

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, July 3, 2001, at 2:00 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 2:09 p.m.

Supervisor Kozakiewicz: "Let the record reflect the time of 7:09 has arrived. Jeff- I mean 2:09- I'm still thinking about the evening time. I'm thinking it's an evening. My mind is on an evening meeting. It's an afternoon meeting."

Jeff, would you be kind enough to stand up and lead us with the Pledge of Allegiance, please?"

(The Pledge of Allegiance was recited, led by Jeff Seaman.)

Supervisor Kozakiewicz: "This afternoon meeting does have me thrown off. We changed the time for celebration of Independence Day, which is tomorrow. And with that said, what I'd like to do is have one of our older citizens who has asked to commemorate this holiday by singing God Bless America. Marion Haas, would you please approach the podium? Harriet, I'm sorry. Haas, H-A-A-S. However you feel comfortable."

(At this time, Harriet Haas sang God Bless America)

Supervisor Kozakiewicz: "Thank you, Harriet. Is there a motion to approve the minutes of the Town Board meeting of June 19, 2001?"

Councilman Densieski: "Motion to approve the minutes."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "Reports, Barbara?"

REPORTS:

Tax Receiver	Utility collections report for June. Total collected \$234,261.77
Town Clerk	Monthly report for June, 2001 Total collected \$10,032.98
Sewer District	Discharge monitoring report for May
Bid Reports	69K pole replacement opened on 6/29/01 at 11:00, 4 bids were received

Barbara Grattan: "That concludes Reports."

Supervisor Kozakiewicz: "Thank you, Barbara. Applications."

APPLICATIONS:

Parade Permit	Doctors Path Apartments on July 4, 1:00 p.m. to 10:00 p.m.
Block Party	Meadowcrest III, August 18 th at 2:00 p.m.
Shows & Exhibition Permit	Skechers USA June 30 th to July 4 th a tent sale
	Jesus is Lord Church July 14 th 12:00 p.m. to 3:00 p.m. Lombardi Park
	Living Water Full Gospel Church religious service dates

not set yet

Site Plan

Riverhead Building Supply
for a 17,200 square foot
addition to existing warehouse

Barbara Grattan: "That concludes Applications."

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

CORRESPONDENCE:

Katie Lynn Podlas

Thanking the Riverhead Town
for having such helpful
employees who helped her in
her project

Barbara Grattan: "That's it for Correspondence."

Supervisor Kozakiewicz: "Any Committee reports?"

Councilman Densieski: "Yeah. There's going to be two resolutions on tonight, one awarding the bid for the skate park that we've been working on, the Recreation Committee, for a long time, and the other is some recreational facilities at the Wading River beach. They're going to be replacing some of the existing (inaudible) swings and slides with stainless steel and that's it from Recreation."

Supervisor Kozakiewicz: "Any other Committee reports? As there are none, and the time of 2:13 has arrived, Barbara, would you please read the affidavits of publishing and posting for the first public hearing scheduled for today?"

Public Hearing opened: 2:13 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 July 3, 2001 at 2:05 p.m. regarding the consideration of a special permit petition of Mid Road Properties to allow the construction of 126 retirement condominium units upon property located at Middle Road, Riverhead."

Supervisor Kozakiewicz: "Thank you, Barbara. Mr. Danowski? Since this is- "

Peter Danowski: "Peter Danowski- "

Supervisor Kozakiewicz: "Do you have others who are going to testify? Maybe we'll have them all come up and be sworn since this is a special permit."

Peter Danowski: "We can do that. We have Mr. Jeffrey Seaman. Jeff, if you would stand up and move forward. We have Mr. Howard Young in the background without a jacket and tie. We have Mr. Thomas Wolpert of the firm of Young & Young. Tom's a partner there. And we have Ms. Regina Marengo from Ensign Engineering, our traffic engineer. So perhaps we can do that joint swearing. Howie can reach from a distance, if necessary. I don't know it's his intention to testify but he may be up here to aid in the presentation."

Supervisor Kozakiewicz: "All right. I'm going to ask you to raise your right hands, repeat after me. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

(Collective response): "We do."

Supervisor Kozakiewicz: "All right. Thank you. Peter?"

Peter Danowski: "This is an application that began well over a year ago. A change of zone public hearing has already been held before this Board in which the public was notified. We've now had Planning Board recommendations that have been made. This is a clustered design concept.

Outside on the hallway is a depiction of the first conceptual plan. This is a per town applications, a similar project to others located a distance to the east along Middle Road. In fact, there's one on for approval today, Sunken Ponds. It's similar in nature. The density is as allowed by the Health Department and it provides approximately 40 acres of areas that will not be built upon. Much of that area, although not all of it, is to the north of the projected homes.

Maybe it might be easier if-- Mr. Young has brought a board presentation. We've been meeting since the original conceptual site plan to develop an alternative way to display the homes on the site. From a marketing viewpoint- maybe as Mr. Young might put the board presentation up, I can continue to speak- we felt that to distinguish ourselves from some other projects and to provide as much independent living for senior citizens, independent in the sense of not being part

of attached dwellings, we have an alternate layout that would have individual detached homes. This would, however, remain a condominium project, a senior project.

This is on a wooded are for those in the public who might identify it by looking at a project nearby, it's basically across from Foxwood Village on Middle Road. So it's at the more westerly end of Middle Road when we compare ourselves with Saddle Lakes or Sunken Ponds or John Wesley Village.

Again, if you look at the site, the larger green area depicts an area which we do not intend to build upon. It is in that area where it's closest to the town landfill site so our building is clustered closer to Middle Road. On this particular plan it may not show up as well but the light colored area which is actually cross-checked in a light green color, that area is also not to have hard surfaced on. That would be areas of landscaping and grassed area. So the dark green projects areas we don't intend to touch. The lighter areas are landscaped areas to be provided by us and we also, as an aesthetic feature and also to handle drainage, intend to create several ponds.

Also, not to burden the town, we also intend to build our own recreation center, several tennis courts, and a clubhouse in the middle area of this particular conceptual site plan.

At the conclusion of this hearing, the change of zone public hearing having been concluded, we would be asking the Town Board to act and to vote an approval of the senior citizen overlay onto this property and to grant the special permit to allow the 126 units to be built.

That having been said, we still have to go through another process with the Town Board that will deal with the detailed drainage, the look of the buildings as far as the architecture is concerned. We'll be meeting with the Architectural Review Board who represents the town's interest in an advisory capacity and ultimately asking the Town Board to approve the site plan.

We've also- as we've gone through the planning process both with this Town Board and with the Planning Board, said that if, in fact, the Town Board was of a mind to in lieu of park and rec fees ask for a donation of the land to the back of this property, that my client would be willing to donate or deed over the land to the back of this property. Quite frankly, any of the other areas of open space as well should the Town see fit to be the owner. But, again, that probably

would be a decision that the Town would make at the site plan level after the change of zone and special permit is granted.

However, I want to say that because it is something that the Town Board may or may not want to consider, my client is willing to do either - pay the park and rec fees or donate the land.

With that said, we've had the alternate plan, the first one out on the wall for purposes of presentation today, I'll summarize and then not try to usurp the function of the people who have been sworn in. Regina Marengo is our traffic engineer and I'll just ask her to briefly highlight what she did in preparing her report that has been on file with the Town for a period of time.

In this particular application we were asked by the Planning Board to take a look at whether a left turning lane would be something that would be beneficial to this project and Regina has indicated no and she'll indicate why. There were all the traffic counts done in January and June of last year and she's also built a factor into it on top of the count she made to indicate traffic would not be a problem caused by this particular project.

I hope I haven't stolen everything she would be saying but why don't we call up Regina just for a moment to speak to the issue of traffic?"

Regina Gallagher Marengo: "Good afternoon. As Pete Danowski just mentioned- "

Supervisor Kozakiewicz: "I'm just going to repeat your name and who you are associated with for the record."

Regina Gallagher Marengo: "My name is Regina Gallagher Marengo. I'm President of Ensign Engineering. We performed traffic analysis for this particular project. As Pete said, we went out, we did counts. We also had talked to the Planning Board to find out what was happening in the vicinity. We adjusted our counts to anticipate the traffic that would be generated in the area beyond our site and then we looked at how our site would impact traffic on the existing roadway. And the summary of that is in the report and we show that the traffic does not negatively impact Mill Road at the area of the intersection with Middle. So that's what we presented here. Do you have any questions?"

Supervisor Kozakiewicz: "I'm just trying to figure out. This

is the- the entrance would be directly across the way from the entrance for Foxwood Village, is that correct? And would there be any need for future signalization or improvements at that location?"

Regina Gallagher Marengo: "No, not that we've come up with. No, sir."

Supervisor Kozakiewicz: "Yeah, there's a blinking signal- "

Councilman Densieski: "Isn't there currently a signal at that location?"

Supervisor Kozakiewicz: "A blinking light but not a full signal."

Regina Gallagher Marengo: "Yes, yes, yes. But not a signal, that's correct."

Councilman Lull: "To Foxwood Village."

Councilman Kent: "This is directly across the street from that?"

Supervisor Kozakiewicz: "It looks like from the map the entrance is- "

Regina Gallagher Marengo: "Directly, yes."

Supervisor Kozakiewicz: "I-- directly across from one another."

Regina Gallagher Marengo: "That's correct."

Supervisor Kozakiewicz: Now, Mr. Danowski mentioned that there was some request done with regard to a turning lane or to analyze the impacts or the utility of having a turning lane installed, a left turning lane I think it was."

Regina Gallagher Marengo: "Yes. We looked at what our generation was and the opposing traffic that would be met by it and the analysis did not require- did not signify that a left turn lane would be required."

Supervisor Kozakiewicz: "Now your analysis consists of what? Determining how many trips would be generated presently there and how many would be generated as a result of this project?"

Regina Gallagher Marengo: "That's correct, sir."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "You're saying there wouldn't be a need for a left turn lane into your development?"

Regina Gallagher Marengo: "That's correct. Yes."

Councilman Kent: "Well, that's because most people aren't traveling easterly along Middle Road to access your premises. You may need a left turn lane going into Foxwood Village if the traffic is increased though."

Regina Gallagher Marengo: "We did not come up with that particular indication."

Councilman Kent: "How about people coming out of the development, turning left onto Middle Road? Do you think that's going to be a problem?"

Regina Gallagher Marengo: "Well, we're showing that that particular- one second, sir- no, in fact, we did not show that there's any negative impact coming out of the site, both going eastbound or going westbound."

Peter Danowski: "I think a further comment. We've also consistently said with regard to this project, should the Town in the future ever want to consider a road widening project, that- at the site plan stage if they prefer we'd make an offer of dedication of road frontage. If they thought it necessary to pave that area, we'd even do that. And in the traffic analysis- I don't want to repeat what's in written reports, it's already part of the record and been discussed at a previous public hearing, but if this were to be developed as a single family home project, you talk about the kids in the school system and the amount of cars driving on the project, this would be less traffic than a matter of right build out under a one acre yield subdivision would provide as far as traffic impact is concerned. So that was also considered and those comments about offers of dedication will be consistently on the record and available should the Town make them a condition of the site plan approval if they wanted that done. Next- "

Supervisor Kozakiewicz: "You mentioned earlier that the density was in conformance with Suffolk County Department of Health Services."

What would the actual density be in this case?"

Peter Danowski: "It would be 126- "

Supervisor Kozakiewicz: "I know the 126- "

Peter Danowski: "-- senior housing. It would be 66 single family homes with the alternative under a yield map provision under one acre density for zoning for the town. You have to compare both the Health Department rules and the Town of Riverhead rules. We're talking about comparing 66 single family homes with 126 senior units and then talking about the comparison of impacts on the school system, traffic, whatever. All I'm saying, is this is something that's the same formula that's been reviewed with the other senior projects, including Sunken Ponds which is on today's agenda for resolution passage and the same as Saddle Lakes as far as density is concerned and the way the Town arrived at the density calculation.

As you know, public water is available to the site and we would be providing public water at no cost to the taxpayers regarding this project.

I would next call upon Jeffrey Seaman to just highlight again not having to repeat everything that's been said in the information supplied as part of the written record, but to talk about- a little about senior citizen services, the fact of the school district impact, and to just highlight a few of the points made in his reports that have previously been submitted through the Planning Department."

Jeffrey Seaman: "My name is Jeffrey Seaman. I'm President of Coastal Environmental Corporation and the environmental consultant who provided an environmental analysis of this project and the specifics of the site.

Just briefly with senior or retirement type housing, there is a lower impact on the school systems- school system. The number of students in particular in Riverhead have-- has been rather consistent. Part of the impact analysis due to overcrowding and the proposed expansions being able to meet growing demands of the community. While this will be addressed in greater detail, I understand in the master plan even with environmental assessment reports a narrative needs to be addressed.

Secondly, the ability to go with the condominium style layout and a cluster plan such as this allows for a greater portion of the site

or at least a selected portion of the site to be left as some form of open space and in this particular area it is offering a buffer both to this project as well as to the adjacent communities against the landfill which is located to the west of this project.

With regard to some senior services, I have spoken with Judy Doll on several occasions. I've been to the senior center. I think this Board well understands the capacity there is also somewhat limited and I know that the Town is looking at doing its own improvement to senior services at large and a new center.

We have a center on site which is of some benefit since the residents of this community will be able to take advantage of their own on site clubhouse.

With regard to transportation, dial-a-ride services and some of the other benefits that Riverhead offers to its seniors, should not be much affected. It's somewhat difficult to predict that. I know from my interviews- I don't know if the status has changed but from my interviews there are I think nine vans. Some of those are not always operational. Sometimes there are limitations with the food services because of staffing, etc. All of this is probably part of a larger senior picture.

One advantage though is that because there are other senior communities in this general vicinity of the town, the number of van or vehicle trips that are generated through the center for those that wish to attend should really not do much more than add another stop.

With respect to the site's pre-existing- or existing uses and pre-existing uses, we found no records where this site has been used as agriculture. The vegetation on site indicates that it's likely to have been clear cut at some point in its history due to the size and the mix of the oak forest that is out there. That would seem reasonable since we've looked at the soils and the soils are not terrific for farming or agricultural purposes although it is in the ag zoning district. Subsequently it's not being lost as a traditional farmland piece.

If you have any questions, I'd be happy to answer them."

Supervisor Kozakiewicz: "I do have a question. You show some ponds on the property. Those are to be constructed as part of this project?"

Jeffrey Seaman: "That's correct."

Supervisor Kozakiewicz: "And what is the total surface area or acreage that's being created?"

Jeffrey Seaman: "I think Mr. Young would probably be best qualified to give you a total acreage of the surface water. There is no surface water there now- "

Supervisor Kozakiewicz: "So it would be totally new man made created ponds?"

Jeffrey Seaman: "Yes. And along that line we have had some very good successes with increasing aquatic habitats as a result of man made ponds. These are not just an ornamental vista. The designs have gone more toward an eco-landscaping which is a new term, where they're enhanced with wetland vegetation, sometimes stocked with fish, and even without, generally amphibians will find their way in there and they become really a benefit ecologically since they add some more diversification."

Councilman Kent: "Do you know how many cubic yards you are going to have to excavate in order to create those ponds?"

Peter Danowski: "I think at this point we're conceptual in nature so we're talking about the need to go one way or the other, create the ponds, delete the ponds, go to more traditional. We haven't scaled that out. This is a conceptual site plan at this stage. When we get to the site plan stage, the Town Board and the Planning Department will direct us in whichever path you want us to take. You want us to create the ponds, we will; if you don't want us to create the ponds, we won't."

We'll handle drainage either with a drainage sump which I always think is unattractive. I think we should get away from it, we should try to make it more natural. But if that creates more surface water and someone doesn't want that done, we won't do it.

We're also more than happy to live with any recommendations about not removing material from site if that becomes an issue at the site plan stage."

Supervisor Kozakiewicz: "Thank you. Is there anyone who would like to address the- Rolph Kestling, please."

Rolph Kestling: "Rolph Kestling, Wading River."

Supervisor Kozakiewicz: "Rolph, special permit. We have to have you sworn. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Rolph Kestling: "I do."

Supervisor Kozakiewicz: "Thank you."

Rolph Kestling: "And what interests me a lot is that piece of ground that they would like to turn over to the Town. It's near the dump so it's evidently not a very attractive piece of ground. If they turn it over to the Town, it's going to reduce their tax liability, I would believe. The question is what do they want in return for that? I don't think that property is very expensive, so I would look into that part first because once they turn it over to the Town, it's the Town's property, no tax getting in, no tax bill and it's a relief for them. So I'd like them to look into that."

The second thing, I was looking at those ponds and, well, Mr. Danowski pretty well addressed my thoughts but I said, gee, that would make a lovely sump if that's what they want, or a sand mine, that's the first thing that comes to my mind- comes to mind, sand mining again. That part they want to eliminate, it's not good to them and it's certainly no present to the Town because they're going to lose tax money on it. Thank you."

Supervisor Kozakiewicz: "It is next to the landfill and I know that we could use it to deal with the question of the landfill closure so it may have some- in fact, we do have a temporary easement that we have arranged and taken from the owner at this time in order to conduct the reclamation project at that particular site."

Rolph Kestling: "They still haven't really decided what- are they going to mine it or are they going to cap it?"

Supervisor Kozakiewicz: "The proposal was to reclaim and we're getting off the topic a little bit here and we've got to go back- "

Rolph Kestling: "Okay, but that all sort of fits in, too."

Supervisor Kozakiewicz: "Right."

Rolph Kestling: "Okay, thank you."

Supervisor Kozakiewicz: "Thank you."

Peter Danowski: "If I might just to address Rolph's questions. I never believed the Town is lacking in wisdom when it comes to taxing and my bet is every development that's ever been done, all the tax bills get (inaudible) the units of housing so it wouldn't be a tax bill for that other area. And, quite frankly, from the client's point of view, we're more than happy to keep and own that open space area that we're projecting on our project. We're only saying if the Town wants it and they may need it for the landfill purposes or otherwise. It's up to them. In the site plan approval process, they can direct us either way. So I'm not saying we don't want to keep it. We're more than happy to keep it if that's what the Town Board wants. And it won't cost us tax dollars. But I appreciate the comments and the questions."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Bill Kasperovich, please."

William Kasperovich: "William Kasperovich from Wading River."

Supervisor Kozakiewicz: "Bill, if you would raise your right hand, please?"

William Kasperovich: "Yes."

Supervisor Kozakiewicz: "Do you- repeat after me. I swear- you've lost me now. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help me God?"

William Kasperovich: "Can I also ask legal questions?"

Supervisor Kozakiewicz: "You- this is to hear comments both for and against this particular proposal. This is on for a special permit in order to provide for the 126 retirement homes as proposed by the applicant. So I guess, you know, we're looking to hear comments for why this is either something the Town Board should pursue and entertain as far as the special permit provisions are concerned or whether it's something that would not be appropriate."

William Kasperovich: "I see the presentation- I see the rendering being presented and I see a lot of green, a very soft pleasant shade of green. And to the left there, the large parcel of land not showing anything. Now, the houses being put closer together means there is less greenery in the sense of trees, bushes and shrubs."

Trees are an essential part to this township. Trees are essential to the quality of air especially evergreen, pines and such where the needles have at least six times more area than the deciduous trees and we have not paid that much attention in past developments of replacement of trees. Nobody seems to be concerned on what this will look like 30, 40 years from now. It takes that long for a tree to be full grown and even more for evergreens.

But a commitment since the houses are clustered is to the extent and manner that the open area is going to be changed, adjusted, in what manner or how and how it would be maintained. So clustering is a great thing for the developer, for the people concerned with the economics of houses in groups. The dollar aspect for putting houses closer together is only of concern to a limited number of people. But for the general overall concern of the township, the greenery that's planted today should be given more consideration and concern and specific commitment which I don't see here. Thank you."

Supervisor Kozakiewicz: "Anyone else who would like to address the- yes, Steve Haizlip. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Steve Haizlip: "I do. Steve Haizlip from Calverton. The Fire Marshal stands up here one day and says he needs a lot of turning radius to get fire equipment into these projects. The way I see it here, this thing is so tight that you wouldn't even be able to remove-run a toy fire apparatus in there and secondly I think it's too darn crowded. You've got to give people a little room on each side of their house. That's all there is to it. They need a little breathing room.

And, thirdly, the young lady- what's her name, Regina?"

Supervisor Kozakiewicz: "Regina Gallagher Marengo."

Steve Haizlip: "Yeah, Regina. She testified that she did a traffic study a year ago. Well, man, let me tell you. I go along Route 58 and Kenny and Apple, those guys have got cars coming in every day practically and unloading and that was a year ago. So where is all this traffic going? Where are all these cars going? So a year in a traffic study makes a big difference. And besides you've got people moving out, going Riley Avenue and Edwards (inaudible). People stop and say oh, I've only been here a year or two years. That's an increase in traffic. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Yes, the gentleman in the back."

Phil Gatz: "Hi. Phil Gatz, Riverhead."

Supervisor Kozakiewicz: "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Phil Gatz: "I do."

Supervisor Kozakiewicz: "Thank you."

Phil Gatz: "I live on Mill Road and I guess my house would be my backyard would be part of this or involved with this so you sent me the letter here. If I'm not mistaken, this will be the sixth retirement community on Middle Road."

Supervisor Kozakiewicz: "I think that's about right, yes."

Phil Gatz: "And you do know that this is the route that people take to detour 58?"

Supervisor Kozakiewicz: "Some who know about it."

Phil Gatz: "Some?"

Supervisor Kozakiewicz: "Well, I mean- "

Phil Gatz: "A lot of people know about it."

Supervisor Kozakiewicz: "Again, you are here to address why we should not approve this project, Mr. Gatz."

Phil Gatz: "Well, there's a reason to think about it anyway, you know?"

Supervisor Kozakiewicz: "Okay."

Phil Gatz: "Thank you."

Supervisor Kozakiewicz: "Okay. Thank you. Anybody else? Hand in the back."

Jim Golden: "Jim Golden, Riverhead."

Supervisor Kozakiewicz: "Jim, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Jim Golden: "I do."

Supervisor Kozakiewicz: "Thank you."

Jim Golden: "I've been a resident on Middle Road like 40 years and like the gentleman ahead of me said, there's like six or seven developments started up there in not a long period of time. This is going to be probably seven or eight whatever number, I'm not sure, but there's enough. There's too much building on Middle Road. The environment is being completely destroyed. I have mallard ducks walking up to my house which I've never seen before. And I know a lot of the deer are being chased around. I've got about a half dozen living behind me and you walk out of my back door and you come out at McDonald's. That's on that corner. So I think that's enough building in Riverhead especially along Middle Road. The environment is being destroyed and that's a darn good point a lot of people have made up here. Thank you, gentlemen."

Supervisor Kozakiewicz: "Thank you. Anybody else? Not seeing anybody move, I declare the public hearing closed the time being 2:45 p.m."

Public hearing closed: 2:45 p.m.

Public hearing opened: 2:45 p.m.

