

Councilman Kent: "That's basically all it says."

Councilman Cardinale: "The location of the vote I think says volumes, volumes about the intent of- the intent of this administration."

Supervisor Kozakiewicz: "The location- as we pointed out, there's a lot of discussion about trying to- whether we can hold it at 20 separate election districts, that would be a tremendous expense to the taxpayers, so the thought was to do it at one location. It's not uncommon. The library vote was at the library; the school- "

Councilman Cardinale: "And the location- "

Supervisor Kozakiewicz: "-- district vote was at the school district."

Councilman Cardinale: "-- and the location you chose is a building that hasn't been open in 13 years. Come on, let's be serious. You know why you chose this."

Supervisor Kozakiewicz: "Well, rather than go forward with this debate that's going nowhere, let's have the vote."

Councilman Cardinale: "Let's move to amend. I move to amend the location of the- I move to amend the location of the vote to reflect a vote in the fire districts. Good idea."

Supervisor Kozakiewicz: "We can't do more than one."

Councilman Densieski: "We can't do that. One place."

Councilman Cardinale: "Then I move to amend if it must be one place and I don't believe that and I won't be able to tell whether- "

Supervisor Kozakiewicz: "You can speak to the BOE."

Councilman Cardinale: "Yeah, you may have spoken to them but we

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have not had the opportunity because you have kept this from the rest of the Board which is pretty much your modus operandi."

Supervisor Kozakiewicz: "That's not true. You wanted a vote. You are getting a vote."

Councilman Cardinale: "I am getting a- "

(Unidentified - from the audience): "I wanted a vote as a taxpayer."

Supervisor Kozakiewicz: "Sir, sir."

Councilman Kent: "Hey, please, that's not appropriate."

Supervisor Kozakiewicz: "Sir, sir."

(Unidentified - from the audience): "This is Stalinism at its worse."

Councilman Cardinale: "I'm getting a- "

Supervisor Kozakiewicz: "You know what? I don't think it's going to change. I think it's an appropriate place to have the vote. We've heard from the people. Why don't people- I don't know what we're afraid of to have the vote at Suffolk Theater. I- listen, the discussion is over. Discussion is over. We either- let's move forward with the vote. There's been a motion to table; now there's a motion to amend."

Councilman Cardinale: "I'm- "

Supervisor Kozakiewicz: "The motion to amend is to do what?"

Councilman Cardinale: "The motion to amend is to vote in the fire districts."

Supervisor Kozakiewicz: "Fire district. Which fire district?"

Councilman Cardinale: "Each of the- each firehouse can have the vote."

Supervisor Kozakiewicz: "I am advised that we cannot do that."

Councilman Cardinale: "I would like to have the opinion of

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counsel in writing on that issue."

Councilman Kent: "Well, that's why I think it might be appropriate to put this over to a time when we can discuss this with counsel. So I would- I mean I move to table it. We can- I don't think we can take up that vote again. What is the requirement on the number of votes to pass this resolution? Do you know that answer?"

Supervisor Kozakiewicz: "Three."

Councilman Kent: "Three votes."

Supervisor Kozakiewicz: "Three votes."

Councilman Cardinale: "Is it three or four? Do we have an opinion of counsel on that? We don't even know how many votes we need to pass the resolution. This is a heck of a way to run a town."

Supervisor Kozakiewicz: "Three, three. Three. Three."

(Unidentified - from the audience): (Inaudible)

Supervisor Kozakeiwicz: "Ma'am, please."

Councilman Densieski: "Very similar to the AES one that was brought off the floor that I never (inaudible) to vote on."

Supervisor Kozakiewicz: "Enough."

Councilman Kent: "Let's not go back to other resolutions. We have something before us."

Councilman Densieski: "Okay, let's not do that."

Supervisor Kozakiewicz: "There's a motion to amend to add the fire districts. Is there a second?"

Councilman Kent: "I wouldn't second that. I don't know if that's- if you're allowed to do that or not."

Supervisor Kozakiewicz: "All right. Okay. There's no second."

Councilman Kent: "I mean, do you know if you're allowed to do that, Phil?"

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Councilman Cardinale: "I don't know because I haven't had the opportunity to speak with counsel."

Councilman Kent: "Well, I'm not going to second- "

Councilman Cardinale: "Well, you- the whole thing could be illegal."

Supervisor Kozakiewicz: "All right, there's no second. Let's go forward. Is there any other business?"

Councilman Cardinale: "Yeah, I move to amend to read Town Hall."

Supervisor Kozakiewicz: "Motion to amend to read Town Hall. Is there a second?"

