

Minutes of a Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York on Tuesday, August 1, 2000 at 7:00 p.m.

Present:

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

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Kozakiewicz called the meeting to order at 7:00 p.m.

Supervisor Kozakiewicz: "I'd like to call this meeting to order and, Mr. Danowski, if you'd lead us in the first-- I mean in the Pledge of Allegiance- I was going to say the first- "

(The Pledge of Allegiance was recited led by Peter Danowski.)

Supervisor Kozakiewicz: "Before we go down below for tonight's presentation, I do want to make a brief comment. We were unfortunately saddened here in the Town of Riverhead- saddened by the loss of one of our Town Justices, Henry Saxtein. I think just about everybody knew Henry- the Town Justice. We are sending our condolences and all of our prayers out to the Saxtein family and at this point if anyone and all of you would join me in just a moment of silence for Henry, I'd be most appreciative. Thank you."

At this point, I'd like the Board to join me down below. We have some people here who are here for National Night Out. If all of you would please come up front and join the Town Board.

Barbara, you don't need the mike, right?

Madam Clerk, Reports, please. Oh, that's right, I'm sorry, I'm jumping the gun here. Let's take a step back and do we have a motion to approve the minutes of the July 18th Town Board meeting?"

Councilman Densieski: "Motion to approve the minutes. So

moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "Reports, please."

REPORTS:

Town Clerk	Monthly report for July, total collected \$10,872.56
Juvenile Aid Bureau	Monthly report for June, 2000
Sewer Department	Discharge monitoring report for June, 2000
Recreation Department	Monthly report for June, total collected \$52,187.06

Barbara Grattan: "That concludes Reports."

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

APPLICATIONS:

Shows & Exhibition Permit	Darkside Productions, Inc. - September 29 to October 31, Haunted House - 12 noon - 12 midnight
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Councilman Densieski: "Can't hear you, Barbara."

Supervisor Kozakiewicz: "Can't hear?"

Shows & Exhibition Permit	Green Island Distributors -
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Barbara Grattan: "How's that? Better?"

Supervisor Kozakiewicz: "Still not working? Okay."

Shows & Exhibition Permit	Green Island Distributors, Inc. September 14, 2000 7:30 a.m. to 5:30 p.m. - Open House Expo
Shows & Exhibition Permit	Applebee's Neighborhood Grill September 11, 5 p.m. to 9 p.m. Tent installed
Shows & Exhibition Permit	Rosewood, Inc.-Enterprise Park, Route 25, Calverton horse show
Parade Permit	Riverhead Fire Department August 26 from 10 a.m. to 6 p.m.
Parade Permit	Block party in Wading River August 5, 2000 - 11:30 to 12 midnight

Barbara Grattan: "That concludes Applications."

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

CORRESPONDENCE:

Petition	13 names requesting a no park- ing zone on the east side of Dogwood Road
Robert Ross	Thanking the Town Board for the honor and privilege to perform at the Blues Festival
Steve Haizlip	Re complaints by fuel truck tanker trailer - right turn at Edwards Avenue North-Riley Avenue turning east

Barbara Grattan: "That concludes Correspondence."

Supervisor Kozakiewicz: "Any Committee reports?"

Councilman Densieski: "It's not really a Recreation Committee

report, but in the line of recreation is a new group of volunteers and the name of the group is Out and About Downtown which is sponsored basically by the BID and they're looking for various volunteers for entertainment. What that group is going to do is provide entertainment downtown Main Street at various points and if there's anybody that's willing to volunteer a little bit of time for music or juggling, any kind of entertainment, you can call Vicki at the BID at 727-0048 or you can call myself. Thank you."

Councilman Kent: "Just one thing I think we should mention. Ed and I are both involved in it on the Rec Committee. We continue to try to develop in that Committee the skate park and roller rink at Stotzky Park and we're in now to the sixth revised drawing and we're still going forward with that. So, I think the meeting- the next meeting of the Rec Committee is a week from Monday and we will be looking at those plans one more time and if not acceptable, we'll ask for further revisions, but we're working towards having a skate park and roller rink at Stotzky Park. So we're going to continue with those efforts. So that's what I have to report from the Rec Committee."