Supervisor Kozakiewicz: "The time still being 2:45, Barbara, would you please read the affidavit of publishing and posting for the next public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for an informational hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on July 3, 2001, at 2:10 p.m. regarding the consideration of the phased site plan of the Riverhead Fire District to allow the construction of a Fire Training Facility upon property located at Northville Turnpike, Riverhead."

Supervisor Kozakiewicz: "As indicated, this hearing is an information hearing, this is not a hearing that's required by Town law or by any of the State laws. There's a site plan application which

has been submitted to the Town and based upon recommendations from the Planning Board, the Town adopted a resolution calling for this informational hearing to be held today. With that said, Mr. Blass, do you want to start or Mr. Gadzinski? Okay."

Joe Gadzinski: "My name is Joe Gadzinski. I'm Chairman of the Board of the Riverhead Fire District. Riverhead Fire Department has been leasing a piece of property from the Town of Riverhead between the armory and Garsten Motors on Route 58 for more than 30 years. The lease is due to expire in 2007. With that in mind, the Commissioners purchased a 13 acre parcel on the corner of Northville Turnpike and Route 105.

The Insurance Services Organization (ISO) which rates fire departments requires that ladder trucks be two and a half miles from all structures and pumpers one and a half miles from the structures. New York State is an OSHA state and as such many life safety and fire training requirements must be met. Over the years we have utilized both in house training and the Yaphank training facilities to fulfill these requirements. Our present smoke house is in need of replacement and the Commissioners feel that a new modern facility on our property would be advisable since we are not sure how long the Town is going to continue to lease because they want to expand Stotzky Park.

Six years ago the Board of Fire Commissioners after much publicity purchased a 13 acre parcel with the intent to construct this facility. With all the advertising done, there was no opposition to the purchase or the project. Now six years later and the cost of \$50,000 to the district being spent on engineering and planning, there seems to be much opposition from Eve Kaplan, from the North Fork Environmental Council, Barbara Blass and the Planning Board.

In November of 2000 an application was submitted to the Town for a building permit for this training tower. After months, we're not able to get an answer on the status of the application, we addressed the Town Board at a work session, set up a schedule to get an answer to be rendered.

The Commissioners met with the Planning Board on June 21st to discuss the option. The Planning Board suggested that the facility be put in Grumman's. That location is not within the boundaries of the Fire District and, therefore, we cannot spend fire district funds there. The other location proposed was a parcel just west of Riverhead Town landfill. This location has been mined for sand for at least 20 years to cap the landfill and sanding the Town roads. There

is a 30 to 40 foot crater on this site which would be very costly to fill and make the property useful.

The proposed facility that we're asking for the permit is only 22 feet by 48 foot and 30 feet high. The iron framework, galvanized shell, is finished with galvanized steel. Windows have steel shutters for security. First of all, we'll have a burn room that will burn pallets, (inaudible) used to ignite these. It's necessary to make training as real as possible with the least amount of risk to the firefighters. The second floor will have a propane burn room with a balcony to simulate a garden apartment. The roof contains a flat section with rings fastened to lifelines for rescue training. There is also sections of the peaked roof that will have a four by eight four piece of plywood so that ventilation techniques can be mastered.

This facility will be built so as to allow for ladder practice, both hands and aerial devices. There is an artificial smoke generating machine that will be piped throughout with self-contained breathing apparatus training.

Today with 110 departments requiring to fulfill the training requirements, there are not enough slots in Yaphank to fulfill those needs. Yaphank does a marvelous job but the numbers cannot be done there.

The request we are making is the best location for this facility because it makes training fit our firefighters schedule with a minimum amount of travel. There is also Town water on this site and electric is readily available. The location of the facility is positioned to the rear of a Suffolk County sump to help hide the structure from view. With more flexible hours, Riverhead firefighters will be trained properly and continue to provide the vital services to the residents.

Because we are a volunteer organization our members give unselfishly to protect the citizens of Riverhead. The Commissioners feel we have properly addressed the concerns of the Planning Board and we ask for a positive vote from the Town Board on this vital project.

I also have here a video if you'd like to have it and a letter from one of our family members of one of our members."

Supervisor Kozakiewicz: "Okay. So you are going to ask that those be made part of the record- "

Joe Gadzinski: "Yes, please."

Councilman Cardinale: "Mr. Gadzinski, may I ask for a clarification?"

Joe Gadzinski: "Certainly."

Councilman Cardinale: "The present location, could you tell me when the lease expires?"

Joe Gadzinski: "2007."

Councilman Cardinale: "2007. So when would you anticipate utilizing this site?"

Joe Gadzinski: "As soon as we can get a permit, we're going to start to go out to bid for construction."

Supervisor Kozakiewicz: "And that would be for the burn building- "

Joe Gadzinski: "For the tower only. That's all we're looking for is the tower. None of the other phases of the site plan- the site plan was only put in as a- so everybody would see what the total picture would look like. Phase two and three may never be built depending on the growth of the Town in that area."

Councilman Cardinale: "Would you continue to use the present site through 2007 as well?"

Joe Gadzinski: "Part of it, yes."

Councilman Cardinale: "Thank you."

Bill Blass: "Good afternoon. My name is Bill Blass. I know I've met I think most of you. My position is as the attorney for the Fire District. I'll just mention very briefly and then I'd like to have a representative from Cashin Associates walk you through some of the aids that are present there for you.

I also represent several Fire Districts throughout Suffolk County. What we're seeing here- what's being proposed, this is not the first. It's not the first at the Fire District level nor is it unusual even at the Town level. Such a project is being considered by the Town of Southampton and the Town of Islip at the present time.

Along the lines of the video which you have, I would also like to highlight for you some things that this is not. This is not a burn building such as some of you may have seen at the Yaphank training grounds. Those are concrete block- basically poured concrete structures which have been extremely heavily charred and scalded over the years because of the use of accelerants in the fires there particularly fuel oil was used for decades in those buildings. Those buildings look horrible. And that's not what this building is first of all.

To that end, I will tell you that this exact same building, minor differences aside, has already been constructed by the Deer Park Fire District on a property which is located on Commack Road and I spoke with the Board of Fire Commissioners of the Deer Park Fire District and they invite any of you who may be interested to visit and tour that facility if you would like to, if that would be of any assistance to you in making your determination. If you would like to take up that offer, please just contact me and I will arrange it with the Board.

Couple of other things though have come up apparently in the Riverhead community which I think do deserve to be addressed. Again, along the lines of what this is not. This is not a quarter mile drag race track. What's being proposed is a training facility, that's all. What the Board of Fire Commissioners has done over a period of time, is they've engaged in long range planning. That's the sensible thing to do. In that, one of the things they thought of is the possibility of further development at this site. That's not before this Board at this time. If such development was to be suggested by the Fire District, it would come before the Board at that time. That's not the issue.

Similarly this is not a situation of 10 acres of parking lots and paved racing facilities on a 13.5 acre parcel. In fact, the lot coverage for this particular project including the roadway and all pave areas is approximately three-quarters of an acre. That represents by my math some place in the neighborhood of approximately six percent of total lot coverage of the whole 13.5 acres.

The other thing that this is not is it is not a subject or it will not be the source of smoke billowing across neighbor's dinner tables. This building is designed expressly for burning propane on the upper levels. The propane burn is completely smokeless. The only smoke that would be used at those levels would be in essence an artificially generated smoke which is in essence a mineral oil which

is vaporized and it dissipates within approximately two to three feet of the source. So once the building is vented after a drill has taken place and the windows are opened, you won't see it more than about three feet away from the side of the building. This is the same smoke which probably most of you have seen that have been used for years by fire departments with regard to teaching various forms of fire safety education especially to children. It's non-toxic and dissipates rapidly.

The first floor of the structure as it's proposed at present might very well have some wood burning but it would be absent the presence of any type of accelerant. The only products that would be burned would be wood pallets and straw. The reason is this building is not rated for that type of use. You don't use fuel oils, gasolines, etc. in this type of building. Frankly, what we're talking about here is in essence wood smoke which I don't think is an unusual presence in the atmosphere from time to time. And, again, this is not being used seven days a week, twenty-four a day.

All that said, I would ask you to, again, look at the tape that's present to see what the building actually looks like. And I would also suggest to you that just as the applicant that went before on the issue of the special permit, this applicant, the Fire District, would be more than happy to provide any form of natural vegetative screening which might be desired if the Board feels that that would be a useful way to hide some aspects of the building. The Board is also prepared to discussed coloration of the building and will work obviously to make this work.

And, again, I ask you to just keep in mind the only issue before you is, in fact, the training building. And with that, I would like to ask the representative of Cashin Associates to give you some input on the site."

Nancy Lenz: "Hi. I'm Nancy Lenz with Cashin Associates."

Supervisor Kozakiewicz: "You have to pull that mike down so everyone can hear you."

Nancy Lenz: "Okay, I'm Nancy Lenz."

Supervisor Kozakiewicz: "Is that better?"

Nancy Lenz: "I'm Nancy Lenz with Cashin Associates. Is that okay? I'm a site planner and a landscape architect for the firm. I

laid out the original master plan for them because we wanted to make sure that their intended uses fit on the site and that's how the original concept that has been circulating came about.

From that, we developed that the first thing they wanted to do, and they knew this right from the beginning, was to build this burn building. So we located the burn building where we felt would be the most unobstructed view which was behind a heavily vegetated recharge basin on Northville Turnpike and it's basically the entrance road right now and the pavement around the burn building. The entrance road would work with future development but it will go in at this time with just that burn building. It's currently lit and they have cutoffs on the light and the building itself has spotlights on it that light directly on the building. Those lights are all working, you know, would be turned on and off as they use the site. They wouldn't be going on and off without somebody being there.

I prepared- I know that some of the issues were that there was a lot of concern with the northern view so I've prepared some photo simulations of the building. I'm sorry they're a little small but if you can see the vegetation on the recharge basin is between 30 and 40 feet and the building is approximately 30 feet and the- I can't even tell from here- the third photo, I believe, the lower photo is actually the photo from Sound Avenue taken across the fields towards- and the vegetation you see on the right hand side, that is the recharge basin and the small white in front of it, that's the burn building. And then you can see the three- the other photos are taken from down on 105 and you can see the prospective in terms of vegetation there. And that's where we, you know, came about. We can certainly screen however you would need. I think that we can adequately screen that building and it wouldn't be visible. And we can also look at the color of the building to give that some additional blending into the background. That's what we had proposed, the lighter color building, and at the time we didn't propose any screening. We were thinking of perimeter screening for the entire site at some point but we could certainly work with that.

I don't know if there's anything else I can tell you at this point on that."

Supervisor Kozakiewicz: "Anybody? No. All right. Anybody else that you want to present, Bill? If not, anybody out there in the audience who would like to address- Bill? Oh, I'm sorry, okay. Yeah, and then we'll- "

Chief Kevin Davis: "Chief Kevin Davis, First Assistant Chief of the Riverhead Fire Department. Town Board, I'm here as a representative for the members of the Riverhead Fire Department to show support for the proposed training facility built on Northville Turnpike and 105.

As you know, the purpose of a fire department is to serve in the protection of life and property in the community and I stand here proudly to say that the Riverhead Fire Department has done this for 165 years. As recently as Father's Day, firefighters have put their lives on the line and have perished in the line of duty.

The purpose of this training facility we are discussing today is our best line of defense in protecting firefighters through training and education. As members of this community you, the Board, we're asking you to support us so we may serve the community of Riverhead to the very best of our ability. Thank you."

Supervisor Kozakiewicz: "Thank you. Eve Kaplan."

Eve Kaplan: "I just wanted to hand this out."

Councilman Kent: "Yeah, I'll pass it down."

Eve Kaplan: "For you guys."

Supervisor Kozakiewicz: "Can I have a copy of that for the Clerk?"

Eve Kaplan: "For the Clerk."

Supervisor Kozakiewicz: "Thank you."

Eve Kaplan: "I am Eve Kaplan. I'm the Riverhead Coordinator for the North Fork Environmental Council and I appreciate the effort that everyone in the Town has made to get an information hearing on this issue. I think it's a great opportunity for people in the public to be able to learn about this project, what's proposed and to be able to give their input.

The North Fork Environmental Council is a thousand member grass roots environmental group. We deal with issues both of air, water, soil quality but also environmental planning and sustainable growth. I think that's how we got involved in this issue and I certainly don't speak for myself in this capacity, I'm speaking for our members and

for the other people who I've talked to who are concerned about the possibility of a burn building and a tournament track going in on Northville Turnpike which is really Riverhead's largest agricultural vista.

In fact, this- it's unfortunate the timing and the date obviously of this hearing because it makes it very difficult for a lot of working members of the public to be able to attend but I did get- I do have about 1,000- I mean about 100 signatures on a petition which really just asks- what we're asking for which is that the Town Board help the Fire Department find a good site for this facility, not this site, but they find a site which allows the Fire Department to do the training that they need to do which obviously is important.

We're excited about the possibility of their getting a facility. But we just feel that this probably isn't the right place and I'll tell you why in just a second.

Also the signors of this petition aren't (inaudible) Riverhead residents but they're also people who were involved- who are consumers of basically (inaudible) and businesses in the Town who came from as far away as Staten Island, Massachusetts to spend their money here, right basically on Northville Turnpike and I think that a lot of the businesses there have concerns about the smoke, the noise and some of the other activities that may happen here.

I think that from what I heard at the work session, both the Fire Department's Attorney and the Town Attorney have agreed that it's really the duty of Riverhead to balance the competing public interest in this case. So there's a desire of people who live near- on Northville Turnpike and have businesses on Northville Turnpike for clean air, water, to maintain the agricultural character of the community and obviously there's a competing public interest and I hope that the Town Board will make an effort to be leaders on this issue and work that out.

Some of our concerns are that besides the fact that this kind of facility, a burn building and the tournament track, which I think you really have to consider as part of this proposal since it is planned and I think that one of the main goals of the Fire Department that was expressed to me by Mr. Gadzinski is to consolidate their activities, their training activities. So it's not going to make any sense for them to build a burn building and then not to be able to have their tournament tract or to build and then obviously they want the substation there, too, and the substation is not a problem at all but

they are really going to want all those facilities in one place. So I think they need to be considered together.

This is agricultural A zoning and no one else in Town would be allowed to build something like this here. The Fire Department obviously has a different legal status but I think that should be considered also that when the Town fathers put the zoning into place, they specifically designated that industrial development like this shouldn't go in this area.

Some of the solvents that are used to put out the smoke, to put out the fire, are quite potent and they do contaminate water, they do contaminate soil and I think that's an important environmental aspect of the burn building that I haven't heard discussed. I haven't heard any talk about impact statements or- and I haven't seen any real information about the smoke and I know they say it dissipates but I haven't seen any studies and I hope that those will be done.

I'm concerned about the noise. They practice three to five times a week on the tournament track and although it's- right now they plan for it just to be Riverhead, of course, there's going to be other fire departments that want to use this facility. Nothing shrinks, everything grows. I'm sure they're going to want to invite other fire departments perhaps so that's going to be an issue. It's really not true that no one lives around here. Just because there's farmland surround the site, doesn't mean that no one lives around there.

And you'll see in the packet there's a letter from a woman whose one of the founders of Homeowners for a Quieter Environment. That's in Westhampton. Who lives near a facility like this one and she lives two miles away and she talks about the noise being an issue.

Okay. Some of the other alternative sites that we hope you'll consider, I think the Fire Department mentioned this briefly, but I know that there are some hurdles but, again, I hope that you can help work some of those obstacles out.

Grumman is certainly well buffered. It was home to some of the most sophisticated fire training activities in the country. I think that if the Town is going to give land to an institution like SUNY Stony Brook, I certainly hope that they would help out the Fire Department in some way. There may be some creative swaps available. I know the Fire Department owns some land downtown that the Town is interested in leasing for a parking lot. This land and on Northville Turnpike could conceivably be used for a Town information center or

some constructive use to market businesses, market the town to visitors since it is right at that gateway.

I know that- although a part of Grumman actually is in the Riverhead Fire District, most of it is not but that doesn't mean that there's not a win-win solution available. If the Town wanted to work with Manorville to try and change that line, it could take a few months but that doesn't mean it's not possible.

And I also heard something at the Town Board meeting last week- or the work session last week about the possibility of maybe siting this facility in combination with some of the special permit applications that are going on. I don't know much more about it than that, but I hope you do.

Every other- the attorney mentioned that this type of project is basically being built in some other towns but every other town that's building these facilities is essentially placing them next to landfills. Islip has placed theirs next to a landfill. I don't know where the new one's going but that's where the current one is. Hampton Bays has also placed it next to a landfill and Riverhead is undergoing reclamation of their landfill. So who know, there may be an opportunity there. I know it doesn't sound as appealing as putting it on a sod farm but it may be in the best public interest.

So I guess in conclusion, you know, we'd like to call for studies of some of these alternative sites and the possibility of their locating there. We hope you'll take the leadership to help the Fire Department find the best site that they can find.

Again, I appreciate that there are a lot of firemen here but you also have to understand that it's very, very difficult for the citizens of this Town to get up and say anything about the Fire Department. We certainly don't mean to be critical. We're just trying to voice the concerns that were brought to us by our members and by the residents of this area.

So I'd also ask that you hold the hearing open for 10 working days so that there's an opportunity for additional public comment."

Supervisor Kozakiewicz: "Okay. I think what I'd like to do is allow Mr. Blass an opportunity to respond to a couple comments, most particularly the question of what type of solvents or process is used to extinguish the fire in order to address the training because I think that's something that you've raised as a possible contamination.

So- and I believe he has an answer to that issue."

Eve Kaplan: "Okay. And there's also some more- if people don't know what this project is, I put some information up about it."

Bill Blass: "Thank you, Mr. Kozakiewicz. On the issue of- first of all of solvents, first and foremost the main one is water. Almost exclusively water. From time to time, the Department will drill with a foam product which is- back in the '60's all foam products were petroleum based and frankly did have a negative effect I'm sure on water tables. That hasn't been the case for over 25 years now. They are- basically they are marketed freely. They are fully approved, certified, stamped, sealed, what have you by the Department of Health, the DEC. They- as far as I know and as far as the scientific studies which I believe those agencies conducted as well as the Underwriter's Laboratory have no impact. They have in essence a benign presence. They break down rapidly. In essence it's kind of soap suds without the detergents."

Supervisor Kozakiewicz: "I have a question. You said usually water but sometimes foam products. When would the decision be made or under what circumstances would there be a change from use of just water to address the training exercise as opposed to the foam?"

Bill Blass: "Well, frankly, since we're really talking here about a burn building which is in essence usually considered a Class A type of fire, I can't really imagine a scenario in which the Chief- obviously it would be the Chief's call- would want to use foam. Normally those fires are extinguished with water and nothing but water and that's what you would normally drill with. Foam is used in the fire service when you were involved with some type- usually a flammable liquid or that type of situation where you have to be concerned with the spread of it.

That's not normally the case. If the Chief wanted to, I dare say there's nothing that would stop him from on occasion doing that, but that's not the purpose. It has nothing really to do with the purpose of erecting a burn building. They could just as easily do that in the parking lot of any of the existing fire stations because, frankly, they'd more likely be doing it by way of a simulated car fire than they ever would with respect to a building."

Supervisor Kozakiewicz: "That brings me to another topic. I know with the Yaphank facility there are some things that are outside the building when I was there a few years ago as far as exercises that

are conducted outside the building. Would that be the same with respect to this property? Would there be exercises that would occur outside the building?"

Bill Blass: "You know, I'll actually- I'll let "

Supervisor Kozakiewicz: "I see someone shaking their head behind you."

Bill Blass: "Yes, I'll let- I will let the Chairman and/or the Chief respond to that one if I may. But before that, before I cede the microphone, just actually a couple things quickly I wanted to mention, particularly since the last speaker was the author of a fair amount of the misinformation that I sought to rebut when I first spoke. I think it's important to note.

I have not seen this petition that was handed up to you but I do ask you to look at it carefully and look at it, and if it does, in fact, reference an objection to a racetrack/tournament facility, that you please keep in mind that those people were not properly informed about what the subject of this hearing is and might not very well have signed it had they been told precisely what was before the Board at this time.

The other item I just wanted to address was the presence of these buildings by landfills. I don't think that's necessarily an accident. However, the places that are near landfills have been built or are being built by the towns themselves for use of the fire departments within the town. Now, I haven't checked this with the Board but I dare say that they'd probably be glad to accept a town built and paid for and insured facility if you would like to build it wherever you'd like to build it. But I don't think that that's in the cards right now. The Deer Park facility which is the only one I'm aware of presently which is built specifically by a fire district in Suffolk County, is nowhere near a landfill. In fact, they use part of the property for a kids soccer league."

Supervisor Kozakiewicz: "The other two that you referenced earlier, Southampton and Islip, those were being built by the townships?"

Bill Blass: "The Southampton one is definitely being built by the town. The Islip one is really still on the drawing boards. There is talk in Islip of a new, if you will state of the art facility being built, and there's a lot of lobbying at the town level. I, frankly,

don't necessarily believe that the town will do it but neither here nor there. At the present time that's the status of it."

Supervisor Kozakiewicz: "Thank you. Mr. Gadzinski, I think you had- I asked the question about any exterior exercises, exercises of training that would be done outside the building."

Joe Gadzinski: "The only exercises outside the building at the present time that are planned would be ladder exercises. A ladder on the side of the building with hand ladders, raising ladders, lowering ladders, going up and down, and removing people from a second story window or balcony, things of that nature."

Supervisor Kozakiewicz: "So there would be no fires and no extinguishing of fires?"

Joe Gadzinski: "Negative. No fires on the outside."

Supervisor Kozakiewicz: "Okay."

Eve Kaplan: "Just to respond to some of those comments. I took all of the information that I helped to give to people from actually the Planning Department report that was authored by Joe Raynor, the Town's engineer. So I can't say if there's any misinformation in there. There is information- "

Supervisor Kozakiewicz: "Well, it's not a drag strip. I think it's been referred to as a drag- "

Eve Kaplan: "Well, it is a tournament track."

Supervisor Kozakiewicz: "It's a tournament track not a drag strip."

Eve Kaplan: "It is a tournament track and I'm not sure that- I mean most of the people that I talked to didn't know what that is. If the Fire Department wants to address at greater length exactly what that is, my understanding is that that is a track that's used once a year for fire department members to race converted vehicles, basically in competitions. And that although they use it once a year, they practice several times a week, that there may be other fire departments using that track. That there- the same facilities are available in other towns. Again, like the- well, it's not- there's duplication of the burn building facility. There's a state of the art one in Yaphank so that wouldn't require necessarily the town to build

anything. They could- they are certainly welcome to use that one as well.

And I think that is the issue because the burn building and the track are the issue because just like when the Fire Department bought this piece of property in 1995, there was no mention of the burn building or the tournament facility and I think that once something gets built, when is it going to be the next opportunity for public comment on this and for planning?

And we're going through a master plan process right now. The Town is spending millions of dollars to acquire development rights in this area and if you go to the Planning Department, you look at the map, you can see the hundreds of acres that they're trying to preserve right in this area, right near Northville Turnpike. So what's the sense then of starting something that you are already hoping you're not going to complete in this place and investing that kind of money either on the Town's part or the Fire Department's part. Now is your opportunity to try and find a good site for all of these activities. Thank you."