Councilman Kent: "I'll second that."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Supervisor Kozakiewicz: "I don't care if this is what they feel is going to be instrumental to the vote."

Councilman Densieski: "Yeah, let it be in Town Hall, fine. I'll vote yes."

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

Councilman Cardinale: "Abstain. I have problems with- "

Supervisor Kozakiewicz: "Now it's abstain. Chris?"

Councilman Densieski: "Now what?"

Councilman Cardinale: "I have problems with this- I have problems with this- "

Supervisor Kozakiewicz: "Okay. Chris- abstain. Chris?"

Councilman Cardinale: "-- as I expressed, with this entire- I would like to- "

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Supervisor Kozakiewicz: "Councilman Kent?"

Councilman Kent: "Phil."

Councilman Cardinale: "I will express myself, Mr. Supervisor."

Supervisor Kozakiewicz: "Councilman Kent?"

Councilman Cardinale: "And I will not acknowledge it because I have not voted yet. So if you would allow me."

Supervisor Kozakeiwicz: "You said abstain. You voted abstain."

Councilman Cardinale: "I indicated it and I am explaining my abstention which is common. I am abstaining because although it is better with the amendment of Town Hall, if it is passed, it is still defective in that no members of this Board have had the opportunity to discuss the legality- whether this is proper and in legal form with our counsel, whether there are other significant defects within in. No member of the Town Board has had the opportunity to review the language- "

Councilman Cardinale: "You've said that."

Councilman Cardinale: "-- and to discuss alternatives."

Supervisor Kozakiewicz: "It's been put forth."

Councilman Cardinale: "And I'm repeating it as an- so that the public will clearly understand that unlike the rest of the Board, I support the public's right to be heard but- "

Supervisor Kozakiewicz: "We all support the public's right to be heard. That's why we're asking for the resolution to move forward."

Councilman Cardinale: "Oh, yeah, now, very belatedly you're- "

Councilman Kent: "Can I ask a question? Can I ask a question? What are we voting on, just the amendment or are we voting on the resolution as amended?"

(Unidentified): "The amendment. Just the amendment."

Councilman Cardinale: "Okay, we're voting on the resolution-

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the amendment itself. Fine. I vote yes."

Councilman Kent: "You should vote yes because at least- "

Councilman Cardinale: "But I understood it to be an- the entire amended resolution."

Councilman Kent: "Well, that's why I asked the question."

Councilman Cardinale: "Okay, well, thank you."

Councilman Kent: "I'll vote yes to amend it- to amend the resolution to say Town Hall as the place for the location of the vote."

The Vote (Cont'd.): "Lull, yes; Supervisor, no."

Barbara Grattan: "Okay, that resolution is adopted to read as Town Hall."

Supervisor Kozakiewicz: "No, that was the motion to amend."

Barbara Grattan: "To amend."

Supervisor Kozakiewicz: "Now we have to vote upon the amended resolution."

Barbara Grattan: "Okay, that's right. Okay, who's going to introduce that? Anybody introduced that? I'm confused, Bob."

Supervisor Kozakiewicz: "Yeah, it is confusing."

Councilman Kent: "It's a confusing issue."

Supervisor Kozakiewicz: "The motion was to amend it to substitute the place of vote as Town Hall instead of Suffolk Theater. And that's passed by a 4 to 1 vote."

Barbara Grattan: "Right."

Supervisor Kozakiewicz: "So now we have to pass the resolution or act upon the resolution as amended. Vote?"

The Vote: "Densieski."

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Councilman Densieski: "Yes, as amended."

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

Councilman Cardinale: "For the reasons I stated and for these reasons, I'm going to abstain on this vote. I believe that acting carelessly in a significant matter before this Town is not in the best interests of the Town. And I believe that the Supervisor has placed every member of this Board and most especially myself in a position where they can only act carelessly because he has withheld this eight or ten page resolution from the Board, denied that it was on the- that it was going to be considered tonight. Yesterday when I asked, today when I asked if there were any more resolutions, and this evening when I came in here at 7:00, pulling it out of his pocket at 9:30. I believe that that reflects the kind of government that this Supervisor and this administration is trying to run, closed, shadow government. And I believe that to vote for this would be to allow him to force me to be less than diligent in regard to reviewing resolutions. So for that reason, I abstain."