Supervisor Kozakiewicz: "I was going to ask Councilman Cardinale if there's something we should know about the Cablevision Committee."

Councilman Cardinale: "Well, actually, it's interesting that they're not here because as I think you know, Bob, we requested and received an additional Cablevision channel here in Riverhead. We're going to have a new station as well as Channel 70 which is public access. They're going - we have another station, 71 now, starting September 15th, which is going to be government and educational. So we'll be able to have another 24 hours of programing."

Councilman Kent: "Strange mix."

Councilman Densieski: "Do those two actually go hand in hand?"

Councilman Cardinale: "And that in theory go together, government and educational. I guess they have the similarity in that both can be excruciatingly boring. But I am somewhat nonplussed by their absence today. I haven't screamed at them lately; we haven't even had a contract negotiation lately, so it's not attributable to that. I think that's what Bob was wondering. They just didn't show up. But I'll find out why. And they'll pay."

Supervisor Kozakiewicz: "Thank you. At this point in time, I'd like to- the time of 7:20 having arrived, I'd like to call, or open up the first public hearing which is scheduled for this evening."

Public Hearing opened: 7:20 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 August 1, 2000, at 7:05 p.m. regarding the consideration of a local law amending Chapter 108, Section 108-44.11 Permitted Uses, A. Movie Theater."

Supervisor Kozakiewicz: "Very briefly and then I'll open it up for public comment. The public hearing that's scheduled and which was just opened is for the consideration of Business F Manufacturers Overlay District to provide for an additional permitted use, namely, movie theater. This would apply to any and all premises which could or do presently enjoy Business F zoning status. Business F as pointed out is the Manufacturers Overlay District which is found at 108-44 and if there's no further questions, or at this point in time, I'd like to turn it over to the public to respond or to comment on this particular public hearing. Anybody who would like to be heard? Tim Yousik."

Tim Yousik: "Thank you. Tim Yousik, Riverhead Business Improvement District president and also business owner downtown. I have a very simple question about the idea of a movie theater up at Tanger. As the BID president and speaking with the BID board members, we certainly would like to see it downtown instead of up at the Tanger Outlet Mall. But if it needs to be or if the majority of the people in this town do want it up at the mall, that's one thing. I mean, that has to be first. But my question is, how is there a change of zone for something like this to be allowed without going through a SEQRA process?"

And the reason for that question is, the last thing that I would want to see is the Town Board to make a decision to allow this change of zone and the theater to go in up there and we end up in a lawsuit that's costing the taxpayers thousands upon thousands again and still no theater. Nobody wins. So I suppose that my direct question is, how is this process allowed without going through a SEQRA process?"

Supervisor Kozakiewicz: "Clearly the question of SEQRA process has been discussed. I have, in fact, talked to Richard Hanley about this particular issue. Since the Manufacturers Outlet Zoning District Business F requires, I believe it's 20 acres of property. Am I- I'm

looking for Rick for some assistance- I think it's clearly a situation where we will need to classify it as a Type 1 action and then do a SEQRA determination as part of this prior- if we're going to consider this and adopt it, there would have to be a SEQRA resolution prior to it occurring. Correct."

Tim Yousik: "Okay. Secondly, there has to be some sort of a traffic impact study done at this point because, I mean, certainly there isn't a police officer in this town that couldn't tell you around the holidays, it's a nightmare up there. I mean, I, myself, have gone up just to buy a gift certificate, finish up Christmas shopping, and you make your way around that parking lot, it takes you 45 minutes and it's a nightmare. If- and I'm not- it's a little bit of bad blood because I certainly don't want to see a theater up there; I prefer to see it downtown. As the BID president, that's my job to try and protect the business community downtown.