Supervisor Kozakiewicz: "Thank you. Cy Walsh? No, no swearing in on this one. You can-- you don't have to tell the truth."

Cy Walsh: "You mean I'm honest? I'm honest?"

Supervisor Kozakiewicz: "That's it."

Cy Walsh: "Yeah. Members of the Town and members of the public that are here. I spent many years in the volunteer fire service. In fact, this nice coat that I wear is the fact that I have been associated with the Firemen's Association of the State of New York. Also with the Southern New York Firemen, the many fire departments throughout the state. And this is the first time in my more than 50 years in the fire service that I have encountered opposition to what the volunteer firemen would like to put into force to better and make their training more accessible.

I don't know whether everybody knows about it, but the Riverhead Fire Department in the past year answered over 800 alarms and they didn't do that by curtailing their activities to people who in my estimation do not understand the fire department training. I just hope that everybody here realizes the dangers, the training, and the personal perseverance that the members of the fire department put in.

I think what we have here is a couple are driving down the road and the fire department goes whizzing by and the man turns to his wife and he says I wonder where those nuts are going. The second time he runs into them is when his own house is on fire and he's standing out in front of his house waving his arms and he want to know, hey, what took you so long?"

Supervisor Kozakiewicz: "Thank you. I do have a card from Robert Hartmann."

Robert Hartmann: "Well, old Cy Walsh, I know a long time. He's a hard act to follow. My name is Robert Hartmann, I live on Sound Avenue."

Supervisor Kozakiewicz: "You have to be sworn."

Robert Hartmann: "Don't need it."

Councilman Kent: "We trust you."

Robert Hartmann: "Well, I'm here today- I seen advertised a couple of places that this is going to ruin agriculture in the area. Well, it's on one corner of 105, Northville. My family owns the other three corners for many years. And we don't see any problem.

I've been involved in firematics most of my life, same as a lot of other (inaudible) in the room here and I'll go on to that part right away but what I wanted to get across was I see no way that it's bothering agriculture in the area and that we have no qualms about it in my family.

And I'd like to take off my farm hat and put on my fireman's hat. I spent a number of years being a volunteer fireman. I did everything- this whole thing, if it was built out, I did that many, many years and too many years ago. And I think a lot of things are being blown out of proportion.

I've been associated with the Suffolk County Fire Academy for quite a number of years now, more than I want to say, and for about the last eight years, I'm president over there. What a lot of people don't understand is is a lot of things to do with firematics. Now we have one of the finest- finest training centers in Yaphank there that there is in the country. We're known around the country for the quality of our certified instructors. There you go. We're known around the country for the excellent training facilities that we have

and our excellent instructors who put on courses- who are asked to put on courses nationally at times.

We have many visitors coming in from overseas. Yugoslavia, China, the Caribbean, a number of countries I can't all remember. Very interesting to note two days before those three firemen died in the city fire very tragically, the contingent from New York City training grounds was out to Yaphank making the tour and they were very highly impressed. They are in the process of changing their grounds all over. They train on Randall's Island by the Triborough Bridge. And they were so impressed with some of our evolutions, they're going to duplicate them there.

Now, we have some great training facilities there. We started knowing what's coming down the line and there was a lot of houses being built in Yaphank. I believe it was around five years ago, we started the ball rolling to completely change our field over to propane and it took some time as not that much available, I believe we're the first ones on the Island to do that and I don't know how many others around the country were before us, but we started out about five years ago and we had a lot of experimentation. It took us about a year and a half before we really got it right. But we have some environmentally clean burns over there now.

In fact, it's so good Suffolk County built a hospital right alongside of it. To my knowledge, every since we changed those fields completely over, there is no complaints from the neighbors and no complaints from that hospital. It took us a long time to make that change and that's why a lot of people are coming there. I believe a while back a group from Riverhead come down and toured the field because of the proposition of putting this forth.

So I'm very familiar with what they're going to construct here and how it's going to be used. And I can see no environmental problem, no smoke problem, no nothing problem. I truly believe that a lot of people wouldn't even know it's there.

What a lot of people don't understand also is training requirements. Over the last 10 years or so, the training requirements have really, really escalated and have escalated to the extent that departments all over the Island including Riverhead, they don't have waiting lists no more. A volunteer fireman today has to put so much of his own time in just for training that it's very, very difficult to entice young people. You know, the world has changed. It ain't like it was when I was a kid growing up. But the State and Federal people

have put a lot of restrictions on, equipment restrictions that we have to follow which costs our fire districts- you know, you say the tax is way up there. Well, you know, they put the restrictions on requirements such and such equipment shall be not only the motorized stuff but the personal equipment the firemen use and it gets very, very expensive. But they're pushing for more and more training all the time and it puts a big load not only on the individual fire departments but a load on the county fire academy.

We provide training, classroom training, both in the firehouse and at our facility in Yaphank. And there's an extensive amount of that. Some of the best training you have to follow that up is what they call hands on training in the field and we have an excellent facility there. It's known around the country. But when you have a facility like that, you've only got so many days that you can pump fire departments through there.

We have a very unique system to make sure- "

Supervisor Kozakiewicz: "I'm going to stop you short. How many fire districts or departments go to the Yaphank facility? Do you know?"

Robert Hartmann: "There's 110 departments in the county and we're responsible to do the training. Now we have no trouble- I say no trouble. We have it fairly easy to do the classroom training because in a lot of cases we can put two, three fire departments together in classes. They group them around. But when it comes to the hands on, there's many different types of evolutions there. Some of them want more of one than the others. And we've got a very nice system so that we equally give every department in the county in the first half a year of training to get what they need.

There's a lot of departments that need or at least they want more of certain things and we just can't supply everybody with what they need. So because of that, some townships around have put up separate training facilities in addition. They're not to replace what we have in Yaphank but simply as an additional.

And we provide certified instructors for them. And as long as they use certified instructors, we have no qualms with that.

So, the amount of training though has gone up. People don't know that there's different levels of fire training. When I first jumped on the truck 50 years ago, they said, hey kid, take that nozzle and go

in there. Well, today you take your fire training to be a fireman, but you can't go in that burning building. You've got another level as an interior fireman and there's all different steps and it all requires so many hours of training. And we're just lucky we've got some good people here that want to spend that time.

You know, people don't realize it. It's just like Cy says- "

Supervisor Kozakiewicz: "Can I ask you a question? How many hours of training is there required, let's say just from- to first get started as a new firefighter, someone who is I guess would be a probationary firefighter, is that what he would be or she?"

Robert Hartmann: "Yes."

Supervisor Kozakiewicz: "And how many hours of training do they need before they could enter into a burning building?"

Robert Hartmann: "I wish I could tell you. I'm really not sure."

Supervisor Kozakiewicz: "All right. And then they require annual training in order to stay up to speed. Is that what the case is?"

Robert Hartmann: "They've got to go through their basics and then they go into all kinds of special classes to upgrade from that. Just how much they have to upgrade in a certain amount of years, yes, they have to put in so much training every year."

Supervisor Kozakiewicz: "Okay."

Robert Hartmann: "Okay. They earn points- "

Supervisor Kozakiewicz: "I am going to cut you short at this point to allow some other speakers to be heard. I take it you are definitely in favor of this proposal?"

Robert Hartmann: "Yes. I am. I see nothing wrong with it. I want to take my fire hat off now and put my Joe Blow resident taxpayer hat on from Riverhead."

Supervisor Kozakiewicz: "All right. I'm going to ask you if you could- "

Robert Hartmann: "For many years Riverhead has always stuck in my mind as being just top of the notch fire department. I've lived here now- and I'm here 35 years, been involved in firematics for 50. And every time I see them, I'm looking with different kind of eyes. One guy is looking, gee, he chopped a hole in that roof. Well, he don't know there's 10 good reasons why the guy chopped a hole in the roof. He didn't want to go up there just to raise hell.

But in watching and knowing what I'm looking for, I can honestly say that Riverhead doesn't have a good department, it has an excellent department. And the reason it has an excellent department because they've always had excellent people running the department and they have kept up with the latest equipment and they've kept up very strongly with the latest training and the amount of training. And you want to keep Riverhead on top.

I tell you right now, most of the taxpayers don't realize what good protection they have with the Riverhead Fire Department. Thank you."

Supervisor Kozakiewicz: "Thank you. Rita Hodun."

Rita Hodun: "Rita Hodun, Calverton. I have about 20 people that spoke to me that are in favor of the project on Northville Turnpike. I didn't have time to get their names but they spoke to me and they asked me to speak for them. There's 20 people in the Calverton area where I live that are in favor of this project. Thank you."

Supervisor Kozakiewicz: "All right. Thank you, Rita. Commissioner or Bill can either of you answer the question how much is involved as far as training before a firefighter can go into a building?"

Bill Blass: "Yeah, there's actually a couple of different issues. One is the OSHA requirements which thanks to the state legislature apply to all fire districts. And the OSHA requirements really go specifically to the issue of wearing an SCBA, self-contained breathing apparatus. And no one fights interior fires without wearing an SCBA nowadays.

And that requirement is set forth in the OSHA regs. They basically tell you that- they don't outline an exact plan for you. What they tell you is that you must adopt a plan for training, for etc., for etc. Now, every fire district and department does that more

or less on their own through looking at what works elsewhere.

So what you have in the first instance is when a new member comes in, every department including Riverhead, requires them to attend the basic firefighter or firefighter one training class which is offered through the fire- FRES or fire rescue emergency services. That class itself is now up to- how many is it basic? Yeah, it's 22 separate classes and the firefighter can do them- and those classes typically are about two hours each except for the hands on which may be longer and part of it is hands on, actually conducted at the training facility by the county instructors.

Once- usually once a member has completed that, they still must complete whatever their department requirement is for training which specifically, of course, includes the OSHA required training for the SCBA.

Another interesting feature of the OSHA requirement is that it's not a one shot deal. It's completely ongoing. Therefore, these programs have to be repeated. Frankly, if you go into the City of New York which is one of the busiest paid fire departments in the country, those firefighters there also are required to do, if you will, routine training. You have to do it.

Certainly in the volunteer sector where we're not fighting fires necessarily every day, really it makes more sense because of the fact that you're not as exposed as someone who's doing it every day is. So the training takes on an even greater importance at the volunteer level. And each individual department, as I say, will have its own requirement of hours but I hope that gives you an idea between the basic course and the OSHA regulations.

And, if I may, just one other thing. Just by way of a point of information. Just because something was said before about this. I have in front of me a photocopy of a front page article from the News Review dated Thursday, May 18, 1995 in which it says in part, and this is discussing when the District bought this property on 105. Another use to which the new property ultimately may be put is construction of a new Ironman training/competition track for polishing firematic skills.

Again, I reiterate that's not what is before you. But at no time has the District engaged in any form of subterfuge or attempted to confuse people on this issue. This is the need that's been identified at the present time and this need is acute and I would ask you, again,

if you review the case law which brings us here in the first place which is the County of Monroe case and the Nanuet fire cases, this balancing of public interests that we're here about talks about your need for zoning and control which is appropriate versus the Fire Department's need to provide what are in essence are essential services and training is possibly the most essential service that it can provide to its members.

The Fire Department is always providing essential services to the community but training is really the only thing that the District can give to the volunteers who come down and show up and put themselves on the line. Thank you."

Supervisor Kozakiewicz: "Anybody else? Barbara. And then yourself thereafter, George."

Barbara Blass: "Thank you, Supervisor Kozakiewicz, Members of the Board, ladies and gentlemen. My name is Barbara Blass and I will be submitting a report on behalf of your Planning Board and speaking as its Chairperson in a moment.

But I would like to make a comment before I do that if I may. I wanted to publicly thank the representatives from the Fire Department and their consultant team for their cooperative spirit in participating in several meetings with Town officials. This is a difficult issue. It's not a personal one nor should it be reduced to an emotional or a political one. This is a land use issue and as such the Planning Board has a responsibility when asked to say not necessarily what is popular but what is in the best interest of the community at large.

I'm going to struggle with this next comment, but I think it's important to make. I know all about fire fighters putting their lives on the line and wouldn't for a moment minimize the importance of training and adequate skills development. I am the very proud daughter of a retired New York City battalion chief who has 31 years- had 31 years of service on the job. My colleague on the Planning Board, Mr. Dick O'Day, 21 years on the job, New York City Fire Department. We fully recognize the importance of training as it is a proper skill development that brought these gentlemen home safely to their families after many tours of duty spanning 52 years. This is not a personal issue and this is not about in any way preventing these- our fire department from receiving the training that they deserve and we expect and hope and provide for them.

Having said that, the Planning Board is pleased to respond to your request for input on this matter and submits this advisory report for your consideration. The initial review of the site plan identified potential conflicts with adopted land use policies and associated visual and noise impacts.

As a result, we concentrated our efforts on investigating alternative locations for the facility and offer the following:

Number one was a 29 acre parcel in the vicinity of the Riverhead landfill owned by the Town of Riverhead, more particularly described as tax map number 82-- 81-2-6.1. Considerable regrading of this site would be necessary and although achievable may prove to be impractical.

An area within the recreational subdistrict of the Town owned property at Calverton was a potential site as well. And although this site is outside the Fire District boundaries which may preclude the Department from improving the property with District funds, the Town could build the facility in exchange for District owned property.

Number three - an offer of dedication was made to the Town in conjunction with a pending application before the Town Board. The rear portion of tax map number 81-1-1.1 consisting of approximately 30 predominantly wooded acres near Osborne Avenue abutting other municipal lands could be considered in whole or in part. The Town should investigate the feasibility of an exchange involving District owned property in the downtown area near Ostrander Avenue, more particularly described as tax map number 127-1-16.

The Planning Board fully supports the Northville location for a substation and in the event that none of the aforementioned alternate locations prove to be either reasonable or feasible for the burn building, the Town Board should then require full visual screening and consider limiting late evening or early morning hours of operation.

That concludes our report. Thank you."

Supervisor Kozakiewicz: "Thank you. Any- oh yes, Mr. Schmelzer. George."

George Schmelzer: "The main opposing- opponent seems to be the North Fork Environmental Council. They're always concerned about all pollutions. But there's one pollution they all neglect. That's the mental pollution put out by themselves I think. They- I wonder how

many firemen they have in their organization if they have any. If they have any, have those member firemen been polled on their opinion on this? Nothing was mentioned by their representative.

And this yellow sheet you put out, well, it's not the only thing yellow about them, I guess, they say people can see the golf courses. Well, they object to golf courses themselves. Now if we had crooks like that around 150 years ago, we'd have no railroads. If we had no railroads, cows don't give as much milk, scares the horses, scares people and run over- if somebody's drunk, driving the horse and wagon he might drive into the train. It's the train's fault, they set fires and everything else, and make noise. We'd have no nation. And there's no end to this.

I don't understand their- what they're trying to do. Maybe we should weck them out, the ones that moved in here, tell them to go back to where they came from and level the houses down, the firemen can use them for practice and plant trees again. Really."

Supervisor Kozakiewicz: "You're taking a position, I guess, that's in favor of this project?"

George Schmelzer: "Well, the firemen work for no pay. If they want something, why shouldn't they get what they want?"

Supervisor Kozakiewicz: "Thank you."

George Schmelzer: "You're welcome."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Steve Haizlip. Steve, there's a fellow coming up behind you. I'm sorry, go ahead."

Steve Haizlip: "Steve Haizlip of Calverton. There's one thing that I do know about Stotzky Park and their training center. The Stotzky Park is encroaching upon their training center by expanding fields and facilities and activities out to their operation. Bob, I went up one time to see a game that you was umpering. Brought my grandson along- "

Supervisor Kozakiewicz: "I calls them as I see them."

Steve Haizlip: "You do. I'll have to give you that credit. Now, I'm sitting there on the bench and I'm thinking he's somewhere nearby. Come to find out, I can't find him; I'm looking all over. So

I'm starting roaming these fields back towards the north, 58. I get over there and I'm asking people, hey, did you see a young boy about so and so and different size and describing him. Oh yeah, him and some other youngsters, they're over there where they're training with the race cars. They're over there watching. Well, these firemen got no time to be watching kids because they're busy with their training and they don't even know they're there. Lucky so far nothing has went wild, nothing went straight like (inaudible), so for that reason they've got to get out of there because the park is expanding into their area."

Supervisor Kozakiewicz: "Thank you. Gentleman that was up."

Jim Power: "Jim Power. I'm from Aquebogue, I used to live in Wading River. I moved out to Aquebogue about a year and a half ago because I like the farming community. It's too congested in Wading River. All right. I moved out there. I live off of Union Ave. on Grant Drive and I'm glad I learned a lot here. I don't think this thing is about anything about the fire department needing any training because everybody agrees they do need training. However, I think it is according to the location like Ms. Blass says, okay. I think there are better sites for it."

And my main concern is I work by Yaphank. I go through there and on certain days you can choke on the fumes in the air from the burn building. Okay?

Also about the track. When you have a track, okay. If you want to ask these guys what kind of mufflers they're running on their truck, their race vehicle- "

Supervisor Kozakiewicz: "Mr. Power- "

Jim Power: "They're not."

Supervisor Kozakiewicz: "Comments are to us, to address us, why we should or- "

Jim Power: "They're not running any mufflers. These are full race vehicles that they use for racing and the young guys want to be good. They practice, and they'll practice every day, all hours of the day and night. Because they want to compete and they want to win. That's what males do. Okay."

I'm not for that. I don't want the noise. I don't want to

listen to it. I'm not for all the smoke. I said I listened to them and they said there isn't any smoke. Well, Yaphank is spending a lot of money in their facility to upgrade it and make it even better but there's a lot of smoke. You can see the smoke in Yaphank from Riverhead up in the air. All you have to do is look. There's a big black cloud of smoke when they're practicing. Okay.

Now they said that the new facility is going to be smokeless. That's great. I wouldn't be against that new facility in that way or the burn building if that's the case. However, on the race track here, and I should change the term race track, competition track, because that's basically what it is. It is a competition track, it's not a race track. But those vehicles running are as loud as the ones at Riverhead Raceway or louder, and I can hear Riverhead Raceway from my house. And anybody who lives in that area can tell you, they can hear Riverhead Raceway. Okay.

And I'm not here complaining about Riverhead Raceway, I'm here to say I don't believe this is a good idea nor a good location for this type of facility. But I do agree that Riverhead firefighters here, they do need a facility and I think Ms. Blass' proposal on a better location should be taken up by the Board."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board- yes? I'm glad Cy doesn't come to too many meetings."

Vasso Patrikis: "My name is Vasso Patrikis and talking about location, no matter what location you are going to choose, you always are going to have people that will have objections. And I think we should be very proud of our firemen, give them the opportunity to have a better- a good facility, modern facility. The more training they have, the better they will be to save lives and homes.

And I think we should be very proud of them because first of all they're volunteers and from my own experience when my husband got sick and everything, the Fire Department came. When my grandson was about two years old, there was something in the basement with the backup of the furnace, they came and I have great respect for them. And I think we should do everything we can to support what they need to better help us."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address us? If not, what I'm going to do is I'm going to close the public hearing. I'm going to leave it open for one week for

written comment. All right. One week for written comment which would be the close of business, that would be the 10th day of July. Thank you. And let the time reflect that it is 3:54 and declare this public hearing closed except for the written comment. Thank you. Okay?"

Public Hearing closed: 3:54 p.m.

Supervisor Kozakiewicz: "I'm going to give you guys a moment to depart and then we'll resume after you've had a chance to depart. Thank you.

All right, now that the firefighters have left the room, let the record reflect that the time of 3:55 p.m. has arrived. Barbara, would you please read the affidavits of publishing and posting for the third or next public hearing?"

Public Hearing opened: 3:55 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 July 3, 2001, at 2:15 p.m. regarding the consideration of the purchase of development rights of 57 acres of agricultural lands owned by Raymond and Cecelia Zaleski located on Main Road in Jamesport."

Supervisor Kozakiewicz: "Hoot, are you here for this one? Oh, okay, Mr. Danowski is here for- representing the landowners."

Peter Danowski: "That is correct. Mr. Sherman or I, either one of us can speak to the topic."

Supervisor Kozakiewicz: "I think he will as well."

Peter Danowski: "All right. I do represent the Zaleskis. We've been in negotiations with the county and the town. We've discussed a potential future approval of a four lot minor subdivision that would reserve out of the agricultural area five- five acre parcels- three five acre parcels. One of the parcels would be the Main Road where the house and barn is located. The other two five acre parcels would be to the back.

With some progressive thinking here, the Zaleskis have been pursued by developers who have offered market value prices for their

property. They have authorized me to speak for them in saying they prefer not to see the land developed if, in fact, the proposed offering price of \$16,000 per acre results in a consummated contract and closing.

What the five acre parcels will allow them to do is continue in the future and perhaps well into the future, negotiate perhaps with a vineyard owner who might want to eventually produce a winery at this site. We wouldn't want to sterilize the whole parcel because that might prevent some sort of winery development in the future. That's not to say we will sell it to a winery operator. It's not to say we won't be actively in potato production in the future or some other form of agricultural product.

However, it's a total of 57 acres we have offered to sell and the county has offered as I understand to contribute \$14,000 per acre. We're asking the town to contribute \$2,000.

Sufficient road frontage has been supplied on the 57 acre parcel to more than justify the appraised value. We think this is a bargain at today's market value prices when you consider what developers are paying for agricultural land. Thank you."

Supervisor Kozakiewicz: "Hoot Sherman, please."

Hoot Sherman: "Good afternoon. I'm Hoot Sherman from the Peconic Land Trust. And we just want to be on record as supporting the development rights, the purchase of the development rights for this piece of property.

One of the things that we at the Land Trust try to do is encourage people to hold out a couple of acres for just as Mr. Danowski said, if a vineyard or someone wants to come in and purchase the land, if they have that flexibility where they'll be able to put up a tasting room or whatever, it just makes it much easier for property owners to purchase-- to sell their development rights and still keep the equity in the land.

In addition to that, I'd just like to give you just a couple seconds on where the town stands as far as- go ahead- "

Supervisor Kozakiewicz: "I was just going to ask a couple questions just so the record is clear. We haven't- we have in the notice the tax map number of the parcel that's being considered for purchase but where exactly is the land, the 57 acres located? It's in

Aquebogue or Jamesport?"

Hoot Sherman: "Jamesport, on the north side of 25, with several hundred feet on Route 25 and then it's a long strip that goes north from there."

Supervisor Kozakiewicz: "And I know when we looked at these purchases, we have some criteria such as whether there's adjacent or adjoining properties that are already in county programs."

Hoot Sherman: "Yes, and there are. Plus there's another large farm in the area that we're talking to the owner of that farm about- we haven't made an agreement on it yet. But there is some preserved property in the area and we're talking to other people in that area about development rights."

Supervisor Kozakiewicz: "Okay. So this parcel would tie into other parcels that have already been acquired through the farmland programs."

Hoot Sherman: "Yes."

Supervisor Kozakiewicz: "Good, all right."