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

Councilman Kent: "I believe the resolution is appropriate but not timely. I think we can do this at our next meeting. I think we should have the opportunity to speak to counsel regarding the issues that are contained in the resolution. I don't think that if we acted on this on June 19<sup>th</sup>, the Town or the public would be prejudiced in any way or there would be any disservice to the voters if on June 19<sup>th</sup> we decided to set the special election for August 8<sup>th</sup>. So without the opportunity to discuss this further with counsel who prepared the resolution, I'm not an expert in this area of the law so I would- I'm going to also abstain."

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

Supervisor Kozakiewicz: "As it turns out I think they got what they wanted because I think this whole thing about where the location will be and what's occurring is- I- I'm rather at a loss and this is what the voters wanted. Phil, you stomped the ground, you got 1,400 people to come forward asking for a vote on the theater. The resolution provides that as pointed out by Councilman Kent. It is not confusing. The proposition is straight forward, it is clear."

It reads shall bond proposition dated May 1, 2001 authorizing the issuance of \$4,000,000 serial bonds, the Town of Riverhead, Suffolk

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County, New York to pay the cost of the reconstruction of the interior of the Suffolk Theater building including incidental costs and expenses in connection therewith and the purchase and installations of furnishings, equipment, and apparatus to be used therein provided that the period of probable usefulness of said reconstruction is 20 years and that the maximum maturity of said serial bonds will exceed five years and delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds pledging the faith and credit of the town to the payment of the principal of and interest on such obligations and providing for the estoppel provision to approved.

I think it's straight forward. However, I- I've been accused of a lot of things tonight and I have to put forth a couple things in response.

There was an ad that was run by the opposition to this particular project by the Town which alluded to the fact that the Town has bonded \$55,000,000. After being questioned on it, I think there was some realization that those figures were not, in fact, correct. If you turn to the annual financial statement that's filed by the Town of Riverhead, the true numbers, \$12,000,000 in bonding that the Town of Riverhead has presently on the books, and it's less than 14% of the bonding capacity of this Town. The total bond indebtedness which included also the outside districts which was the taxing districts of the sewer district, the water district, the special- were the balance which was 30- 27 million. So it was a total of \$39,000,000 altogether and the general town-wide was \$12,000,000 solely although there was an inference that the Town has already bonded itself to the limit of \$55,000,000."

Councilman Cardinale: "Sixty-seven actually, authorized bonded indebtedness which we stand on."

Supervisor Kozakiewicz: "Well, I'll share with you the filing that was filed with the State auditors. You have a chance to review it. It sets forth- "

Councilman Cardinale: "I'll share with you the figures that Jack Hansen gave me."

Supervisor Kozakiewicz: "You're wrong."

Councilman Cardinale: "He gave them to me. Then he's wrong,

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your budget director."

Supervisor Kozakiewicz: "He pointed out what the total figures were over the time, but if you read the annual financial report, you'll see what the actual bond indebtedness is."

Councilman Cardinale: "Sorry I relied on your budget director."

Supervisor Kozakiewicz: "He's your budget director as well, Phil, so- "

Councilman Cardinale: "And he told me \$67,000,000 authorized bonded indebtedness."

Supervisor Kozakiewicz: "He gave you a piece of paper and then you interpreted it, so- "

Councilman Cardinale: "No. He gave me the exact figure."

Supervisor Kozakiewicz: "Anyway, you asked for this resolution. You pounded the streets. You got the necessary people to go out and file the petition. Again, there's questions as to whether they were done properly. But I don't think that behooves anybody here."

Councilman Cardinale: "Oh, they were done properly. I assure you."

Supervisor Kozakiewicz: "Well, if they were sitting at delis which is where I saw them- "

Councilman Cardinale: "They weren't. Eight hundred of them came out of my office."

Supervisor Kozakiewicz: "I saw them at delis. I saw them at delis, Phil, so let's not fool anybody here."

Councilman Cardinale: "No. They were properly done, I assure you."

Supervisor Kozakiewicz: "Anyway, based upon the fact that the location has now been moved to the Town Hall and I still very much believe that one location would best serve the interests of the Town rather than 20 separate districts which would be a tremendous expense, \$50,000 to the taxpayers, and I still believe that it's the proper place to hold it based upon what other votes are done and I'm not sure

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why there's such a fear of having it there, I must, too, vote no as amended because I believe that the proper location should be the Suffolk Theater with this resolution, so we'll be revisiting this one at a later date."

Councilman Kent: "The resolution fails so we can take it up at work session."

Supervisor Kozakiewicz: "That's right."

Councilman Cardinale: "Could have done that a lot easier earlier."

Councilman Kent: "Should have voted to table."

Councilman Cardinale: "Yeah, we should have voted to table."