Hoot Sherman: "For the first six months of this year, the town had either in contract or have agreement on 340 acres of land to sell the development rights on. That total cost of those 340 acres is \$4,767,000, of which the county portion of- and the town has been doing a partnership with the county on all of these development lands that it's buying with the county picking up the lion's share of the acreage or the price per acre and then the town doing a real good job of leveraging its money so the county is paying \$4,440,000 and the town's share for the purchase of development rights of this 340 acres is \$327,000. So you're probably leveraging the money better than any of the other towns so, you know, the county has been stepping up to the plate and you've been matching it and making the whole thing work."

I just want to give you that for the first six months of the year."

Supervisor Kozakiewicz: "Thank you. Any other criteria, any other things? The appraisal, do we have an appraisal back on this one yet?"

Hoot Sherman: "Yes, we do, and it's a little bit over the

\$16,000- or it's a little bit under the \$16,000 but it's a lot more than the \$2,000 per acre that you're paying. I think it's around like 14, 14.5. I think it's in that neighborhood."

Supervisor Kozakiewicz: "Okay. Any other questions from the Board members? Anybody else who would like to address the Board regarding the acquisition of the development rights of Mr. and Mrs. Zaleski, I'm sorry, I had trouble spitting it out, I shouldn't. Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. As Ann Richard once said about George Bush, he was born with a silver spoon and, therefore, he had the opportunity of all kinds of education. I wasn't. I was a tobacco farmer's son and stayed poor. My trouble is all these here TD's they talk about, development rights, transfer of development, overlay zones, what is all this (inaudible)? If the land is there and it's being able to be used in agriculture all these years, why do you have to have TD's if the guy is going to use it for grapes like you said or would want to use it for grapes. I just don't understand this here development rights. I'd like to see if someone could explain this to me, if you can. If you can't, I'll- "

Supervisor Kozakiewicz: "I'm going to take a rough stab at it and the other two attorneys can certainly correct me if I'm wrong."

Steve Haizlip: "I'll accept that."

Supervisor Kozakiewicz: "When we tax a piece of property in the town of Riverhead or in any location around the state, we tax it at its highest and possible use."

Steve Haizlip: "All right."

Supervisor Kozakiewicz: "So there's a value that's based upon it being built out for residential use, typically if it's in a residential zone. And there's a certain value that we know that property enjoys. In other words, if somebody such as a developer were to come along and buy the land and subdivide it into a major subdivision they would pay a certain amount per lot."

Let's just use the argument that in this case because of its location, because it would be on the Main Road, the number would be let's say \$25- no, let's use the higher number because it's probably a fair number, \$30,000 an acre that a developer would pay to have this property- to buy the property and then develop it.

There's a portion of that amount that a developer would pay which is attributable to the rights that are- that allows him to develop it into residential uses. That's a portion that floats above the land, that's a portion that's there. There is an amount that's attributable to its agricultural use, a portion of it.

So if you were looking at a pie chart, there would be a portion that would be agriculturally related to the use for agricultural and there would be a portion that would be attributable to its best and highest use, residential use.

What the proposal is here, what this plan is and what this program is, is we, the town or the county, buys the rights that would be the development rights, the part that would be- allow a developer to build residential houses on the property. And what remains intact is the portion that's left after that, the agricultural rights. So the property can remain in agricultural production, but the ability to develop it into single family or to other residential uses or uses other than agricultural are now extinguished. They are no longer allowed.

So the county- it's a purchase of development rights, P as in Peter, D-R. And that's what this program is about, buying those rights that are over and above what correlates to the agricultural uses on the property."

Steve Haizlip: "You're right (inaudible). Thank you."

Supervisor Kozakiewicz: "Mr. Schmelzer. Yeah, try and save the farmer."

George Schmelzer: "You just mentioned that the land is assessed at the highest and best use. If we can't-- development rights can't be used- "

Supervisor Kozakiewicz: "I shouldn't even have gotten into that because the assessment is not really an appropriate- go ahead."

George Schmelzer: "Well you said it. So land with development rights sold, the taxes are reduced. Are you going to reduce the land that's affected by the Scenic River, reduce the taxes all along? Because they can't use the land because of the Scenic River nonsense. How about reducing their taxes?"

Councilman Kent: "That has nothing to do with this hearing."

Supervisor Kozakiewicz: "This public hearing has to do with the question of whether this Board should buy property of Mr. and Mrs. Zaleski under our- or under the Town's farmland program. Are you in favor of that proposal or not?"

George Schmelzer: "No."

Supervisor Kozakiewicz: "Okay."

George Schmelzer: "You bought enough land. We're getting like Europe. The king owns everything. You're going back to the feudal age. The farmers will be nothing but serfs on which was formerly their own land."

Councilman Densieski: "George, the farmers will- "

George Schmelzer: "Yeah."

Councilman Densieski: "-- the farmers will still own the land. We're paying them for the rights not to build on it. They can farm there forever. That is the idea."

George Schmelzer: "Why don't you farm- how come you're not farming? Huh. Yeah."

Supervisor Kozakiewicz: "So you're not in favor of it?"

Councilman Densieski: "Yeah, I guess you told me."

Supervisor Kozakiewicz: "Okay."

George Schmelzer: "Do as I say but don't do as I do. That's usual. Okay."

Supervisor Kozakiewicz: "Thank you. Anybody else?"

George Schmelzer: "You're welcome."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Okay, not seeing anybody else's hand move, I declare the public hearing closed, the time of 4:07 p.m. having arrived."

Public hearing closed: 4:07 p.m.

Public hearing opened: 4:07 p.m.

Supervisor Kozakiewicz: "And we have Melissa White joining us at this point in time. Melissa, the time still being 4:07, would you please read the affidavits of publishing and posting for the next public hearing?"

Melissa White: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on July 3, 2001, at 2:20 p.m. regarding the consideration of a local law amending Chapter 101 of the Town Code entitled Vehicles and Traffic."

Supervisor Kozakiewicz: "And I was anticipating the Town Attorney discussing this and she has stepped away.

What this is, is a revision to Chapter 101. A couple months back, the Town Board authorized the Town to enter into an agreement with a company called FBS, Fundamental Business Systems. They took a look at the parking tickets that have been uncollected over at the Justice Court and devised a methodology by which those tickets will be turned over to this independent company.

Other townships, other entities have used this out-sourcing agency to collect upon parking tickets that were not otherwise being collected.

What the proposal is is to change the Vehicle and Traffic Law such that we can compound fees or increase fees where an individual does not promptly pay their parking tickets, where they ignore the notice to pay their parking tickets, similar to what other locations, municipalities and governmental bodies are doing.

So the change that's being proposed in this case is to allow for an additional fee or an additional fine with regard to parking tickets that have not been answered by individuals who have violated the code, or allegedly violated the parking ordinance.

Anybody who would like to address the Board with regard to the proposed changes to Chapter 101? Okay. Not seeing anybody move, I declare the public hearing closed at the time of 4:10."

Public hearing closed: 4:10 p.m.

Public hearing opened: 4:10 p.m.

Supervisor Kozakiewicz: "Melissa, the time still being 4:10, would you read the affidavit of publishing and posting for the last public hearing?"

Melissa White: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on July 3, 2001, at 2:25 p.m. regarding the consideration of a Local Law amending Chapter 48 of the Town code entitled, Beaches and Recreation Centers, Section 48-22 Penalties for Offenses."

Supervisor Kozakiewicz: "This is the second prong, it goes hand in hand with the earlier hearing. What we're looking to do is change Chapter 48 to do the same with regard to parking violations as they occur at town beaches and recreational facilities.

I'm going to ask the Town Attorney to identify a couple of the specifics with regard to the proposed changes to Chapter 48."

Dawn Thomas: "The proposed changes would involve an increase in the current fines and also impose an additional fee for failure to answer the parking ticket. So for instance if someone was issued a parking ticket and failed to pay it within a certain time period, after 30 days that fine would be increased by \$20.00, after 60 days another \$20.00, and after 90 days, an additional \$20.00 so as to encourage people to pay the fines promptly. And that's essentially it."

Supervisor Kozakiewicz: "Anybody who would like to address the Board, whether in favor or against the proposed change to Chapter 48? Mr. Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. I would like to know what violations are you talking about at a beach?"

Supervisor Kozakiewicz: "Parking violations. Where we have a posted sign that would say, for example, parking by permit only, an individual parks there without a permit on their vehicle and they are issued a ticket for summons. I guess there would be also parking after 10:00 where they're there past the times that would be appropriate. As you know, most of the recreational beach facilities have a parking limit and there's no parking after 10:00 p.m. in the evening or there's not supposed to be any parking after 10:00 p.m. in

the evening."

Steve Haizlip: "Will you please tell me how you can call Edwards Avenue a beach? It has no toilet facilities; no running water there for the people, and you can call that a beach?"

Supervisor Kozakiewicz: "I think I said recreational areas and beaches is what I used. So I did use that caveat."

Steve Haizlip: "But I thought- I thought facilities had to be provided for the people that paid their fee to go there and their ticket."

Supervisor Kozakiewicz: "Under the Suffolk County Department of Health standards in order for a beach to be used for a bathing area, there is a requirement that there be public facilities such as you are talking about and that's why there have been improvements made to a number of the facilities around town such as the Jamesport beach where there was an addition of a bathroom and wash facilities put in so that we can comply with that Suffolk County Department of Health standards currently."

Iron Pier, the Iron Pier work is being done and there's going to be improvements there. We have facilities at the Reeves Beach location as well as at the Wading River. Those are public bathing beaches that meet that standard. The area you're talking about, Edwards, there is- it's not a public bathing area, it's not an area where we have a lifeguard on duty. It is an area that's accessible by car and accessible by four wheel drive vehicles at certain times, but those standards I would not apply or it's a different animal I guess for being at a loss of how to describe it."

Steve Haizlip: "Even though it don't meet Suffolk County Health Department by having bath facilities and they don't call it a bathing beach and yet people go in swimming, but your objective is just have a few spots marked so you can hit people with a traffic ticket."

Supervisor Kozakiewicz: "No. The objective is to have town residents who are asking for access and ability to be closer to these facilities so that they can use them to have a parking scheme and that's what the rationale is for Edwards Avenue. Yes, George Schmelzer."

George Schmelzer: "Is this no parking area below or above the tide line?"

Supervisor Kozakiewicz: "I think you know the answer."

George Schmelzer: "I don't know. I'm asking you. You're a lawyer, I am not."

Supervisor Kozakiewicz: "It's above the mean high tide- tide water."

George Schmelzer: "Well, then below the tide line you can park with no ticket, right?"

Councilman Densieski: "Park on the expressway."

Supervisor Kozakiewicz: "Well, if you want to park below the water line, I guess you can."

George Schmelzer: "Then they can't give a ticket there, can they?"

Councilman Kent: "Don't leave it there too long."

George Schmelzer: "Is that correct?"

Supervisor Kozakiewicz: "Well, then I think you have a question whether you need beach buggy access or a beach riding permit."

George Schmelzer: "I asked you one question. I didn't ask you the other question."

Supervisor Kozakiewicz: "Well, you asked me a question; I'm providing a response."

George Schmelzer: "If you- "

Supervisor Kozakiewicz: "You didn't ask for a yes or no."

George Schmelzer: "If you park below the tide line, then there's no ticket, right? You can't give a ticket, is that correct?"

Councilman Kent: "Actually, you need a beach access permit, too."

Councilman Densieski: "Park on the expressway."

Councilman Kent: "You need a sticker that you can- "

George Schmelzer: "I'm not asking you that. I'm asking the first question to be answered, then we'll get to that."

Supervisor Kozakiewicz: "Well, you can park on the expressway and not get a town beach violation either."

George Schmelzer: "I'm not talking about the expressway. I'm talking about below the tide line, if you can park with no ticket."

Supervisor Kozakiewicz: "Are you in favor of the proposed changes or not?"

George Schmelzer: "Well, I'm trying to understand it first. You're talking about the expressway. We're not talking about the expressway."

Supervisor Kozakiewicz: "Since you seem to not understand that what we're talking about is an increase in fees, why don't we talk about that again?"

George Schmelzer: "You don't understand the question."

Supervisor Kozakiewicz: "The proposal is to provide a default or a time period by which an individual answers a parking ticket. In this case it would be a change to Chapter 48 and would require or call for a change that would increase fees or penalties for people who do not respond to the tickets in a timely fashion. That's what we're talking about here. That's the substance of the hearing; that's the scope of the hearing."

George Schmelzer: "You mean the town just wants more money. That's all you mean, huh?"

Councilman Kent: "Yes."

Dawn Thomas: "That's it."

Supervisor Kozakiewicz: "I think the Town Attorney put it very well. What we're trying to achieve- "

George Schmelzer: "Get more money."

Supervisor Kozakiewicz: "-- is a mechanism by which people will comply, people who have been issued a traffic ticket, a parking ticket, will take notice rather than simply ignoring them and throwing

them away. If this is adopted and this enhanced penalty type of mechanism is put into effect, what will happen is somebody who does ignore the process will then be subject to increased fines, increased penalties. And the hope and desire is that rather than ignoring the process, they will pay those tickets."

George Schmelzer: "Does that include parking below the tide line or not?"

Dawn Thomas: "No, it would not include parking."

George Schmelzer: "Huh?"

Dawn Thomas: "No."

George Schmelzer: "Okay. Well, you know more than he does then."

Supervisor Kozakiewicz: "Thank you, George."

George Schmelzer: "Yeah, well, you are both lawyers so you are both even. Why should anybody need a permit to park on town land anyway above the tide line?"

Supervisor Kozakiewicz: "That's not the question of the hearing. That's a philosophical issue which is not subject- "

George Schmelzer: "The town wants more money, that's all."

Supervisor Kozakiewicz: "Thank you, George."

George Schmelzer: "Yeah, well, like Gaffney, he brags about the county taxes didn't go up but he didn't mention that he got more money from the sales tax. That went down, now he doesn't know what to do, see. All right. Thank you."

Supervisor Kozakiewicz: "Thank you."

George Schmelzer: "Yeah."

Supervisor Kozakiewicz: "Is there anybody else who would like to address the Board regarding changing Chapter 48, either for or against? Not seeing anybody's hands move, I declare the public hearing closed, the time of 4:17."

Public hearing closed: 4:17 p.m.

Supervisor Kozakiewicz: "And that concludes public hearings. I have some cards from people who wanted to comment at the open period. I would make note that there were a couple resolutions which did not get put on the agenda so rather than have any surprises or questions, there is a resolution which is proposing to have a public hearing on the acquisition of development rights of lands that belong to Benny Gatz. They are consisting of two separate parcels, one would be 35 acres and one would be 19.5 acres. You should have those. They're not in there?"

Rick, there were resolutions prepared for that, correct? They should have been distributed. If not, I'll see that- we need to take a break anyway to discuss the other one anyway.

There is also another resolution which was being worked on as a result of discussions that were continuing concerning the environmental impact statement of Headriver LLC which is a proposed resolution which would identify a limited scope of additional data that's being sought from the applicant and this limited scope of information would be to address an expanded economic analysis which was identified in the letter from Divirka & Bartilucci. And that letter was June 4th and also I believe a prior letter of May 15th.

These resolutions were just seen by the Board and as indicated I think we will have- or prior to the meeting we'll need some time to discuss them. Copies should be available outside of these resolutions for the public to see. So if there's any questions on them, you can.

At this point, I'm going to go by the cards that I have presently before me. Remember, we have a five minute rule. Rolph Kestling."

(There was some inaudible discussion among the Board members.)

Supervisor Kozakiewicz: "I'm sorry. Go ahead."

Rolph Kestling: "Rolph Kestling, Wading River. Somebody once asked me a question recently, why do you have to go to a Town Board meeting and ask for something to be done which should be normal? I mean if it's not being done, it's in the venue of somebody to do it, somebody is not doing their job. Having said that, now I'll continue

over here.

On the Hulse Landing beach, the north side where it goes into the Sound, do you think we can get a couple extra garbage cans down there? Whether permitting, I take a walk early in the morning and that place, especially Monday mornings, is a mess. Now it used to have more garbage cans there. Now they just have one and they about two up on the parking lots which are overfill. And like I say, the road department, somebody is around should have seen that and made a request."

Supervisor Kozakiewicz: "Okay."

Rolph Kestling: "Now, I notice another thing, I don't think you can do much about it but this was a subject of discussion not too long ago. When it rains, the water comes pouring down towards the Sound to where the ramp goes down to the beach, it washes all the sand down there. Now, you had Bill Anderson there once or twice already cleaning it out. I don't know if they could re-design that or something because I'm looking at it and boy that sand is just flowing in there any time after a rain storm. It's just covered with sand, that grate that goes into the sewer line. That's something to look into.

Third thing, about last Town meeting, I spoke to you at the Town meeting requested- had a little road kill that was on the road."

Supervisor Kozakiewicz: "It's still there?"

Rolph Kestling: "Not- well, let's put it this way. After two days, it got big, blown up and on Thursday I assume the mail truck went down and had to pull over to the side so it's flat as a pancake now. All you've got is skin and a rib cage but that just shows you how people listen.

Well then another thing-- I still got time, I would like to see a little better parking enforcement down in the parking lots there."

Supervisor Kozakiewicz: "When you say the parking lots, you're talking about on Hulse Landing Road?"

Rolph Kestling: "On Hulse Landing Road. You see cars without tickets- "

Supervisor Kozakiewicz: "Lt. Smith is here and it's being

delivered to the police department as you speak so that's something they'll address. Thank you."

Rolph Kestling: "They could do- okay, thank you."

Supervisor Kozakiewicz: "Okay. Jim- is it Strack- Strike."

Jim Strack: "Good afternoon, members of the Board, Supervisor Kozakiewicz. I reside at- My name is Jim Strack. I reside at 6069 North Country Road, Wading River. Myself, two neighbors, one was here, he had to go to work, and one was working, he was unavailable. The back of our properties are adjacent to the Wading Woods development which is being put in by the Park- the Park Ridge Corporation.

As part of that, they were required to hook us up to municipal water. They came in and they dug a line- I have several correspondence from them. Basically and when they needed it to get the- "

Supervisor Kozakiewicz: "Approvals?"

Jim Strack: "Their approvals, they were on my answering machine every day. Please sign this piece of paper. We'll hook you up to water. There will be no worries. We'll fix your property. All the above. And all three of us were made that promise. That will be Mr. Patrick Halpern, not the one we're thinking of, but another one, no relation. And Mr. Messina and myself.

And although, you know, we're all busy working people and it was just like we all kind of said okay, this guy is after us. I'm sure we can't stop the development, well, you know, neither here nor there whether we have too much development or whatever. But none of us wanted to get in the guy's way. Okay. All we wanted to do was make good.

I've been in contact with some people with the town and while they're very polite, I don't think their response has been that uniform.

What it is at this point, is Mr. Mishkin who is the representative of this corporation, all three of us homeowners have tried to call numerous times on numerous occasions and we have no response from him. And, if we do have a response, it's just no.

They came through- if you're familiar with our property, we're buffered by the right of way, Lilco right of way, which is part of our property so you have a nice privacy from North Country Road. And basically they came through with an excavator and made a second driveway that we don't want. Every person- all three of us had the same problem on the property. They didn't use a ditch (inaudible). Everybody in construction was like anybody who's ever done anything in construction comes by and goes what the hell did they do here? I'm sure that permit didn't say they could take down existing mature trees, which they did. They came back and planted some forsythia which we had to-- which basically I had to get on the phone and complain and complain and be on his back.

Because, the first thing his landscaper contractor came and said he's not going to plant anything there. He's not going to let me- now the subcontractor is the only one I've seen, the subcontracting landscaper, and we've all had the same problem with him. He's a very nice guy, his name is Nick from Greenview (phonetic) or whatever, and he's like, well, he's not going to give me the money to do that. He's not going to give me the money to do that. So he took a very cheap alternative and planted some forsythia.

Also, where they cut through Mr. Halpern and my driveway, they came through and basically- now our lawn is mixed with our gravel driveway, and when they came through to repair it, they graded. They used- they brought one small truck of gravel and since- fortunately for me I was the first, I got all the gravel. Unfortunately now, Mr. Halpern got none, Mr. Messina got none, and even what they brought was inadequate to address the problems on my piece of property.

So at this point, I have substandard work that's done. We also have a problem that he promised copper piping, he didn't use copper piping. We all have perfectly good existing wells and we wanted to use the existing wells for our outside irrigation and when we asked that, all of us wanted that from him, he say no way, I'm just, you know, I'm hooking up your water and leaving.

He's been very terse is probably the nicest word I can use. He's been completely unresponsive. Basically we're kind of three homeowners that if anything we were sold a bill of goods that this guy was going to come and do something and be honorable and make the repairs on our property, when he left it would look like our property when he came. That's not the case.

And, again, it's not even the question now of him putting us off.

He's now said well, we've done enough for your people.

We'd love for someone from the town to come out, inspect our three properties and basically act as our mediator because at this point, he's not- we know he had to put up a bond to make the development rights and I guess at this point, we're looking to come after his bond and provide some money to make repairs to our property, also to get our water hooked up properly.

That would mean- it's not done yet. First of all, he started developing and our water is not hooked up to municipal water. We'd like to get that done and we'd like also to keep our wells for outside irrigation because it's kind of like someone saying, yeah, I'm going to put a new diesel motor in your truck but I get free gasoline. You know, yes, he's- every time he talks to me, he's very terse and says, we're giving you something for nothing. It's not something I wanted, you know. Basically, he disrupted my life. You know, he disrupted the other homeowners' lives.

All three of us are- you know, Pat's got three kids. I've got two and one on the way, you know. I don't have time to be coming, you know. We all have- but, he's aggravated us to no end and to the point that he won't answer our phone calls, he won't be responsive to us, and I think at this point the only way that he's going to be responsive is if the town either the Town Attorney, the Building Department, yourself, I know you can empower somebody in town government to basically- "

Supervisor Kozakiewicz: "The address you have on your card, that's the address to get a hold of you?"

Jim Strack: "Yeah, 6069 North Country Road."

Supervisor Kozakiewicz: "Okay."

Jim Strack: "And like I said, Mr. Halpern had to go to work and Mr. (inaudible) had to be at work. I was the only one available. And about the water, he had said, oh, yeah, the plumber was there. He said it will cost you \$250 to do that. Well, I don't think it should cost me anything. You know, again, he came in and disrupted our lives to get his project where he's going to make a large amount of money. I'm not against capitalism, you know. You know, I make money, too, everybody. But at the same time he's just been like we kind of do feel like trampled afterthoughts in this guy's scheme of things. And what we're asking for is the town's help in remedying this problem."

Supervisor Kozakiewicz: "Thank you."

Jim Strack: "Is there anyone- will I be put in touch with or should I- "

Supervisor Kozakiewicz: "I would ask you to follow up with the Town Attorney. If you wish, you can contact her. I'll certainly follow up and I'm sure the other Town Board members will also keep track of it so if you would do that and, hopefully, we can get some answers."

Jim Strack: "What is the extension?"

Supervisor Kozakiewicz: "216."

Dawn Thomas: "216."

Jim Strack: "Also, I called about something last week. He apparently started working- I don't know if he has all the permits, but I called once, the building- I think code enforcement came out and he was stopped that day so guess what he did? Saturday and Sunday when nobody is here at Town to answer the phone, he worked 12 hours cutting down the trees and mowing down everything."

Supervisor Kozakiewicz: "Okay. We'll follow up on it. That's the best I can tell you at this point in time. The Town Attorney-- if you would leave your name and address- "

Dawn Thomas: "I have it already."

Supervisor Kozakiewicz: "-- you have the name, maybe a telephone number?"

Jim Strack: "You have it on file, my name; I'll give you my telephone number."

Supervisor Kozakiewicz: "Right, so we can follow up."

Jim Strack: "And, again, I would love for somebody to come out just to take a look."

Supervisor Kozakiewicz: "Thank you. Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. In Resolution 747, I see you've got section 96 about cutting grass. You know the former

Rolle building is all grown up again this year."

Supervisor Kozakiewicz: "It's one of the ones that's subject to the hearing today."

Steve Haizlip: "Oh, okay."

Supervisor Kozakiewicz: "It's one of the many. I went through them and we have that one listed as well."

Steve Haizlip: "Okay."

Supervisor Kozakiewicz: "It's Resolution #749."

Steve Haizlip: "Okay. Now, I'm kind of curious as to Resolution 729, settlement of an employee. Don't tell me that Gus Mayo is back in the act again."

Supervisor Kozakiewicz: "No."

Steve Haizlip: "Oh. Well, if you don't want to tell me, that's okay, too, because the government in these days and time they ask people for the money but then they don't want to tell them what they need it for and why."

Now, you know, I keep observing the Calverton sump. I'll tell you something, boy, we had some poor engineering there. That whole wall up there where that water dumps into is all falling down and sand all over the place. Of course, I guess it's too late to get that engineer back and do it right. He's got his money and as they say in the south, he flew the coop already.

Now, Bob, here's something that I am really ticked off about. As I said at the last meeting, it seems like our whole entire state and country from the White House down to my house is all controlled by Republicans and they are taking our rights away from us little by little."

Supervisor Kozakiewicz: "I don't think that's true though. I think the- based upon the switch- I can't believe I forgot his name, he recently announced his switch over up in Vermont- "

Councilman Kent: "Jeffreys."

Supervisor Kozakiewicz: "Jeffreys."

Councilman Densieski: "Benedict Arnold."

Supervisor Kozakiewicz: "That's now- from what I understand the balance is there. We also have Hillary, Democrat; Chuck Schumer, Democrat."

Councilman Densieski: "You've got Clinton for eight years."

Supervisor Kozakiewicz: "And so I think that the comment- I'm sorry to cut you short but I just, you know, you mentioned it twice and I just wanted to- "

Steve Haizlip: "My assessment of Schumer and Clinton is not worth mentioning. They are both punks. They won't answer your letters. You write to them and they ignore you but yet they all come out and ask you for your votes. All you guys asking for your votes. But we never get back.

Now, here is my legitimate gripe. Why is it that you're not fighting for us to get Cablevision back on Channel 70 at 7:00 so those people that don't come here at the meeting can get to see it? They come up with crazy laws, the Republicans, in the PSC saying oh, well, this rule don't apply and this rule won't let government. Bob, fight for us. We- you ask us for it- "

Supervisor Kozakiewicz: "Right. What- we've been preempted because there's such a demand by the public access, the private producers who are producing their programs that the town board meetings have been preempted. They're being moved to Channel 88. We do need to get a second channel. They've been promising us a second channel which is Channel 71 but the reason it's not on right now is because of the demand from the private producers who are taking the programing time. So we need a second channel."

Steve Haizlip: "In other words, they lie like a rug. That's what they're doing. All right. Route 58 and Harrison Avenue, the light is progressing tremendously. Poles are up, platforms are in and it's not going to be long before you see yellow, green and red.

And my last item, I'm asking you the final last time and I'm taking a word from Phil Cardinale. Either you do it or you get off the pot. Am I going to get the turn radius on Riley Avenue and Edwards Avenue? If you don't want to give it, just say so and I'll forget about it."

Supervisor Kozakiewicz: "I- that- you're talking about Riley and Edwards? The one we just redesigned."

Steve Haizlip: "Yes, Riley."

Supervisor Kozakiewicz: "I don't know if we're going to undertake to change that."

Steve Haizlip: "Well, that's up to you."

Supervisor Kozakiewicz: "Right."

Steve Haizlip: "If a truck hits a car trying to make that turn, then- "

Supervisor Kozakiewicz: "Thank you. We've got to look at it but I think we just redesigned that and part of the redesign was to- which was to square off and make that a "T" intersection, you're telling us that it's an inadequate turning radius."

Steve Haizlip: "Well, all my information and drawings are in but as I say, no feedback."

Supervisor Kozakiewicz: "Okay. Well, we'll ask the town engineer to respond. Zabby."

Councilman Densieski: "Note the time, Mr. Supervisor."

Zabby: "Hi. I'm Zabby and I'm here to speak on a few issues, all around censorship. And I have a copy of- I'm speaking on specifically Resolution 732 as well as another topic on public access, educational and governmental access. I have the December 21st issue of the News Review that has Wilpon wants casino on it and it says in the first paragraph, Calverton, by Tim Kelly. In an hour and a half meeting closed to the press, town officials talked face to face with Staten Island developer Ken Wilpon in Town Hall two weeks ago. And it goes on then on page 29 to say that Mr. Wilpon spoke in some detail during the December 8th closed door session of his willingness to pursue the casino option which he readily conceded would be controversial. Councilman Phil Cardinale said Mr. Wilpon added that his \$25- \$25 million dollar offer isn't contingent upon gaining federal casino approval.

But he made it- and then it goes on, the quote goes on, I guess, from Councilman Cardinale, he made it very clear that his long term

plan for the conference center is to make all the connections that would enable him to open a casino, the Councilman said. It may never happen but he wants to do it. And then later on it says Councilman Jim Lull declined to comment on what was said during the December 8th session but he did say, quote, I have never been as insulted as I was then, unquote.

And, so, at any rate, this meeting as I understand it, was requested to be behind closed doors and I'm going to ask that the minutes and the- everything was spoken there behind closed doors be made public.

And also in relation to the lawsuit by the TS Haulers, information I heard now from two people on the Town Hall- in the Town- on the Town Board, that that information could, in fact, go towards protecting our, the people who have been sued like Bob Kozakiewicz, Jim Lull, Phil Cardinale, and Chris Kent.

And so this here is- I have a (inaudible) I want you to think of here as censorship on one side and the people's right to know on the other, executive community- executive sessions, closed door, behind closed door sessions with the censorship side versus open meetings and the people's right to hear- the people's right to hear. And I believe that there's going to be some new rules coming up here in this- there was a resolution by Phil Cardinale, #705 last time, which was supporting open meetings and I know Bob Kozakiewicz made- said he supported the intent of the resolution and he wanted to have- with Jim Lull, wanted to make it in a bigger scope, and they were going to present that- I guess they will be, that will be forthcoming? I would request that there be a public hearing on those rules, that the public gets a copy of those rules before the meeting here to we can see what they're about.

Because now it's 4th of July tomorrow and I don't want to see Riverhead going back to being a colonial colony- a colony of Britain. I mean we had the battle, the Civil War, so that we could get- not the Civil, but we had the War of Independence to get our independent from Britain and we don't want to go back to a Parliament form of government.

Now I understand there's going to be in these rules that are coming up that you're introducing with a wider scope parliamentary procedures and the- what is it Rogers- "

Supervisor Kozakiewicz: "Robert's."

Zabby: "-- Robert's Rules of Order, and all of this and if it gets too bogged down and too much red tape and bureaucracy, that would be not such a good idea because it seems that some of the rules may- I have heard go to stop the Town Board members from participating unless they have permission from the Supervisor. I hope that's not right. But that would be a form of censorship.

Also, we have the lawsuits with potential gag orders that are a form of censorship. And we have at Cablevision now- Cablevision and Steve Haizlip was absolutely correct in his assessment that the Republicans up at the Public Service Commission are, in fact, I believe so to speak in bed with Cablevision, and they are going to prohibit free speech in their studios but as Steve Haizlip said, we need Bob Kozakiewicz and the administration, the five Board member, everyone on this Board, to stand up and protect free speech so that politicians and people like me who do political programing inside Cablevision studio can continue, that I can campaign for who- whom- who I would like to campaign for, and politicians can speak up.

There's- the producers did fight Cablevision in a case called Moss versus Cablevision and we fought for and won the right to have political speech. And there's a law on the books, a public service law in fact, that public service people up there in Albany won't enforce. They say that, well- "

Supervisor Kozakiewicz: "Zabby?"

Zabby: "Yes?"

Supervisor Kozakiewicz: "I'm going to ask you to sum up because we do have other speakers."

Zabby: "Okay. Well, I would ask that you tell- fight that these Town Board meetings that you cannot see anymore, these are our Town Board meetings. I have a letter from Cablevision in 1999 saying that the government is the producer with the assistance of Cablevision, assistance like a camera person, like this person here now, and we should have you fight, Bob, for those meetings and I would ask you to get them off of Channel 88 and get us our channel finally. It's been now 10 months."

Supervisor Kozakiewicz: "Thank you, Zabby."

Zabby: "Ten months we've had a channel coming and I don't know and I'd like to know one other question. Who is the Town Board

liaison at Cablevision among the five people here?"

Supervisor Kozakiewicz: "You know it's Phil."

Zabby: "It's Phil, Phil Cardinale."

Supervisor Kozakiewicz: "That hasn't been changed. Thank you."

Zabby: "Okay."

Supervisor Kozakiewicz: "George Schmelzer."

George Schmelzer: "I like what the lady said. I won't bother repeating it. Get to something else. About the Scenic River out here. Made any effort to try and undo that or get it abolished or revised?"

Supervisor Kozakiewicz: "I have made no progress, George."

George Schmelzer: "Did you make any effort?"

Supervisor Kozakiewicz: "Made no progress, George."

George Schmelzer: "I didn't say that. Did you- "

Supervisor Kozakiewicz: "I have- it's- we need to make a change in the state legislation. What you're asking me to do, just so the public understands, is to take what has been designated a Wild Scenic River corridor by the state and get them to change their minds and take that entire corridor out."

George Schmelzer: "Get rid of it."

Supervisor Kozakiewicz: "Correct?"

George Schmelzer: "Yeah. Yeah. Talking about, pardon me, saving downtown. That kills downtown, half of it. The westerly half is dead because of that. Everybody knows it. I don't know who they are afraid of. They're afraid of the weasel up in Albany, Sen. LaValle or something?"

Supervisor Kozakiewicz: "George, I don't- it's got to be changed at the state level. Do you- and it's got to be by all of the Senators and all of the Assembly people. It's got to be repealed."

George Schmelzer: "By a majority."

Supervisor Kozakiewicz: "A majority of them, that's right."

George Schmelzer: "How about the governor? Can you trust him?"

Supervisor Kozakiewicz: "You're asking me- you're asking me or are you asking the entire Board?"

George Schmelzer: "Either way you want it."

Supervisor Kozakiewicz: "All right. I can tell you I've had no progress. I've had no progress, nobody is telling me that they're willing to pass state legislation that will take the Peconic River out of the Wild Scenic Rivers corridor."

George Schmelzer: "Well, you have to identify them and tell the public they won't. We've got to do something. I don't know, what are you- "

Supervisor Kozakiewicz: "George, thank you. Is there anything else?"

George Schmelzer: "Yeah, don't be so (inaudible). Let us know who will work with and who won't."

Supervisor Kozakiewicz: "So I can ask you to speak to them?"

George Schmelzer: "You've got to ask them first."

Supervisor Kozakiewicz: "Thank you."

George Schmelzer: "Then let him take it from there. You pin him down. All right? Next time I come, I'll ask you again."

Supervisor Kozakiewicz: "I know you will."

George Schmelzer: "I'll keep asking you until you do something."

Supervisor Kozakiewicz: "I'm sure you will."

George Schmelzer: "I didn't say progress- progress and effort are two different things, you know."

Supervisor Kozakiewicz: "Thank you, George."

George Schmelzer: "You're very welcome. Adieu again."

Supervisor Kozakiewicz: "Thank you."

George Schmelzer: "See you next time. Good-bye."

Supervisor Kozakiewicz: "Okay. Anybody else who did not submit a card? Joan Griffin. I want to take a little break so we can talk about those resolutions."

Joan Griffin: "Good afternoon, Joan Griffin, Baiting Hollow. I just have a question about the Cablevision. I understand that the Town Hall meetings which used to be on whatever time on Friday nights- "

Supervisor Kozakiewicz: "They used to be on- "

Joan Griffin: "Seven o'clock, eight o'clock, ten o'clock- "

Supervisor Kozakiewicz: "Seven, six, right, on Fridays, that's right."

Joan Griffin: "Whatever time slot got allotted are now at one o'clock on Friday afternoons?"

Supervisor Kozakiewicz: "I think they're on- they are going to be on Fridays again on Channel 88 and I'll be honest, I don't know- I know they were entirely preempted and what happened was they were- what's the time? One."

Joan Griffin: "One o'clock? Because most people work. I came here after work so I got here at 4:30 and I need to see the meetings to see what's going on in Town Hall. You know, keep informed."

Supervisor Kozakiewicz: "As I explained, we've been preempted by the private producers who have indicated they need that channel space."

Joan Griffin: "Okay. Even Channel 88 is putting us on at one o'clock?"

Supervisor Kozakiewicz: "That's my understanding."

Joan Griffin: "Is there any way- "

Supervisor Kozakiewicz: "I'll verify. Can I get back to you on that? Because I know that we were trying to make some progress in getting it on. Can I get back to you, Joan?"

Joan Griffin: "Sure."

Supervisor Kozakiewicz: "Okay."

Joan Griffin: "Can you try to get 7 p.m., 8 p.m., where people can see it?"

Supervisor Kozakiewicz: "Or on the weekends. Would that work?"

Joan Griffin: "Weekends is good as long as we know about it."

Supervisor Kozakiewicz: "Okay, let me see if we can work on that. Thank you."

Joan Griffin: "Thank you."

Supervisor Kozakiewicz: "Okay. Vinnie."

Vinnie Villella: "Vinnie Villella from Baiting Hollow. Thank you, Supervisor, for having me speak because I didn't sign the card."

Supervisor Kozakiewicz: "No, that's fine. We try to take people who didn't sign as well, and then we'll take up the resolutions."

Vinnie Villella: "I wasn't here for the first public hearing on this Mill- is it Mill- "

Supervisor Kozakiewicz: "Mid Road."

Vinnie Villella: "-- or Mid Road Properties. Could you tell me how many acres that consists of?"

Supervisor Kozakiewicz: "It's approximately 70 and they're looking to build 126 senior citizen units, condominiums."

Vinnie Villella: "Okay. And what is the zoning in that area?"

Supervisor Kozakiewicz: "They received a change of zone to Residence RC. That was approved last- well, we had a public hearing on it so the- I don't think we've adopted the change of zone. I don't

think we've adopted or acted on the special permit."

Vinnie Villella: "Okay, that's what I was asking."

Supervisor Kozakiewicz: "Right."

Vinnie Villella: "That's my question."

Supervisor Kozakiewicz: "They're still in the status where there was a public hearing on the change of zone, that was done while we were dealing with the question of the Home Depot site plan question. So the site plan issue that was tied into the special permit question held off or delayed that second hearing which was on Mid Road Properties for the special permit which was held today. The change of zone was held last year, the special permit was held today."

Vinnie Villella: "Because like I've been saying for the last year and a half, I think we should have- the Board up there should have a moratorium and put it in place as soon as possible before you consider any special permits or change of zones. Because what you're doing, you've got- you're preserving farmland like what you did on the third public hearing, but in the meantime you are doing three times as much getting rid of open space."

Supervisor Kozakiewicz: "Well, the proposal, the proposal if they built as right would have allowed them approximately 66 single family homes."

Vinnie Villella: "Right."

Supervisor Kozakiewicz: "And what they did was they are proposing an equivalent allotment of senior citizen condos based upon Suffolk County Department of Health standards."

Vinnie Villella: "Right. That's the zoning as of right now."

Supervisor Kozakiewicz: "And then what the proposal is, the scheme they or the plan they showed us earlier would have provided for approximately 30 acres of open space, admittedly next to the landfill, so just so it's clear."

Vinnie Villella: "No. I just thought before you go into any special permits or change of zones you should at least have the zoning in place, a master plan in place. Because you're going to ruin the quality of life of what's happening, what's left in the Town of

Riverhead.

On the second issue, Wading River, the McDonalds. On the plans, I know because we had the meeting with the state officials, the DOT, the roads have to be put in. So I don't think that project should be open until those roads are put in because it's a safety issue, it's a- it's really bad news. I travel that every day, that road, and it's very hard to make a turn. So, it's on the plans and there was also supposed to be another road coming from 25 out of the- up the road somewhat, a cut in, at May's Farm- "

Supervisor Kozakiewicz: "New road- "

Vinnie Villella: "Is there anything with that? I don't see any cut ins. I don't think this project- I mean McDonalds, people want it, fine, but make sure they do the job the right way. Follow up on that."

Supervisor Kozakiewicz: "I know that the issue with DOT is being studied for that intersection. We did require certain things of McDonalds. This project went through a lot of discussion, a lot of review, and it's going to one that's similar to what was built in Southold township, a more aesthetically pleasing and- "

Vinnie Villella: "Oh, no. That part of it and everything I know is fine."

Supervisor Kozakiewicz: "So it was certainly looked at- "

Vinnie Villella: "It's the road."

Supervisor Kozakiewicz: "It was closely scrutinized by the town."

Vinnie Villella: "It's the roads that I'm worried about. I know the design and everything, everything was fine with that. It was the problem, the civic group, the Shoreham Wading River Chamber of Commerce, the Wading River Civic Association met with the people and it was decided they were going to take care of these roads and that was the reason why they gave in and said okay, you've got, you know, McDonalds is fine. And if that's not done, it's a slap in the face of those people in the town."

Supervisor Kozakiewicz: "Well, DOT as I said is, in fact, studying it. There's been communications about- "

Vinnie Villella: "Just be on top of it."

Supervisor Kozakiewicz: "Wading River Fire Department had communications with us as well as with DOT so it's something we're well aware."

Vinnie Villella: "Okay. I know I only got a few minutes. The town- Wading River, that project that the gentleman was speaking about on North Wading River Road, North Country Road. All projects, we were supposed to have a town monitor monitor every project. Is that being done since I left office?"

Supervisor Kozakiewicz: "I'm unaware of the fact that there was monitors being done while you were here. I never was made aware of that."

Vinnie Villella: "Every project was supposed to be monitored so that we know how much- "

Supervisor Kozakiewicz: "We do as part of all projects have Joe Raynor, the engineer, review them on a regular basis. What he does is he stops in unannounced to see that they're complying with site plan restrictions. If you consider that a monitor, then yes, it's being done."

Vinnie Villella: "Okay."

Supervisor Kozakiewicz: "Because Mr. Raynor does do that."

Vinnie Villella: "He did some for us."

Supervisor Kozakiewicz: "He does that."

Vinnie Villella: "He did for in Jamesport- Maidstone."

Supervisor Kozakiewicz: "He's been doing that with a number of projects around town. Yes."

Vinnie Villella: "Just listening to this gentleman what he said, it's a slap in the face- "

Supervisor Kozakiewicz: "Well, that's another issue. That's an issue with the private water- "

Vinnie Villella: "No, it's not."

Supervisor Kozakiewicz: "That's an issue with private water."

Vinnie Villella: "No, it's not."

Supervisor Kozakiewicz: "That's an issue with private water- "

Vinnie Villella: "I'm not worried about the water. I'm talking about the cut- "

Supervisor Kozakiewicz: "-- and other things. That's not a question of whether he's complying with site plan or not. That's another issue. But already we are going to address the concerns made by him and see that the site plan and other conditions that were a part of that approval are being followed up and enforced."

Vinnie Villella: "That's fine. Great. And the last thing, you mentioned about the problem with Cablevision, the producers are putting on new shows and it's crowded. It's a bunch of bull. Because the October, November and December shows are still on there."

Supervisor Kozakiewicz: "That's the reason we've been told. We've been told that we've being preempted- "

Vinnie Villella: "I called up, so it's wrong. I'm telling you that now."

Supervisor Kozakiewicz: "I have a letter from our advisor, Zabby, which indicated that that's what's happening."

Vinnie Villella: "Well, they've still got October, November and December shows on and it's a slap in the face because people have been calling up Cablevision, I'm one myself, asking when the Town Board meetings are going to be on and they tell me 7:00 on Friday night. I turn it on, it's not there."

Supervisor Kozakiewicz: "All right. We'll undertake it, we'll address it as quick as possible."

Vinnie Villella: "Because the people- "

Supervisor Kozakiewicz: "Thank you."

Vinnie Villella: "-- the people in the town should know what's going on."

Supervisor Kozakiewicz: "Thank you."

Vinnie Villella: "Thank you."

Supervisor Kozakiewicz: "Rita- oh, Mrs. Petrikis."

Mrs. Petrikis: "Mrs. Petrikis. Now going back to the public access channel. Channel 88 has nothing to do with us. We need two channels. We need a public access channel. You have- it's coming up, Cablevision to renew the contract. It's your business to put your foot down and tell them this is it and that's it. I'm going to go and have a meeting with Jean Cochoran on Thursday, I have an appointment with her. I'm going to talk to her. I'm going to tell her the importance of the two channels rather three channels. What?"

Supervisor Kozakiewicz: "You're right. You're right."

Mrs. Petrikis: "We have to know, 88, forget about it. We need to have steady channels. We need to have- people have to know what's going on in their town."

Supervisor Kozakiewicz: "Agreed, agreed."

Mrs. Petrikis: "And, I mean, I'm going to hold you to it. I'm expecting to have- "

Supervisor Kozakiewicz: "We will do-- I will do my damndest, okay?"

Mrs. Petrikis: "No. Do your best has nothing to do. You have to put your foot down and you have to- "

Supervisor Kozakiewicz: "Thank you."

Mrs. Petrikis: "-- and you have to tell them- "

Supervisor Kozakiewicz: "All right, I will do better than my best."

Mrs. Petrikis: "And I like to be informed. I want a letter from you saying that we achieved what- "

Supervisor Kozakiewicz: "You will know when it's done because the extra channel will be on."

Mrs. Petrikis: "No, no, no. I want to have a personal letter from you saying that you did it because I think it's up to you and up to the Board to fight for it. If you want me to come while you have your meeting, I'll come too."

Councilman Densieski: "Well, we have a liaison for that."

Supervisor Kozakiewicz: "Okay, thank you."

Mrs. Petrikis: "That's it."

Superviosr Kozakiewicz: "Miss Hodun, Rita Hodun, please."

Councilman Cardinale: "I should point out, Bob, that as you probably know by now having dealt with them yourself for the last six months, Cablevision does not respond well to nuances and subtlety. I think a board on the top of their head is the only way that you're going to get a response, so- and I do think we should utilize litigation if necessary."