Barbara Grattan: "Okay, let's move on to Resolution #625."

Resolution #625

Councilman Lull: "Authorizes the Supervisor to execute a transfer title agreement for Capital Equipment between the Town of Riverhead and the County of Suffolk. This is for- "

Supervisor Kozakiewicz: "This is for buses."

Councilman Lull: "This is for vans and buses for the seniors department that are with the county and are to be transferred to the town. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, I believe this is money that was spent quite a long time ago and we've been waiting for the vans that we desperately need, so I'm going to vote yes."

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

Resolution #626

Councilman Densieski: "Approves site plan of PRG Corporation. So moved."

Councilman Kent: "Please, we're not done."

Supervisor Kozakiewicz: "Moved by Densieski. Is there a second on CRG?"

Councilman Kent: "Seconded. Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "We're relying on the letter from legal counsel?"

Supervisor Kozakiewicz: "There's been a change- from counsel

for PRG, that's correct, as well as changes to the site plan language."

Councilman Kent: "Well, is there a condition?"

Supervisor Kozakiewicz: "It's in the declaration."

Councilman Kent: "Oh, it's in the declarations? The one issue on this is regarding whether the town is going to be able to collect its \$.50 per cubic yard for excavation required to improve the property as depicted on the site plan. There was some question as to whether the DEC would take this on as a sand mining. We've been assured by counsel that it will not. We're also adding language to the declarations, I'm still looking for the language. What section was that?"

Supervisor Kozakiewicz: "It's in- "

Richard Hanley: "The attorney added some whereas- "

Councilman Kent: "In the resolution itself?"

Richard Hanley: "Yes. There's a whereas reliance on a letter dated such and such, I think it was today. There are two new whereas there."

Councilman Kent: "Yeah, I see that pursuant to a letter dated today- "

Richard Hanley: "As well as a whereas that we relied on that correspondence in the approval."

Councilman Kent: "Should we have some further language that if this does not prove to be the case this would automatically rescind the approval of the site plan?"

Richard Hanley: "Our thought was that if they, in fact, made an application we would rescind."

Councilman Kent: "Well it would be a material representation that if it proves not to be the case, it would automatically rescind the approval granted this evening. I think we should add some language to that effect."

Councilman Cardinale: "Well-- "

Supervisor Kozakiewicz: "It seems we're overreaching here."

Richard Hanley: "Wouldn't you rather just rescind it by resolution?"

Supervisor Kozakiewicz: "Right."

Councilman Kent: "Okay. I think then we could have findings, I guess that would be appropriate. That could be upheld by court rather than doing it the other way. You're right. Okay."

Richard Hanley: "All right?"

Councilman Kent: "All right."

Richard Hanley: "There's also a condition relative to the no clearing or grading until such time as that excavation permit is- "

Supervisor Kozakiewicz: "Right."

Councilman Kent: "Right. And I see that you have added that- that was added yesterday- "

Richard Hanley: "Right."

Councilman Kent: "-- that provision that they can't do any stockpiling of construction or demolition debris or any other materials without a further site plan approval from this Board. So I see you've covered that. So I'll vote yes."

Barbara Grattan: "Where were we? Densieski, right?"

Councilman Lull: "No, Chris just voted."

Councilman Kent: "I voted yes."

Councilman Cardinale: "We didn't vote."

Supervisor Kozakiewicz: "No. It was just a second. It's moved and seconded. That was a whole discussion involving moving and seconding."

Councilman Kent: "Oh, I thought that Eddie- "

Barbara Grattan: "I've got nothing here for Densieski,

Cardinale."

Supervisor Kozakiewicz: "No. There was no vote. It was discussion on the second. Moved and seconded."

Councilman Kent: "Oh, I thought I heard- "

Barbara Grattan: "Okay."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I have some reservations about this which I expressed in work session in that there's- I think there's an extraordinarily deep ravine being cut in this property- I think it's 14 feet if my recollection serves me, and I believe- "

Richard Hanley: "There are- "

Councilman Cardinale: "What is it?"

Richard Hanley: "There are approximately 84,000 cubic yards of material coming out of the property."

Councilman Cardinale: "And how deep a hole are they putting in?"

Richard Hanley: "Well, it's really not a pit. It is more of a bank excavation."

Councilman Cardinale: "Yeah."

Richard Hanley: "The property at the street is about elevation 70 and a half, 71. And as you move south of the property there's the excavation til you get to a point about three-quarters of the way down where the new elevations are at 55 which matches the property to the south. So if you can imagine looking at a property that has approximately on average 10 feet below grade on two sides with the building essentially being on the front and covering that, and in the rear the elevation at the property line meets the property to the south."