Supervisor Kozakiewicz: "Rita."

Rita Hodun: "Rita Hodun, Calverton. On the Suffolk County Fair, did we negotiate for the police? Sometimes you've got five policemen there, three policemen there. How much is this policing the Suffolk County Fair costing us? I mean there's a lot of policemen there. I went by a few times and when you've got five cops cars there."

Supervisor Kozakiewicz: "No cost to the town."

Rita Hodun: "They're paying it?"

Supervisor Kozakiewicz: "Yes."

Rita Hodun: "Very good. Do we have touch and go at Grumman's after 5:00?"

Supervisor Kozakiewicz: "No."

Supervisor Kozakiewicz: "Yes, you do. There's an airplane that flies, comes up, comes around and- "

Supervisor Kozakiewicz: "What kind of aircraft?"

Rita Hodun: "It's a small airplane. It's a small blue and white airplane. After 5:00, it was four days in a row, it was touch and go. After the- "

Supervisor Kozakiewicz: "All right, we'll follow up. We'll follow up with Grubb and Ellis."

Rita Hodun: "After the skydiver plane left, this plane started flying."

Supervisor Kozakiewicz: "Mrs. Hodun, we'll follow up with Grubb and Ellis and find out who they are."

Rita Hodun: "Only reason I know when I was watching pick your own strawberries, it happened four days in a row."

Supervisor Kozakiewicz: "We'll follow up and get back to you."

Rita Hodun: "And the other thing I wanted to know, is it legal? We have people coming in and lobbying for the airport, the incubator and the theater that are out of town people. But if anything happened, the taxpayers in this town pay. I think- is this legal?"

Supervisor Kozakiewicz: "I'm not sure."

Rita Hodun: "People have come and lobbied about the airport but they have never said that they guarantee that it will not cost the taxpayers in the town any money. With the incubator- "

Supervisor Kozakiewicz: "The bottom line- "

Rita Hodun: "-- the people from out of town come, you voted oh, yeah, let's give them the land. But it's the taxpayers that pay. Same with the theater. We had people come from Southampton, Brookhaven, oh, we want the theater. But the taxpayers in the town of Riverhead pay. I don't think this is legal. I would like to know if this is legal. They can lobby the town and make the taxpayers pay."

Supervisor Kozakiewicz: "What you're suggesting is that if there's anybody here from out of town we should keep them out of this room."

Rita Hodun: "No, I'm not saying that."

Supervisor Kozakiewicz: "Is what you're saying. And not allow

them to have a word. If you're out of town, you can't speak in the town of Riverhead."

Rita Hodun: "They're lobbying for- "

Supervisor Kozakiewicz: "That's the new rule. That's what you're saying."

Rita Hodun: "They're lobbying for the taxpayers to pay. They're not paying but Riverhead town taxpayers have to pay. I don't feel that it's right."

Supervisor Kozakiewicz: "We as a Board have to make a decision whether we're going to make a- go a certain path and decide a certain thing. We are the policy makers. People can come to us and say that we would like you to do this or we would like you to do that. To suggest that if someone is not from the Town of Riverhead, they should have no rights to say something in the town is quite contrary to the whole concept of what I heard earlier, free speech. We have to decide. There's no question. As a Board, we have to decide what's appropriate whether it's Grumman or other properties within the Town of Riverhead."

Will it make economic sense? What are the downsides? What are the impacts upon the community? What are the impacts on taxes? What are the impacts on the school district? What are the impacts on the roadways? This is something that we have to decide. This is something that all of us have to decide as policy makers. But to suggest that we shouldn't allow people to be heard, I don't think that's what we're- we can or- "

Rita Hodun: "Well, there's a line there when the taxpayers in this town have to pay. People come in from out of town for the incubator, you went for it. But we're picking up their tax bill, not people from out of town. They didn't bring bags of money and say, here, the taxpayers in Riverhead don't have to pay. Don't have to pick that up. I think there- "

Supervisor Kozakiewicz: "We can disagree on the incubator project, the implications, the impacts, until we're both blue in the face. You've- I've heard your arguments and I heard your reasons for why it shouldn't be allowed. You know what my reasons were for why I voted for it. It's something that we've already made a decision on and it's- I don't know what else to say, Mrs. Hodun, except that I- "

Rita Hodun: "As long as that project- and we pay, we, the taxpayers pay. People came and lobbied but we pay. And I feel that's wrong. Then if we've got to pay, they should subsidize the taxpayers in the Town of Riverhead. We shouldn't have to pay for that project."

Supervisor Kozakiewicz: "Well, that would be true for every parcel where there's a not for profit corporation that comes to the town, where there's other lands that are being taken off the taxrolls. That land was a federal piece that was being paid. It was not a fully taxable parcel so there's a little bit of a distinction here."

Rita Hodun: "But if that was sold and an office complex was put on there, we could get a million dollars a year to fix our roads."

Supervisor Kozakiewicz: "Okay."

Rita Hodun: "So, we're paying. We're paying dearly for that. Thank you."

Supervisor Kozakiewicz: "Again, the question is whether we should allow people to lobby us is what you're asking if they're not from the town."

Rita Hodun: "And we the taxpayers have to pay. We, the voters, put you in there, in your seat, to work for us."

Supervisor Kozakiewicz: "I understand. I'm accountable to the voters. Understood. Anybody else? If not, yes, Dottie. Dorothy Pennell."

Dorothy Pennell: "Dorothy Pennell, Jamesport. Just a question as to why the executive committee meetings are not open to the public?"

Supervisor Kozakiewicz: "Well, it's simple. It's what has always been the case in New York State. The Open Meetings Law provides for a very clear procedure where actions being taken by the Town Board under the Public Offices Law are subject to Open Meetings or Sunshine Laws. However, there are certain subjects which are appropriate for discussion within executive session.

When we're talking about contractual matters, the law states that we are upon a vote where there is a motion by a Town Board member, seconded by a Town Board member, to move into executive session, permitted to do so. If there is some- something that's outside the

scope of those areas, then it should not be discussed in executive session.

However, there are instances where we're negotiating items that are contractual issues, and I think you would understand and all the people understand, that these are not items that would be disclosed publicly where we're arguing over points of contractual points.

So there are areas that are spelled out in New York State law where governmental bodies, whether it be a town, county, state, village, they're authorized to go into executive session and that's just what's occurring in this case. We have open meetings, we have our Town Board work sessions on Thursdays prior to the Town Board meeting. We conduct those in an open setting. We discuss matters that are appropriate and should be discussed in open setting, but there are items that require us to go into executive session which are proper items spelled out under New York State law and by which we're authorized to act in that fashion."

Dorothy Pennell: "And who's decision is it that- "

Supervisor Kozakiewicz: "The Town Board."

Dorothy Pennell: "-- unanimously?"

Supervisor Kozakiewicz: "There's a motion by a Town Board member. We have a motion, there's a second and generally there's a vote to go into executive session. Yes."

Dorothy Pennell: "The reason I'm asking is because- perhaps if, I don't know what truly transpired, no one does really other than you gentlemen, what happened at the meeting with Wilpon. Maybe if the public was aware of certain things, maybe Wilpon wouldn't have (inaudible) to stand on to sue you people."

Councilman Densieski: "I don't think he does."

Supervisor Kozakiewicz: "Well, I don't think that's really the question here. Certainly- "

Dorothy Pennell: "Because ultimately the Town is going- I mean the people in the Town are going to have to pay for this."

Supervisor Kozakiewicz: "This is not something that's new. It's happened in the past. We've had instances where Supervisors who

have said no to particular parties or tried to move places that they felt were inappropriate and contrary to zoning have been sued in federal court.

This is not something that's a new occurrence and has happened in the past and there's instances where it unfortunately occurs. And I don't want to make light of it. I'm not trying to be cavalier. There's a lot of applications that come to the town. Many, many, many people come to us and say or to my office and say, this is what we want to do. Sometimes you just have to say no and sometimes they don't walk away happy. And unfortunately sometimes they sue.

The question really, I think, has no correlation or relation to whether this should have been a matter subject of an executive session or should not have been a matter of subject of executive session. It's an unfortunate occurrence. It's a regrettable occurrence. I don't relish the idea of having been sued by Mr. Wilpon. I don't think anybody would like the idea of being sued by somebody. But it's not something that's new and it's not something that won't occur down the road as well."

Dorothy Pennell: "Maybe, I don't know all the ramifications from the standpoint of the legal matter, but maybe you should have, or anybody should have more open meetings so that the public can be in on it at least here and then not be so critical of perhaps the individual or individuals who are being sued. Because we would like to know."

Supervisor Kozakiewicz: "I think it's unfair to be critical of people being sued. It's an unfortunate occurrence that happens."

Dorothy Pennell: "Oh, yes."

Supervisor Kozakiewicz: "And, again, there is nothing nefarious or contrary to the law being done. It was a matter that was a contractual subject. It involved issues involving contractual discussions with that particular party and it was a proper subject for a work session being conducted in executive session. I- there's nothing that would change that fact."

Dorothy Pennell: "You normally- are your work sessions open?"

Supervisor Kozakiewicz: "Yes."

Dorothy Pennell: "They are."

Supervisor Kozakiewicz: "Yes."

Dorothy Pennell: "I have never attended one. But I shall try to."

Supervisor Kozakiewicz: "Okay, thank you."

Dorothy Pennell: "And I won't sue you."

Supervisor Kozakiewicz: "I hope not."

Dorothy Pennell: "Yet."

Supervisor Kozakiewicz: "Okay."

Councilman Lull: "Dorothy, I don't want you to get the wrong impression. What happens at a work session is usually sometime during the day we have set aside several litigation issues or personnel issues that we have to talk about. At that particular point when it's most logical to have people leave the room, either before lunch or after lunch or something, we then declare an executive session and try and take care of all those at once. It's just a small portion of the day."

Dorothy Pennell: "Oh, that I can understand, particularly with personnel matters at hand. Thank you very much."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address us. If not, what I'd like to do is take a brief hiatus to discuss some of these resolutions that we talked about that weren't ready for the agenda and need to be possibly acted upon by the Board. So at this time, the time being 5:07, take a 10 or 15 minute break to talk about these resolutions. Thank you."

Recess: 5:07 p.m.

Meeting reopened: 5:25 p.m.

Supervisor Kozakiewicz: "Let the record reflect that the time of 5:25 has arrived. We'll resume- "

Councilman Kent: "We'll try to get you out of here by ten, right?"

Supervisor Kozakiewicz: "-- resume and call the meeting back to

order. But what I'd like to do is adjourn the Town Board portion and call to order the CDA portion of the Town Board meeting."

Meeting adjourned: 5:25 p.m.

Meeting reopened: 5:27 p.m.

Supervisor Kozakiewicz: "The time of 5:27 having arrived and reopen the Town Board portion."

Resolution #706

Councilman Lull: "Approves the application of Jesus is Lord Church for a program of skits and singing Saturday, July 14th 12 to 3 in the First Street Parking lot. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Amen, I mean yes."

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

Resolution #707

Councilman Densieski: "Approves site plan of Charles Hydell (North Fork Wood Design). 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 #708

Councilman Cardinale: "708 approves the amended site plan of True Tech, Inc. 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 #709

Councilman Lull: "Approves the amended site plan of Little Bay Shopping Center, Inc. That's at the corner of Wading River Manor Road and 25A for a 1900 square foot addition. 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 #710

Councilman Kent: "Approves the special permit petition of Sunken Pond Estates. 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 #711

Barbara Grattan: "Resolution #711, Councilman Densieski."

Councilman Kent: "We have to make a slight change on this one. In the one, two, three, four, fifth Whereas clause, I believe it's the 30th day of 2001 that we held the hearing on the DEIS."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "That was 2000."

Supervisor Kozakiewicz: "It was 2000? Okay."

Councilman Kent: "Are you sure, on this one?"

Supervisor Kozakiewicz: "Yeah, we held the- that public hearing, that was on North Fork Knolls, Hubbard."

Councilman Kent: "I thought we did two the same day."

Councilman Densieski: "I think Marty Sendleski came in about a year ago if I remember correctly. Was that brought in my Martin Sendleski at that time? Yeah, I think that's correct, Chris."

Supervisor Kozakiewicz: "It was something else. It was something else."

Councilman Densieski: "Okay, so it will stand at 2000."

Supervisor Kozakiewicz: "Correct."

Councilman Kent: "All right."

Councilman Densieski: "Adopts negative declaration- "

Supervisor Kozakiewicz: "Oh, wait a minute. Something doesn't make sense."

(There was some inaudible discussion among the Board members).

Councilman Kent: "Well, we only received it September of 2000, so I don't think we could have had the hearing on the 30th of May, 2000."

(Unidentified): "We had a scoping hearing in 2000."

Supervisor Kozakiewicz: "That's what we had."

Councilman Kent: "This was just on, I'm telling you."

(Unidentified): "I don't have a copy of the resolution in front of me, if you want me to (inaudible) get the dates, we'll get it right now."

Supervisor Kozakiewicz: "Why don't we put that one aside."

Barbara Grattan: "Okay."

Supervisor Kozakiewicz: "All right. And we'll come back to

that one. The dates don't seem to jive."

Councilman Densieski: "711, right?"

Supervisor Kozakiewicz: "Yeah, let's go to 712."

Resolution #712

Councilman Kent: "Resolution 712 adopts a local law to repeal and replace- "

(Unidentified): "There was a scoping hearing on the DEIS on May 30, 2000, absolutely right."

Supervisor Kozakiewicz: "Going back to that one."

Councilman Kent: "Usually I am but that's okay."

Supervisor Kozakiewicz: "Going back to 711. All right, so we're moving to amend that fifth Whereas clause to reflect that there was a hearing on the DEIS on May 30, 2001. With that motion- "

Councilman Kent: "I think that's the only thing that's- "

Supervisor Kozakiewicz: "You're moving it as amended?"

Councilman Kent: "Actually, nobody moved it yet, it hasn't been moved yet."

Councilman Densieski: "So we'll change it first."

Councilman Kent: "I just wanted to make that note before- "

Councilman Densieski: "Adopts negative declaration for a special permit petition of William Dries and Anthony Specchio. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded. Thank you, Chris."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Yes, with the amendment."

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

Supervisor Kozakiewicz: "Yes, as amended."

Barbara Grattan: "The resolution is adopted."

Resolution #712

Councilman Kent: "Adopts a local law to repeal and replace Chapter 101, Subsection 101.10.1 entitled Parking Standing and Stopping Prohibited of the Riverhead Town Code."

Can I just ask a question on this? This list of annexed properties is all the places that you're not allowed parking, standing and stopping? Is that what- "

Supervisor Kozakiewicz: "Yeah, previously the way the code had- it described them by the names of the buildings and when they changed ownership, the problem was that these areas defined in Chapter 101 were not updated so technically the violations- so now we're doing it with the tax map numbers so that all of these areas that had been previously posted No Stopping- No Parking, Standing and Stopping will now be referenced by a Suffolk County Tax Map Number."

Councilman Kent: "Right. And with the increased fines and all these signs that are being legal, we're going to get some money. So I'll move the resolution."

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 #713

Councilman Densieski: "I'm going to make a motion to table Resolution 713 for some further investigation by personnel. So moved."

Councilman Lull: "So moved- I mean seconded, whatever is necessary."

Barbara Grattan: "Councilman Lull, you're seconding it?"

Councilman Lull: "Sure."

Supervisor Kozakiewicz: "Motion and second to table."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Yes, to table."

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

Supervisor Kozakiewicz: "Yes, for the reasons set forth by Councilman Densieski."

Barbara Grattan: "The resolution is tabled."

Resolution #714

Councilman Lull: "Yes, 713 was tabled. 714 is a resolution establishing a Human Services Advisory Board. This past spring, representatives of some of these human services organizations in town came before the Town Board asking for greater cooperation and coordination between the groups and the town and this resolution is an answer to that request.

There is one change in the resolution. Under the list of people, Louise Stalzer is listed as Peconic Community Church. It shouldn't be Church, it's Council. That was a mistype. The Peconic Community Council. I'll move the resolution with that change."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Cardinale, yes; Densieski."

Councilman Densieski: "I'm going to vote yes and I'm going to ask- and I want to thank Councilman Lull for working on this- and I'm going to ask Councilman Lull if he would be kind enough to read the names of the volunteers so the people know who's helping out the community. Yes."

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

Councilman Lull: "Yes, I will read those names. Gwen Branch is from Alternatives Counseling; Bernadette Gildea, Timothy Hill Children's Ranch; Louise Stalzer from the Peconic Community Council; Robin Berger Gaston from the Riverhead Family Center; August Field from the Cornell Cooperative Extension; Denise Flores from Rural Opportunities; Louise Wilkinson from SNAP; Jean Lum of our Riverhead Grants Coordinator from the town; and myself, as Councilman. Yes."

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

Resolution #715

Councilman Densieski: "Resolution authorizing the Supervisor to execute a change order for the Riverhead Water District Pulaski Street administration building renovations Contract G. 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 #716

Councilman Kent: "This awards the bid for Extension No. 58 to Foxwood Village II as part of the Riverhead Water District. 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 #717

Councilman Densieski: "Authorizes the Town Clerk to advertise for bids on the traffic paint. 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 #718

Councilman Cardinale: "This is an authorization to publish a bid for food. 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 #719

Councilman Densieski: "Authorization to publish a bid for meat. 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 #720

Councilman Cardinale: "This is an authorization to publish a bid for equipment for pollution prevention. 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 #721

Councilman Lull: "Authorization to publish a bid for a four wheel drive dump truck. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'm just trying to see what department this is for."

Supervisor Kozakiewicz: "Highway."

Councilman Densieski: "Highway, yes."

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

Resolution #722

Councilman Densieski: "Approves a voluntary demotion in the water 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 #723

Councilman Cardinale: "Approves a voluntary demotion again in the water department. 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 #724

Councilman Kent: "This is a promotion for Jason Hubbard to Maintenance Mechanic III in the water department. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #725

Councilman Cardinale: "725 is an authorization to publish a bid for coffee snack truck service. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, we had a lot of fun with this bid last year if you guys recall, but this is the policy we adopted so I'm going to vote yes."

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

Councilman Kent: "Well, what I heard is that Ed's got a new best friend and I vote yes."

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

Resolution #726

Councilman Lull: "Appoints recreation aides for the Go Go Girls Title V programs. 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 #727

Councilman Kent: "Appoints Cheryl Berezny as a summer recreation aide to the Riverhead Recreation Department. So moved."

Councilman Lull: "Do I second that one? Sorry. Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #728

Councilman Densieski: "Authorization to retire fixed assets. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "In an effort to hear Councilman Cardinale's comments, I'll vote yes."

Councilman Cardinale: "Yard sale time once again at Jack Hansen's house. This by the- again, this is giving away of town property which I'm always mindful of being careful about. But we now have- the accounting department has recommended that it has no residual value and who am I to argue with Jack.

However, I do point out that Jack has frequent yard sales on Washington Avenue and next week you may see drawers and fabric chairs, gray wood desk- no, I'm only kidding. Yes."

Barbara Grattan: "Does he get permits for that though?"

Councilman Cardinale: "I don't know, you'd have to let me know."

Supervisor Kozakiewicz: "Poor Jack."

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

Barbara Grattan: "We did that already."

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

Councilman Kent: "Well, some of the stuff we're going to be auctioning off is the full 1969 session laws, McKinney's and- "

Supervisor Kozakiewicz: "No. These are going directly to the refuse pile. No auction."

Councilman Kent: "1963 and 1966 local laws of cities, counties and villages. Right up to date stuff. I'll vote yes."

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

Councilman Lull: "I'm not sure about the chairs with no backs. Yes."

Councilman Kent: "They're stools."

Supervisor Kozakiewicz: "That's right. I was going to make mention of the fact that we have a chair without a back which is a rolling stool, so- yes."

Barbara Grattan: "The resolution is adopted."

Resolution #729

Councilman Densieski: "Accepts settlement agreement of former employee. So moved."

Supervisor Kozakiewicz: "Jim?"

Councilman Lull: "I'll second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "This matter we discussed at some length. I have substantial reservations about it, about settling this litigation. I've discussed it with counsel and so has the Board and I can understand the reasoning that may be expressed by members supporting it.

However, my reservations go to this issue. I've sat on the Board for three and a half years now and I've consistently stated that I thought that there are certain positions that were not necessary. In other words, that we could save money by eliminating.

I know that we do not do that by attrition. I have been asking the Personnel Committee each time for the last three and a half years

that we have had a resignation, do we need to reappoint someone to this position or can we let it go by attrition? I'm still waiting for that one that can be let go.

I know that as you do it is virtually impossible to discharge a person under the Civil Service Rules. The hearings and the like are so extensive for malfeasance unless it's extraordinary. I know also that we're not going to do it at budget time because I've sat through three budgets and the process just doesn't make allowances for that.

There are times when this Board has to be in a position to say that even if the person involved, as in this instance, was a very bright and very good employee, that they cannot be precluded from taking necessary action in eliminating an unnecessary position.

My fear is that if someone involved in that situation is permitted to sue and then settle for nuisance or whatever value we call it, that the next Board will be chilled, which is a legal term for less likely, less inclined to take that action again. For that reason I have real reservations about this.

I understand the reasoning that will be expressed by those who support it. It is not unreasonable. It has a great deal to do with the fact that we self-insure the first \$75,000 of all of our litigation. Therefore, anyone who has staying power can put us in a position where we might as well settle it because we're going to spend seventy-five and lose seventy-five in this litigation whether we win it or lose it and why take the risk of an even worse loss.

I understand that reasoning but I am concerned about the chilling effect of settling this. In the balance, and incidentally, I'm also aware the one, two, three of us here, Mark Kwasna, and Vinnie, were all sued personally in this matter. So there's always- you know there certainly is an argument that you're going to settle it for the same amount- net out of the town, and you avoid the potential for the liability personally.

However, I am still concerned about that chilling effect. So in the balance, I am unpersuaded that this should be settled. I understand that it has been recommended for settlement by our counsel, but I am going to in the balance say no to the settlement for the reasons I've indicated."

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

Councilman Kent: "This is a very tough issue. I join with Phil. By voting to settle this case, what you're really saying is that we do not have the ability to control job titles and making determinations of whether those job titles are necessary in our position as Town Board members.

We made, I believe, a good decision in terminating or, excuse me, abolishing the position and we get sued for it. I think we were justified in doing- in abolishing the position and I still feel it was the right decision today.

I sat through three days of deposition. I was deposed for three days on the issue. I believe my responses in reading the transcripts from that deposition were consistent two years later with the decisions we made in 1998.

I'm also going to vote no. I've spoken to counsel about it as late as yesterday. He believes, he tried to convince me that the right thing to do is to settle the case. This is a case- the settlement offer which was recommended by the Magistrate of the Federal Court level, awards greater attorney fees than it does in damages. So the Magistrate is telling you that the attorney representing the plaintiff has got a greater case for being awarded money than the plaintiff himself. Which tells me that we probably should not be giving any money to this plaintiff.

Unfortunately if we did end up taking the case to trial, we're exposed to a much greater risk but I think that risk is worth taking because I don't believe there's a case. I don't believe- I believe the Magistrate is even telling us that the plaintiff doesn't have a case. But we've been advised to accept the settlement offer because we may be exposed to greater attorney's fees.

I think it's a risk worth taking so I'm going to vote no on the settlement and I'm willing and ready to testify at trial, if necessary. So I'll vote no."

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

Councilman Lull: "Prior to the- to doing the resolutions, I think it was Steve Haizlip who saw the heading of this particular resolution and asked if this wasn't a previous employee who had sued the town and collected recently after something like a 10 or 12 year court battle. You know, at sometime or other you've got to shut the door on these things. And I think it's time. I say yes."

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

Supervisor Kozakiewicz: "I understand the comments from those Board members who voted no. This does have a chilling effect and certainly hamstrings us when we deal with personnel. I have heard our counsel recommend this. I've had discussions with the insurance company as well. There is- although we never know what will happen when you roll the dice at a trial, a chance that on one of the causes of action there would be no coverage at all from the insurance company based upon the type of claim that was asserted in this matter.

Understanding that this does put a cap on the exposure to the town and it does put this matter to rest and allows the town to move on, I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #730

Councilman Densieski: "Authorizes the Supervisor to execute an agreement with Power Alternatives, Inc. for the study and formation of a Town of Riverhead municipal electric utility. So moved."

Councilman Lull: "I'll second that."

Councilman Kent: "Just a discussion briefly. It doesn't say it in the resolution but I'm trying to remember. At what cost is this to the town? It's no cost until there's a savings or something. Is that the- "

Supervisor Kozakiewicz: "All the study costs that would be involved here by Power Alternatives would be borne by Power Alternatives even after the creation of the municipal electric utility as well as the other one which would be the municipal gas utility. They would only ask for payment of a fee if the town after receiving successful approval for the utilities, decides to embark upon actually establishing those utilities. So there's no cost to the town."

Councilman Kent: "So this phase- there is actually no potential if we decide not to go forward after they have done the study, there is no liability to us to pay them any fee. Is that correct?"

Supervisor Kozakiewicz: "Not a penny."

Councilman Kent: "Okay. And there's going to be an agreement-

because there is no agreement attached- there is going to be an agreement to that effect?"

Supervisor Kozakiewicz: "Yes, there is."

Councilman Kent: "Okay. All right."

Supervisor Kozakiewicz: "Any other discussion?"

Councilman Densieski: "Yeah, I'd just like to point out that I did do some investigation from some of the references that they supplied and the average savings was about 7% per customer. So at 7%, I think we should investigate it especially since they're paying for it. With that said- yes."

Supervisor Kozakiewicz: "We haven't taken up the vote yet."

Councilman Kent: "It was already moved and seconded."

Supervisor Kozakiewicz: "Okay, all right."

Barbara Grattan: "Densieski, yes."

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

Councilman Cardinale: "I listened to this presentation and I concur with the rest of the Board. I think that this is something the town should do. I am, however, going to abstain on this vote and I guess there's another one after it for the same reason.

The- I don't- the language of the resolution says Resolved that the town authorize the Supervisor to execute an agreement with Power Alternatives for the study and formation of the town electric utility, the form of which agreement shall be approved by the town attorney.

I am uncomfortable not having the agreement. So for that reason, I abstain."

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

Councilman Kent: "As long as I have the opportunity to review the agreement prior execution I don't have a problem and as long as it's not going- and it's clear in the agreement that it's not going to have- the town will have no exposure financially for the creation of the study and we'll have the opportunity to go forward with the

information once we have the study, I'll vote yes."

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

Supervisor Kozakiewicz: "I think this is something that we owe our residents, the chance to look into, what it will do and what Councilman Densieski has already determined from talking to some of the other municipalities that have undertaken this formation of municipal utilities that it does, in fact, result in savings for rate payers with regard to utilities."

My understanding and I do recall the discussion with Power Alternatives when they brought in, that they will do this. There will be costs incurred as part of the feasibility study for the formation of the electric utility as well as the gas utility. They stressed that it would be without risk to the town. That based upon changes in the way the law's established, we don't have to have an infrastructure in place. We can form this utility without the infrastructure. If at that point in time we decide to go forward, then there would be a cost to the town for the studies that were utilized by Power Alternatives understanding that the agreement would not provide for up front costs and those costs would be completely borne by Power Alternatives, Inc. until that time the town decides to go forward with the utility-electric utility in this case. I vote yes. I think it's the proper thing to do."

Barbara Grattan: "The resolution is adopted."

Resolution #731

Councilman Lull: "The follow up to 730. This authorizes the Supervisor to execute an agreement with Power Alternatives, Inc. for the study and formation of a Town of Riverhead municipal gas utility. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, for the same argument, I'm going to vote yes."

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

Councilman Cardinale: "I am for the reasons already indicated going to abstain. It is a very novel and complex area and leaving the approval of the document to the Town Attorney makes me uncomfortable."

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

Councilman Kent: "Same comment, same vote. Yes."

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

Supervisor Kozakiewicz: "Same comment, same vote as with the electric utility. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #732

Councilman Lull: "Authorizes the retention of the law firm of Sinnreich & Safar, LLP in connection with the Supreme Court litigation entitled Kenneth I. Wilpon v. Robert F. Kozakiewicz. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I'm sorry, I meant to ask a question. I was unable to review this at the meeting Monday. I read the agreement. The only thing that bothered me about it was that the hourly rate was at \$200 rather than what we generally charge at \$150. It is my understand that there is no libel or slander or defamation counsel who will do it for the normal 150 that Twomey and Lundberg- is that basically it?

Because my concern is that I do not want to break a pattern that we have established of our counsel receiving 150 for litigation services per hour and I was not at the meeting so I do not know why this counsel was selected at 200 an hour. So not having- not understanding that, I would prefer not to vote for these counsel at that extra price. So I vote no."

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

Councilman Kent: "I believe Dawn advised us that Smith,

Finkelstein would not handle this case. Is that true, Dawn?"

Dawn Thomas: (Inaudible)

Councilman Kent: "I don't believe \$200 an hour is outrageous for litigation counsel. I think the only attorney who does litigation in this town for 150 is me."

Councilman Cardinale: "I think the danger, however, is that we- these are very good firms, Twomey and Smith, Lundberg, do it for us for 150 and if we break the rule we're going to get hit with larger fees from them. That's my concern."

Councilman Kent: "Well, I'm going to vote yes. Again, I don't think \$200 an hour is outrageous for litigation counsel. This is kind of a specialty area. The case involves libel and slanders, slander issues and I think it requires attention by counsel and that his representation would probably be worth \$200 an hour. So I'll vote yes."

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

Supervisor Kozakiewicz: "For apparent reasons, I abstain."

Barbara Grattan: "The resolution is adopted."

Resolution #733

Councilman Densieski: "Authorizes the Supervisor to execute agreement with Riverhead Community Awareness Program, Inc. also known as CAP in connection with the Riverhead Go Girls Program. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #734

Councilman Lull: "Authorizes the Supervisor to execute an agreement with Baumann & Sons Buses, Inc. in connection with the Town of Riverhead Go Girls Program. 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 #735

Councilman Densieski: "Authorizes the Supervisor to execute a survey permit with Islander- I guess that's spelled wrong, I guess- Islander East Pipeline Company in connection with Calverton Enterprise Park. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Cardinale: "Discussion. I was not- again, I did not discuss this on Monday. Could somebody just fill me in as to what it is?"

Councilman Kent: "Yeah. They're just looking for a permit here, Bob, to go on the property and do a survey."

Supervisor Kozakiewicz: "They're just looking for a permit to do a survey to tie in with the proposed gas main that would be coming into- "

Councilman Kent: "We actually got a map and- "

Councilman Cardinale: "They want to survey across our property?"

Councilman Densieski: "To our property, yeah."

Councilman Cardinale: "To our property?"

Supervisor Kozakiewicz: "To our- the proposed- one of the proposed routes that they're going to come in, one will go to Yaphank, one will go to Grumman, our property."

Councilman Cardinale: "No expense to the town?"

Dawn Thomas: "No. And we have a hold harmless on the- "

Councilman Cardinale: "Yeah, I saw that. Okay. Thank you."

Supervisor Kozakiewicz: "Any other discussion? Vote, please."

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

Resolution #736

Councilman Densieski: "Authorizes the submission of an application for \$300,000 for HUD money. Normally a lot of these grants that you get are matching grants, but this one is not. There's no require of a match from the town. 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 #737

Councilman Kent: "Authorizes the Town Clerk to post and publish public notice to consider a proposed local law to amend Riverhead tax bills by creating a separate line on the bill for the Riverhead Charter School. The public hearing will be August 7th at 2:10 in the afternoon. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I've said it before and I'll say it again. I don't think the Town Board should be involved with the dispute between the School and the Charter School but I would like to hear what people say at the public hearing so I'll vote yes."

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

Councilman Cardinale: "Yes, for the same reason."

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

The resolution is adopted."

Resolution #738

Councilman Lull: "Authorizes the Town Clerk to publish and post notice of public hearing for Calverton Enterprises for a gasoline station. So moved."

Councilman Kent: "Seconded. This is the- "

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "-- yeah, this is that station on the corner of 25 and 25A now called Tom's Country Auto Repair or something. It's going to be a gas station and convenience store and continue as an inspection facility also. So I second it."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "Yes. This is calling for a public hearing on the 21st of August at 7:10 to hear all people on the special permit. Yes."

Barbara Grattan: "Resolution is adopted."

Resolution #739

Councilman Densieski: "Authorizes a public hearing and refers to the Planning Board the special permit petition of Fox Hill Golf Resort and Country Inn. 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 #740

Councilman Densieski: "Approves shared parking plan of Tanger Properties LP. So moved."

Councilman Kent: "I'm going to move to table resolution so that we can have the opportunity to invite Tanger and their consultants to come in and perhaps discuss some alternatives to the what I believe would be very tight parking for the movie theater to go into Tanger.

I'm supportive of the movie theater at Tanger but I think the parking is inadequate and we need to discuss with them some options and alternatives to how to provide sufficient parking, adequate parking at this location. So I'll move to table it."

Councilman Cardinale: "Second."

Supervisor Kozakiewicz: "Moved and seconded to table."

Barbara Grattan: "Who seconded, Cardinale?"

Supervisor Kozakiewicz: "Cardinale is the second to table."

The Vote: "Densieski."

Councilman Densieski: "No, I don't want to table because this has been kicking around for probably more than a year. I think if there were other questions, that we had a year to do it. I'm going to vote no to table."

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

Councilman Cardinale: "In regard to the table, of course, we just approved the necessary zone change a week or two ago so now we have to consider these kinds of issues. I think it would be a good idea to table for the following reasons.

That if you look at the Whereas clause, the fourth- the fifth Whereas clause, we indicate that Whereas the code of the town provides the authority for us to reduce the number of parking spaces required for use upon demonstration that the multiple land uses on the site plan demand parking at different times now and although I'm perfectly willing to listen to that possibility that you don't have to have parking both for the movie and for the shopping center, the problem is that the only demonstration I've seen, and correct me if I'm wrong, is from the applicant.

We have no objective analysis of this statement which I read in the report. That the key here is that the prime time for movies is night and the prime time for shopping is the afternoon. I'm not so

sure that's right if you've ever been to Tanger. At certain times of the year, their night is their biggest time. So I really think we should do a little more study and I hope the study proves that we can just approve this because I'd like to do it. But I would ask that it be tabled for further discussion along the lines that I just mentioned."

Barbara Grattan: "So you're voting yes?"

Councilman Cardinale: "Yes, I am."

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

Councilman Kent: "I'm going to vote yes to table. If you look at the resolution itself, it states that the theater as proposed would require 1,167 parking stalls. The theater is proposed to be located right next to Office Max which for that use requires 114 parking stalls. The parking lot which is shared by the movie- proposed movie theater and Office Max has 454 parking spaces and the demand or the need pursuant to our code is 1,281. So there's a shortcoming of 827 spaces. They try to make up for that by sharing parking spaces with Banana Republic which provides 82 spaces and North Tanger II which is 388 spaces. But even with all those combined you only come up with 924 spaces when the demand is 1,281.

I would just like to sit down and discuss with the principals involves whether they're identifying other parking spaces that can be shared, whether they're going to provide parking- sidewalks so that when you're walking from Tanger II over to the movie theater, there's no sidewalk there now, are they proposing a sidewalk? Are they proposing use of the trolley? You are going to have people coming out of the movie theater at 12:00 who might be parked over in Tanger II. That's quite a long walk. I don't know if trolleys are going to continue to be run at that time.

There's just some questions that I think we need to clarify with the applicants. I don't think it's unreasonable to bring them in and go over these. When this was brought up yesterday, I suggested that perhaps we even have them come in but there was not, you know, there wasn't enough notice so I'm just suggesting that we table this, have them come in at the next work session and do what we're supposed to do. Work out some of these problems before we pass the resolution.

So I'm going to vote yes to table."

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

Councilman Lull: "Well, the next- the next Whereas clause does provide the authority for the Town Board to reduce the number of parking spaces and the fact is that this is not- this is not a project that's going to exist the way it looks.

First of all, I have not seen any indication that there is an immediate movie theater company waiting to come and sit at Tanger. As a matter of fact, there are not that many around anymore. But more importantly, I think that to presume that you're going to need the exact number of cars that you list as the- room for the exact number of cars as you list for the outside limit of the retail and also at the same time that you are going to need the outside limit of the number of cars that you're going to be- that you have listed for a movie theater. I mean, in this case, it doesn't make any sense to make the assumption that somebody is not going to make a business decision that makes a little bit more sense. If there was a discussion before when this was brought up, there was a discussion in the work session about the use of the trolley, about the use of different types of transportation, this is not something that I believe we need to worry about. And I'll vote yes."

Councilman Densieski: "That was yes to table?"

Councilman Lull: "That was no to table. Sorry. I vote yes, no to table."

Barbara Grattan: "No to table?"

Councilman Cardinale: "You had to do that."

Barbara Grattan: "No to table."

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

Supervisor Kozakiewicz: "When Jim was going on, I said this was going one way. And then when he said yes, I got a bit confused.

We've had a study. This as pointed out previously has been a subject of not one, not two, I think was three public hearings. We went through a long process as far as the revisiting of the code and adding this change into the code.

During yesterday's discussions, one of the things that came out

is how different towns treat these applications a little bit differently. Some towns use the formula of one stall for four seats. We use the formula of one stall for three seats. If you employed the one stall for three seats based upon what they're proposing- I mean the one stall for four seats, they would need to meet 875 spaces. We do have a study.

The study has been in our possession for quite some time. That was a study done by a professional group, Walter Dunn (phonetic). That company is a recognized traffic analysis company that did the parking analysis for the applicant. They reached conclusions which Councilman Cardinale referred to earlier and I think we have not questioned it until now. I don't believe I've heard any comments that there was something flawed with that study or the way the analysis was conducted.

For those reasons, I would vote no to table based upon that rationale and I would like to not table it at this point in time."

Barbara Grattan: "The no's have it. The resolution is not tabled."

Supervisor Kozakiewicz: "Okay. And I don't believe it's been- I don't think it was ever moved."

Councilman Densieski: "Yes. Yes, it was moved."

Supervisor Kozakiewicz: "I think you were ready to move it and then Chris moved to table."

Barbara Grattan: "Chris moved to table."

Councilman Densieski: "I'll move it, fine."

Supervisor Kozakiewicz: "Okay. Just to be sure."

Councilman Densieski: "Approve shared parking plan of Tanger Properties LP. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Okay. I would like to thank the attorneys on the Board here because they pick up a lot of things that a lay person like myself doesn't. They know about the parking calculations, they know about the studies, and I appreciate all their efforts in being cautious with the town of Riverhead.

But I know what the lay people of Riverhead want and that's a movie theater. And I would like to do my part in helping them get that movie theater. And as far as any sidewalks or anything that might be needed at Tanger, I will guarantee you that Tanger will do it. If they need parking stalls or if they need sidewalks, they'll do it.

And I don't like to go by lot of these stores and see a sea of pavement when you don't really need that many spots for parking. So I would rather see trees and things like that and less parking.

If you go to Hampton Bays theater they have a tiny parking lot, but guess what? Anybody that wants to go to the movie goes. You can do what I do. Drop my wife and kids off at the front door and go park somewhere and walk up. It's good exercise. Okay, I'm going to vote yes."

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

Councilman Cardinale: "A movie theater without adequate parking could be almost as aggravating as no movie theater. The other thing I wanted to mention is Bob might be right that we could use the four stall- three stall per- four seats per stall rather than three but unfortunately if that- we don't or fortunately I mean. If we want to do it that way, we ought to change the code rather than ignore it.

I guess there's two fundamental things I want to say in voting no at this time. One, I do, as we all do, desire a theater as quickly as possible. Two, it comes down to the final Whereas clause where we say that the Town Board may reduce the number of parking spaces required for a use upon demonstration that the multiple uses on the site demand parking at different times. I have seen no demonstration in the report alluded to. Forgetting about the fact that it is not our report, it's the applicant's report, even assuming it to be objective and accurate because of its engineering firm Genesis. They say the following which I- the premise of which I have doubts about. That the peak time for shopping is the afternoon and the peak times for movies is the evening. If they're wrong about that, we're not going to have enough parking and somebody is going to get hit walking- by a car or

something walking.

So that's the one point. The other point is this. That is there was an exigency and Bob and I were joking about this before we came in, see, we really do get along occasionally, the reality is that there's no- that we have no indication that there's a tenant. We're doing all the zone change and the like. There's- and my understanding of the industry is that it's in terrible trouble and there won't be a tenant there. So if we don't have an exigency where we're trying to get somebody in, why don't we do what Chris says and do our job correctly and make sure that the parking is adequate.

So for that reason although as Bob said we may be arguing about something that isn't even going to come to pass, I would prefer not to do it tonight and I vote no."

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

Councilman Kent: "Yes, it's obvious that we're making a decision to grant shared parking plan when we may not even have a development. But I would like to have the opportunity to bring in the applicant, to sit down with him, to discuss not only the parking plan but perhaps the traffic flow patterns that they were proposing.

If anyone is familiar with the site, the very front of this building is on a very narrow road between the storefront and what I call Tiger Salamander park which is this preserve area right across the street from the building. The traffic flow patterns are going to be difficult there. Cars are going to be coming in off of 58. There's no traffic light where the cars will be entering. They will be coming up to the front of the building like Ed says, they'll be dropping their people off. Generally the fathers or the husbands will be pulling down and around the building and making a big circle back out to the parking lot because there's no way to turn around right there in front of the building.

I would- I wanted the opportunity if we are going to have a movie theater there, I'm 100% in favor of a movie theater for the town but I wanted- this is our only opportunity. If we're going to sit down and discuss parking, this was it. We will have an opportunity to discuss site plan but parking was the time when we had him where we wanted him. Where we had the opportunity to say, listen, you don't meet our parking code, we have the right to show some discretion here and lessen your requirements for parking but we want you to do this. Well, now we're foregoing that, we don't have that power anymore. And

we're going to be allowing him to basically come in to us and say this is what he's going to give us.

And the reason I ran for Town Board to begin with a few years ago, was that I wanted to control how developers developed in our town. We're doing it once again. We're saying, developer we're happy that you're coming to our town, do whatever you want, we'll let you do how you want to develop it. We're not going to control the development.

So I'm voting no because this was our opportunity to control the site, control the parking, control the traffic flow and we're giving it up. So I vote no."

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

Councilman Lull: "It's been a long time since we've had a movie theater in town. No movie theater yesterday, no movie theater today. I understand Chris' point. I'm just anxious to move on. I really am. Procrastination is the activity of staying up with yesterday. I'm not- I have no interest in that. I think we should try and stay up with tomorrow. I'll say yes."

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

Supervisor Kozakiewicz: "We've been addressing this situation for at least a year. As pointed out, we've had three different public hearings, we had the traffic analysis that I referred to earlier when we talked about the Dunn- I meant he motion to table. Anybody familiar with the property knows that the main parking field that will be utilized involved office products and I think we all agree that it will be utilized at different times by the movie theater, should they come.

I, you know, echo the comments that the industry is not in great stead right now but the hope is that they will come- this is an existing building. As also pointed out and as was alluded to by the Planning Director, and I understand our code does not have stall for four seats, although other towns have done that. I don't think that's anything that's dependent upon rocket science. When we decided our parking schedule, we wanted to make sure that we had plenty and, you know, I don't think based upon the analysis and we've had this report in hand for a long time and I don't think anyone- I haven't heard any comments to say that the Walter Dunn study is flawed in any way, shape or form. That it's based upon an incorrect analysis.

I think that if there was going to be a problem with parking, Mr. Tanger will make the necessary change or the Tanger organization will make the necessary changes. I think we have a right to exercise discretion. The code allows us to enter into this idea, this ability to buy into if you want to say the proof or demonstration that because of the unique land uses on the site, that there is an ability to do this shared parking plan.

I think we are, in fact, taking our position seriously by looking at that study, analyzing that study, and considering it and making a decision that we feel that there was enough analysis employed and that there is a safe buffer for this to occur.

Based upon those reasons, based upon the fact that we do have the authorization in the code to exercise discretion, I think we should exercise the discretion. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #741

Councilman Kent: "741 is a budget adjustment in the Refuse and Garbage District. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #742

Councilman Lull: "Is a general fund budget adjustment. 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 #743

Councilman Densieski: "Animal shelter donation fund budget adjustment. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "This completes the renovation of the barn building that's been worked on up there for the last year. Right now we have all kinds of things done up there. The one thing we don't have is we have a door that rodents can get through. The new overhead door will allow access by vehicle, by personnel but not by rodents. Yes."

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

Supervisor Kozakiewicz: "For those reasons, yes."

Barbara Grattan: "The resolution is adopted."

Resolution #744

Councilman Lull: "DARE program budget adjustment. So moved."

Supervisor Kozakeiwicz: "Phil?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "744?"

Barbara Grattan: "744."

Supervisor Kozakiewicz: "744."

Councilman Densieski: "Yes, I have to make a comment on this. I'm a big supporter of the DARE program. I want to thank the Chief of

Police and Officer Scott Wicklund for the fine job they do and I'm happy to support this DARE program. Yes."

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

Councilman Cardinale: "Got you off drugs, huh?"

Councilman Densieski: "Yeah."

Councilman Cardinale: "Yes, I vote yes."

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

Resolution #745

Councilman Kent: "Okay, we have a Chapter 96 which authorizes the Town of Riverhead to remove rubbish, debris and the cutting of grass and weeds pursuant to Chapter 96 entitled Trash Rubbish and Refuse Disposal of the Riverhead Town Code. The property is located at 18 Hubbard Avenue in Riverhead. 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 #746

Councilman Kent: "746, I get to do another one. This is another Chapter 96. 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 Town of Riverhead- Riverhead Town code. The property is located at 654 Northville Turnpike. 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 #747

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. And the address is 64 19th Street, Wading River. 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 #748

Councilman Kent: "This 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. The property is located at 888 Old Country Road, Riverhead. 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 #749

Councilman Cardinale: "This is another Chapter 96 at 780 Old Country Road, Riverhead. It does the same thing that the other ones did. 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 #750

Councilman Densieski: "Yeah, this is also another Chapter 96, same thing everyone else said at 1655 Old Country Road in Riverhead. 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 #751

Councilman Kent: "This is another Chapter 96 requiring the removal of rubbish debris and the cutting of grass and weeds on property located at 897 Pond View Road, Riverhead. Is that Leroy Barnes' property?"