The intent of the owner here is to shield storage of material as relates to his building trade, to screen heavy equipment that's stored, to mitigate against noise relative to wash down of heavy equipment, for repair of heavy equipment, and for movement of heavy

equipment."

Councilman Cardinale: "And how much sand is he going to take out?"

Richard Hanley: "He's taking out approximately 84,000 cubic yards of material which we will be receiving \$.50 a cubic yard for each cubic yard."

Councilman Cardinale: "And couldn't this same shielding be done by landscaping rather than destroying the land?"

Richard Hanley: "I don't know that a berm would be as- would be preferable to screen with respect to shielding the yard. Certainly a berm would not be as preferable with respect to mitigating noise. We don't see this as a mining operation. We really see this as, at least the Planning Department does, as a mitigation measure against some of the outdoor storage."

Councilman Cardinale: "I hope you're right. I vote yes."

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

Councilman Kent: "I'll vote yes with the understanding that if the DEC finds that this is mining, that we are going to rescind this."

Councilman Lull: "We've got a letter that says it isn't."

Councilman Kent: "Well, we got that from- "

Supervisor Kozakiewicz: "Counsel."

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

Resolution #627

Barbara Grattan: "Resolution #627 to pay bills."

Councilman Cardinale: "So moved."

Councilman Densieski: "Second to pay bills."

Supervisor Kozakiewicz: "Motion to pay bills, second?"

Councilman Densieski: "Yup."

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

Barbara Grattan: "The bills are paid."

Councilman Kent: "I move we adjourn this meeting and open the CDA- "

Supervisor Kozakiewicz: "I think we may have still- the question is whether we still have an open motion on the whole thing with Suffolk Theater. Was it moved and seconded under the original? I believe it was."

Councilman Kent: "You voted no to the amended resolution."

Supervisor Kozakiewicz: "That's correct. But my question is was the original resolution moved and seconded so it's still on the floor."

Councilman Cardinale: "I don't think it was because I started talking about discussing the issues. In any event, what you're- "

Supervisor Kozakiewicz: "All right. If it was, then we can't--"

Councilman Kent: "You moved it which I don't know if you're allowed to do but- who seconded it? And then there was a motion to table, there was discussion."

Barbara Grattan: "And then the motion to table, there was no second to table, so it wasn't tabled."

Councilman Kent: "There was a motion to amend."

Supervisor Kozakiewicz: "Right, which wasn't- "

Councilman Kent: "Which was passed."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "I think once you move to amend it the other resolution doesn't exist any more, does it?"

Supervisor Kozakiewicz: "Well, that one failed."

Dawn Thomas: "You have the amended resolution."

Councilman Cardinale: "The resolution was amended but the vote failed."

Barbara Grattan: "Failed."

Councilman Lull: "The resolution was voted on, was amended."

Councilman Kent: "So are you going to bring back that first resolution again?"

Supervisor Kozakiewicz: "Well, I think it's still on the table."

Councilman Cardinale: "I don't think it is."

Supervisor Kozakiewicz: "I believe it is. Is there three votes who- "

Councilman Kent: "No, we're saying- my position would be once you amend it, I don't think the resolution- the other resolution even exists anymore."

Barbara Grattan: "Yeah, but the amendment- "

Supervisor Kozakiewicz: "What's the- "

Barbara Grattan: "The amendment never went through."

Supervisor Kozakiewicz: "Right. No, the amendment went through, then the vote on the amended resolution failed."

Councilman Kent: "So once you've amended the resolution, the other resolution doesn't exist anymore. I don't think it does."

Dawn Thomas: (Inaudible)

Supervisor Kozakiewicz: "If the Board doesn't want to move it, let's- "

Councilman Kent: "Well, you know what? If that original amendment- if that original resolution is still around, I would renew my motion to table it."

Supervisor Kozakiewicz: "Let's do the CDA. This is- "

Barbara Grattan: "Okay, are you going to close this- adjourn this meeting?"

Supervisor Kozakiewicz: "10:20. Close the regular Town Board meeting."

Meeting closed: 10:20 p.m.

Meeting reopened: 10:22 p.m.

Councilman Densieski: "Motion to adjourn."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Meeting adjourned: 10:22."

Councilman Kent: "Now we have to go back- we have to reopen the- "

Supervisor Kozakiewicz: "We're done."

Meeting closed: 10:22 p.m.

*Barbara Grattan  
Town Clerk*