Supervisor Kozakiewicz: "It's further up, almost by Southern Parkway."

Councilman Cardinale: "It's not Leroy's house?"

Supervisor Kozakiewicz: "No, it's not."

Councilman Kent: "So moved."

Supervisor Kozakiewicz: "Moved and seconded. Sorry."

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

Resolution #752

Councilman Lull: "A Chapter 96 for the property at 406 Fishel Avenue Ext. 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 #753

Councilman Densieksi: "Changes employment status of Deputy Town Attorney. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I have some difficulty with this. I believe that what we're doing here if I'm not mistaken is we're raising to \$36,400 the salary of Mr. Scott DeSimone and giving him benefits so that- and he's working 20 hours a week, which means that that's a \$60,000 annual salary for full time at 35 hours a week, which means in effect we're paying him as if he's full time and if he's full time, I would prefer- if I was going to do it at all, I would prefer to have him full time. I would also prefer to pay him less than 60 because it would make our Town Attorney's salary look inadequate in comparison thereto. I don't think she's making much more than that."

I was unable- I was not part of the discussion on this Monday because I was out of the area, but I do have that reservation so I'm going to- and I'm going to note one other thing.

Although I hope it is true I'm not sure it is true because I've never seen any evidence that the second Whereas is accurate. Whereas the Town Board's plan in expanding the staff of the Town Attorney's Office has been successful and there has been significant legal expense savings since the Deputy Town Attorney commenced in October of 2000. That may be true but I have no reason to know it to be true. I would abstain, therefore, on this vote."

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

Councilman Kent: "Yeah, we're going from an hourly rate that was proposed yesterday to now an annual salary. We're cutting his hours from 21 to 20 a week and we're giving him full benefits. Oh, I thought it was 21, what was said yesterday."

The proposal I know was higher by the way, Phil, this is coming down off of what was proposed yesterday."

Councilman Cardinale: "I guess my only- my other question is am

I not right, he'll be making close to what our Town Attorney is making?"

Councilman Kent: "He'll be making the same as what- basically the same as what Dawn is making."

Councilman Cardinale: "She's got to be worth- "

Supervisor Kozakiewicz: "If he was full time."

Councilman Kent: "If he was full time. His benefits are not quite as good as Dawn's. Dawn gets tremendous benefits- no. Just working up here with us is benefit enough."

Supervisor Kozakiewicz: "No, I think that's- "

Councilman Cardinale: "I've often said that working with people who you like and who like you makes all the difference."

Councilman Kent: "I do believe we're realizing a cost savings. I do believe Scott's doing a good job. I was surprised today to see that it's now- where we went from the hourly rate where he was paying half of his benefits to an annual rate where he's now going to receive full benefits. I hope it doesn't take away his motivation and I hope he's going to work just as hard and be just as hungry- I don't know if that's a good term to use. But I'll vote yes because I think Scott will be just as hungry. I don't think anything will change. I'll vote yes."

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

Councilman Lull: "Yeah, I'll vote yes."

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

Supervisor Kozakiewicz: "I agree with Chris. Scott has been a tremendous asset with regard to zoning board of appeals matters. He's been attending those hearings on a regular basis. In fact, he's handling a matter that's just a result of- he's handling two other lawsuits that if he were not there, if we didn't have the expanded staff, they would have been sent to outside counsel and certainly the cost would have been a great deal more to the town."

Based upon those reasons and after a discussion about how hungry he is, I know Scott is a pitbull at times on these things so I think

he will continue to be and he's going to result- be a real asset to the town. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Councilman Kent: "I didn't mean that as a negative comment in any way. Actually a young, hungry attorney is good. It's a good thing."

Resolution #754

Councilman Lull: "Changes the hourly rate of Deputy Town Attorney. This is for Sean Michael. So moved. Sean Walter, sorry."

Supervisor Kozakiewicz: "Sean Walter."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I'm also a little worried about Sean because if I correctly accurately ascertain this, he's working 20 hours, right? And if he's working at this hourly rate, he's making 50-ish on an annual- plus he's only getting half of his benefits, so he may feel that we don't like him. And as I said earlier, if you're working with people who you don't think like you, it affects your- it affects your whole outlook toward life.

So I have some reservations about this one, too, but not enough to vote against it because I think he deserves thirty an hour. So I'll vote yes."

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

Councilman Kent: "I felt we were doing the same thing with Scott as we're doing with Sean here except a little higher hourly rate. So I have no problem with Sean getting his \$30.00 an hour. It's what we discussed yesterday and I vote yes."

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

Councilman Lull: "Phil, the basic difference between the two is the experience that Scott has. He has much longer time- "

Councilman Cardinale: "I see."

Councilman Lull: "-- at doing this job. Yes."

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

Supervisor Kozakiewicz: "I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #755

Councilman Kent: "This is a good one. This is- yes, something I've been working on for almost three years. This is the Stotzky Park skateboard complex capital project budget amendment. It calls for the issuance of \$950,000 in serial bonds and \$245,000 in park fees- park and rec fees which will be transferred to this project.

In addition, I want to let it be known that our intention is to service the debt, the \$950,000 serial bond debt, with park and rec fees. So it won't have any impact on the general fund. So I will move this resolution."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I recall two weeks ago or thereabouts, maybe four, we set the budget and I separated myself at that time from this project by saying I don't think we're ready to set the budget because the budget was set at 950 and I knew from the estimates we weren't going to get close to doing the project for that. So I didn't vote for the budget although everybody else did.

I then got an interesting document here from Mr. Kallergeras (phonetic) which indicates that this project was estimated to be completeable for \$820,000 initially. They weren't off by much because when they finally got the project estimates for bids as it were, it was \$1,569,241, so nearly double what they had estimated, which among other things, didn't give me a real warm and fuzzy feeling about getting this project done on time and on budget.

So that disturbed me. Then I had a talk with several members of

the board, notably Kyle Conklin on the Recreation Committee and he pointed out a couple things to me that concern me and these- and they involved the following and that's why I'm going to try and give myself a little more separation by voting against this budget amendment.

One is we have a project that costs are spiraling. I appreciate the Board what they're doing, they're trying to keep it under control by going to 1.2 million when it could be 1.6 but we have to ask ourselves the question, do we want a skatepark that bad? And you know what my answer is. Spiraling cost is a real problem here.

The other problem which was pointed out by Conklin who is a recreation committee member and was pointed out to me by- the cost problem by Harry- "

Councilman Densieski: "Wilkinson."

Councilman Cardinale: "--Wilkinson who is an advocate of the skatepark, is that most skateparks get produced for \$500,000 or thereabouts, the best of them. So how come we're way up there? Well, we're way up there because we have a lot of other things we're doing over there, parking lots and the like.

Which brings me to the next question that Scott- that Conklin discussed with me, Kyle, the proprietary of the location. Because we're going to put it in Stotzky Park, we're going to pay a lot more than we would otherwise. Well, we have a perfectly good park in Calverton. Maybe we should put it there if we put it anywhere.

The third thing is the relative utilization potential. You figure out you can get a soccer field for \$60,000 and a baseball field for \$40,000 or vice versa, and you know how many kids are going to utilize that and you know that we do not have enough fields to get all the Riverhead kids into Little League, you've got to wonder whether this is a good utilization, whether this is good to utilize- relative to other things we could do.

The wisdom of the amended plan we're essentially adopting with this budget is another issue. The- they're trying desperately to bring it down to 1.2 so they're leaving things out and it is my understanding that what we're getting at this point is a flat skatepark. In other words, there ain't- isn't going to be that stuff that the kids like to jump on, all that equipment. We're going to buy that later. That strikes me as being arguably misguided.

The other thing that bothers me is the vulnerability to liability that a skatepark is going to bring the town and the insurance premiums that will follow. And the fact that we will bring in people from other towns individual kids because there's not much in the way of team sports on this, and the potential for a better use of the monies. That bothers me, too.

The other thing that bothers me is I understand, and correct me if I'm wrong any other members of the Board, that we're paying the 950- we're getting a bond for that which we're going to have to service, but we're also going back to the rec fees for another 245 or 250 to do this scaled down 1.2 rather than 1.6 project.

So if we're doing that, I think we just about raided the rec funds. Is there any more money left there? I don't think there is so I don't see how we're going to service- "

Supervisor Kozakiewicz: "There is."

Councilman Cardinale: "How much is there, Bob?"

Councilman Kent: "There's about \$700,000 in there now-- 693."

Councilman Densieski: "The reason we're not draining the- "

Councilman Cardinale: "That's why- wait- go ahead."

Councilman Densieski: "I'm sorry."

Supervisor Kozakiewicz: "We're in the middle of a vote, so let's finish because there was no discussion."

Councilman Cardinale: "Yeah, let me just explain this. Okay, let me just explain what I'm getting at. There's \$700,000 in there because we're borrowing 950. So that means actually we're 250 short. Now, we're taking another- wait a minute, there was 950 in there, right? So instead of going out and getting- and just spending the 950, we decided to do a bond for the 950 project."

Councilman Kent: "Right."

Councilman Cardinale: "Made some sense. But now we can't do the project for 950. We've got to do it for 1.2. So we go back and take the cash for the 250, all right? That leaves 700 in there, \$700,000 which means that we have a \$950,000 bond so we can no longer

do this from the funds we have in there which means no matter which way you cut it, the general funds are going to have to be utilized until the rec funds are reestablished somehow to do this project. Because you didn't have the cash to do it. You had 950 and it's now a 1.2 million dollar project. That bothers me. And I didn't want this to bother me because I voted for this initially because what the heck? You've got to agree with these guys once in a while.

But 820 is not 1.6, is not 1.2. So I'm separating myself from the project and I do so on the advice of Conklin and others who I've spoken to and I vote no."

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

Councilman Kent: "Just to respond to a few of the items Phil raised. First of all, it's not just a skatepark. It's a skatepark and a roller hockey rink. So the two combined facilities, of course, are a greater price. As far as team sports, I don't know what that has to do with it, but the roller rink is definitely team sports because it's to provide for hockey, roller hockey to be played.

As far as servicing the debt, I believe the money that we have on deposit in our special trust fund under Park and Rec fees, earns greater interest than the interest we're going to pay on the money we're borrowing. So it actually makes sense to borrow the money and then service the debt with money we have on deposit because we're actually- we're actually gaining in the interest rates because I think we're going to be borrowing at less than we're receiving."

Councilman Densieski: "Right."

Councilman Kent: "So it does make sense to keep the money on deposit and use it to service the debt. I believe it's semi-annual payments, Jack, is that correct? So the semi-annual payments- how many years are we going out with this? Do you know? Fifteen years. I believe we'll have more than enough rec fees over the next 15 years to pay down the \$950,000 serial bond debt. And the interest is actually in our favor. So the money on deposit will be gaining greater income than the interest we're paying on the money we're borrowing.

So for those reasons I think it's worthwhile. And, also, as far as having it at Stotzky Park, I think the idea of locating this centrally and allowing children to ride their bikes there really provides a great benefit to the people who will be utilizing this

park. Also it will be easily accessible, I believe, by public transportation. Whereas I don't think many kids can ride their bike out to the Grumman site unless you live on Kay Road across the street. So for those reasons I believe the skatepark roller rink project is worth moving forward with.

Also, Mr. Conklin who is a member of the Rec Advisory Committee did not vote against this. This was supported unanimously at the Committee level. And I believe his reasons for coming to you afterwards is because he's looking for us to put more money into the Shoreham Wading River Little League which does service some kids in Riverhead who live within Riverhead town. I believe at some point in the near future which I've been pushing at the Committee level, that we have to put the plan together to develop the Grumman park and at that location we will include soccer fields and baseball fields that can provide diamonds for the Shoreham Wading River Little League and can also provide us with soccer facilities.

And I don't- I've been supporting rec programs. I think we should try to do as much as we can with the rec fees that we collect because I think our residents deserve it, the children in our town deserve it, and this is meeting an age group that has been underserved in our town. Recreation programs to date pretty much the Little League and the soccer programs go up to about age 12, 13. Some of the PAL programs go beyond 13. But we really have not provided much in the way of recreational opportunities for children between the ages of 13 and 18. And I think those children deserve our attention and I think this park will provide them with some facilities that they will utilize heavily.

Other towns around us have built them. They're very well attended by residents of those towns. What we are doing in this park which is a little different than our surrounding towns which might cost a little more up front, is we're constructing it out of steel. A lot of the other parks have constructed them out of wood. The downfall there is they don't last very long. And they are now- a lot of those parks that were originally constructed out of wood are converting to steel at a great expense. So the life span of this park will- is estimated to be the 15 years that we're looking to bond it over so for all those reasons- I mean, any other thing that I didn't touch on, Phil, that you want me to- "

Councilman Cardinale: "No, you did very well."

Councilman Kent: "So for all those reasons I'm voting yes."

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

Councilman Lull: "Stotzky Park is centrally located and Chris makes a very good point. The roller rink is going to mean there will be a lot of team sports, a lot of roller hockey. That will, in fact, be important. But when you have team sports, you will have parents in support and you'll have a lot more cars taking kids to the facility.

However, this provides for a free skating area, it also provides for the skateboard park. Those kids for the most part will be working on their own or in small groups and they will come to the park by themselves. They will come to a park that is located in a place that they can get to. And it makes the most sense to appeal- Chris pointed out the age group, makes the most sense to do it in a central location especially for that group of kids.

And Chris also pointed out the money that's involved, in fact, thank Jack Hansen out there, one point of view, and that is the town has been doing such a good job with its money that our borrowing rate, what it's going to cost us, does not equal what we reap in benefits from the money that we have invested. So that's a very good argument in favor of it and it's also a plus. Yes."

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

Supervisor Kozakiewicz: "We've heard a lot about the skatepark in line rink. We- as pointed out by Chris, the surrounding towns have build them. Not only do they have their children going there, but our children are going there on a regular basis. I have heard it many, many times, there's a lot of Riverhead town young men and women that are going to these facilities outside of town.

We heard some discussion that this is going to spiral and grow out of hand and go just to the point where we can't control it. It's going to become 1.5,, 2.5, 3.5 million. However, there are resolutions that are included hereafter which deal with the question of awarding bids so that we do know the number and the number will be within the amount that's being set forth for this budget.

I echo the comments when we asked what was the opinion of the Rec Committee with respect to these changes after reviewing the most recent round of bids, and unanimously the Rec Committee recommended going forth with this project.

As pointed as well, this is going to involve an in line roller

hockey area with boards and this is a team sport. I agree that there's probably some need to look at providing for baseball fields and other recreational opportunities. However, because there is that need and I think we all admit there's a further recreational need, we shouldn't stop from doing a project that is worthwhile and a recreational need that's been in demand for a while and something that we can address by going forward with this project.

I don't want to separate myself from this project. I am happy to endorse this project. I think it's something that is long overdue. And I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #756

Councilman Lull: "2001 recreational capital improvement project budget adjustment. So moved."

Supervisor Kozakiewicz: "Second?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Well, now we're spending \$25,000 of the remaining 700 that's in there for beach playground equipment. So now we have 675 apparently in there. All right. I think that's a great idea. I suppose for beach playground equipment, I vote yes."

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

Resolution #757

Councilman Densieski: "I'm sorry."

Supervisor Kozakiewicz: "757."

Councilman Densieski: "Awards bid for Stotzky Park skatepark contract No. 1 general construction. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "This is the \$817,000 portion and the \$200,000 to follow. Before voting predictably on this, one, I would suggest that we all speak again to the board because there's a lot of dissenters on the Recreation Board now that we have the project we do.

Two, if we have 675 in the account, I get your point, Chris, if you had 950 and 950 we borrow tax free at a better rate than we get by about a half a point or a point. That works great when you have the same amount. But now when you have 675 to borrow with, to put in the bank at 4%, I'm not sure that's going to produce the necessary interest to pay 3 and 1/2% or 4% on the \$950,000 bond. I'd have to await the analysis of the guru.

Third point, I don't think we should be putting all this money in one basket.

Fourth point, Stotzky is a better location. The only problem is that I'm point out is that it's going to cost us three or \$400,00 more to build it at Stotzky because of the difficulties with that site, the fact- the things we have to do around it and that gives me pause.

It doesn't have to spiral out of cost, this project, it already has. And as the late Senator Everett Dirkson said, a million two here may be a million five. I bet by the time we're done, because we don't even have the equipment for the skatepark. Four million more on the theater, \$3.2 million for the senior center, \$1.6 million for the municipal garage. Million here, a million there, pretty soon you're talking real money. I vote no."

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

Councilman Kent: "I'm going to vote yes. The reason the math works is because over the next 15 years while we're paying off the debt, we're going to continue to collect fees. Every time there's a subdivision put in- "

Councilman Cardinale: "Sure, that's new money."

Councilman Kent: "Yes."

Councilman Cardinale: "So you're spending money you don't have

is my point."

Councilman Kent: "That's correct. And you know what? When you buy a house you spend money you don't have."

Councilman Cardinale: "But we're not buying a house."

Councilman Kent: "We're putting down \$250,000 on a \$1.2 million dollar project. That's a pretty good down payment and we have in the bank \$690- roughly \$693,000. It makes sense to do it this way because every time you take in money, you'll pay down the debt, semi-annually. You'll be collecting more in interest than you're paying in interest. It makes sense to me. I don't know that seems to not make sense to you, Phil. I mean, in addition, we should be studying- further studying, and I think we should go forward with this and I think we talked about it at the master plan meeting, we should be looking at all our recreational needs. I think we should sit down as a board. We should make it a priority that we analyze the recreational needs for the next 30 years and come up with an idea of how much money we need to spend and then we can justify maybe raising the per lot rec fee to \$5,000. And then all of these farm field developments that are bringing in 100 homes, will be collecting \$500,000 in rec fees.

So I think we need to do some work. Yes, more work needs to be done. I think we should start looking at that- at the potential for increasing the rec fees, determining how much we need in monies to develop the recreational facilities that we need. I don't think that we should stop development. I think that we should continue to develop recreational facilities but we should develop the ways that we're going to pay for it and I'm willing to come up with a plan and I hope it's going to be part of the master plan because I brought it up the other night when we were discussing it.

So I'll vote yes on awarding this bid."

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

Resolution #758

Councilman Kent: "It's going to happen again."

Councilman Densieski: "Awards bid for Stotzky Park skatepark contract No. 2 for electrical. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "No, for the same reasons. Where's the other \$200,000? We just- we've got 817 and 179."

Councilman Kent: "Contingencies."

Councilman Cardinale: "So we're \$200,000 for contingencies?"

Councilman Kent: "No. I don't know. I don't know."

Councilman Densieski: "That was over \$100,000 contingencies. Yes."

Councilman Cardinale: "So the other \$200,000 is kind of a slush fund? Okay. I'm going to vote no anyway."

Councilman Densieski: "So we don't overrun the project."

Councilman Cardinale: "Well, I thought we were never going to overrun it."

Councilman Densieski: "Well we are trying not to."

Councilman Cardinale: "We all want to go home."

Supervisor Kozakiewicz: "Vote, vote."

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

Councilman Kent: "I'm going to vote yes."

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

Supervisor Kozakiewicz: "Let's move forward. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #759

Barbara Grattan: "Resolution 759, pay bills."

Councilman Lull: "So moved."

Councilman Kent: "Do we have any money to pay the bills?"

Supervisor Kozakiewicz: "Is there a second?"

Councilman Densieski: "No, Phil doesn't want to pay them."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Cardinale: "Yes, seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #760

Councilman Kent: "Is this the one authorizing the Town Clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead?"

Supervisor Kozakiewicz: "Two parcels."

Councilman Kent: "Parcels owned by Benny Gatz on Sound Avenue in Riverhead."

Councilman Cardinale: "Seconded."

Councilman Kent: "Is that the resolution?"

Councilman Cardinale: "That's it."

Councilman Kent: "I'll move it."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #761

Councilman Kent: "Which one is going to be 761, the Headriver or the- "

Supervisor Kozakiewicz: "Headriver."

Councilman Kent: "Town Attorney to commence litigation."

Supervisor Kozakiewicz: "Headriver."

Barbara Grattan: "Headriver."

Councilman Kent: "I'll move this one. Accepts the FEIS of Headriver LLC, subject to additional submissions due from the applicant. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "Who seconded it?"

Supervisor Kozakiewicz: "Lull."

The Vote: "Densieski, yes."

Councilman Densieski: "As of lately we're told by our consultant that this is not ready to accept but apparently there's (inaudible) accepted subject to additional information. I don't know if it's wise to do it this way or not but I will vote yes."

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

Councilman Cardinale: "I think the purpose of this, which I will also vote yes on, is to make clear to the applicant that we accept it subject to additional information which, hopefully, we'll get. And if we don't, the acceptance is conditional anyway. So I vote yes."

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

Councilman Kent: "Right. I believe the applicant asked us to make a policy decision and they wanted to hear it directly from the Board. By this resolution they are hearing our policy decision and I vote yes."

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

Supervisor Kozakiewicz: "All the reasons discussed, what this

does is it finally sets the parameters, the policy statement from the Town Board and this is the result of many, many, many discussions and I think it will result in a conclusion. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #762

Councilman Lull: "762?"

Councilman Kent: "She compromised."

Barbara Grattan: "I don't have it."

Councilman Lull: "762 authorizes the Town Attorney- here it is right here- extra copies that Joe made up."

Councilman Kent: "One more."

Councilman Lull: "Authorizes the Town Attorney to commence litigation."

Councilman Cardinale: "Against WRIV."

Councilman Kent: "Against WRIV."

Councilman Lull: "To enforce the town code."

Councilman Kent: "It's against the property at 48 Millbrook Lane also known as 53 Millbrook Lane, that's the problem, and owned-property owned by Emma Jennings, et al."

Supervisor Kozakiewicz: "Moved? Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "Who seconded it?"

Councilman Densieski: "Phil."

Supervisor Kozakiewicz: "Moved by Lull, seconded by Cardinale."

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

Councilman Kent: "I'm going to have to abstain. I mean I think I represented somebody who might have owned that property at one time."

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

Supervisor Kozakiewicz: "And motion to adjourn?"

Councilman Cardinale: "Motion to adjourn."

Councilman Densieski: "Before we adjourn, I just want to say that Tiny Tim needs a new crutch, Phil. How are you going to vote?"

Councilman Cardinale: "Tiny Tim needs a new crutch?"

Supervisor Kozakiewicz: "Adjourned."

Councilman Cardinale: "He'll have to prove it to my satisfaction."

Meeting adjourned: 6:50 p.m.

*Barbara Nathan
Town Clerk*