You know, I look at Hampton Bays where they had an IGA that they turned into a small multiplex. I could see that happening in something like the old Woolworth's store. Speaking to two former Supervisors, Mr. Stark and Mr. Villella, you know, they would love to see a change of zone where theaters are only allowed downtown which would put our Community Development Agency in a position to possibly then attract somebody. And as the BID president, that's what I'd like to see. But as a citizen of this town, I am concerned that we just don't end up in a lawsuit if it ends up at Tanger where we end up with, again, thousands of dollars spent of taxpayers money defending ourselves and still no theater. So, I'm not thrilled about it going up at Tanger but if it has to be, then I'd certainly ask the Town Board to at least do it with caution and make sure we don't end up in trouble."

Supervisor Kozakiewicz: "Clearly I don't want to rush headlong into anything and once again find ourselves in court and the project gets stalled. As far as the downtown area and bringing it to Main Street, if it's been zoned, the business zoning downtown permits movie theaters as you probably well know, and we haven't had any proposals to come downtown but if they would, I'm sure this Board would entertain it and visit it through a site plan process and whatever process was necessary."

Tim Yousik: "But how about taking the opportunity to charge somebody like Andrea Lohneiss in the Community Development Agency to go out and find it? I mean, I think the majority of the people in this town are frustrated at this point. They just want a theater.

They really don't care if it's Jamesport or Tanger Mall or somewhere downtown. They want a theater in this town. We all do. But I'd like us not give up hope that we can't have something worthwhile downtown. We've got the aquarium that's dumping thousands of families on the street all day long and it's the best this town has ever looked. But come 5:00 at night, we have no parking problem at all, both parking lots are completely empty. If there was a small multiplex or the theater was up and running for downtown, parking isn't an issue.

Secondly, the last thing I want to discuss. There's been a lot of conversation about a not for profit theater group getting closer and closer to a management agreement with the Suffolk Theater. Again, my concern would be- my hat's off to anybody that's involved in that trying to get this thing off the ground. My concern with that is, is that something that has to go out to RFP so once again we don't end up in a lawsuit before that agreement is signed?"

Supervisor Kozakiewicz: "I am advised, and certainly I have referred to the Town Attorney, if I'm misplaced in my comments to you in respect to the management agreement or the contract with Suffolk Theater Corp., that in light of the fact that it's a unique type of service similar to architectural services, legal services, we are not mandated to RFP it. The issue has come up and certainly this Board will have to if it goes forward with that agreement or whether it decides to take step back and say listen maybe we've re-thought this and an RFP would be the better way to go, that's something they can do. But the answer to your question is no, it's not mandated."

Tim Yousik: "Okay. That was the answer I was looking for. Thank you."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "Thanks, Tim."

Supervisor Kozakiewicz: "Charlie Cetas."

Councilman Cardinale: "While Charlie is coming up here- come on up, Charlie, don't be afraid. I just called Cablevision and learned that they were in Southamton taping the locked door. So they'll be here in about 20 minutes."

Supervisor Kozakiewicz: "The locked door."

Councilman Cardinale: "Yeah, they went to Southamton to tape

the meeting. Of course, the meetings in Riverhead have been for the last, what, 20 years, on Tuesday night and Southampton is another night. But they went there anyway."

Charles Cetas: "Okay, my name is- "

Supervisor Kozakiewicz: "Go ahead, Charlie."

Charles Cetas: "Okay. All right. My name is Charles Cetas. As you know, Vice-President of the North Fork Environmental Council. I'm also a long time Riverhead resident, grew up here and understand the needs and desires of the town as well.

My organization understands the need for a new movie theater in Riverhead is undisputed. The question is where should it be?

A multi-screen movie theater on Main Street in downtown Riverhead would help tremendously in the town's efforts to revitalize the downtown area. It would be a year round attraction. It would bring visitors and locals to the downtown area during the evening and it would be a perfect addition to the other downtown attractions such as a restored Suffolk Theater, a restored Vail-Levitt Music Theater, the East End Arts Council, a new Swezeys Department Store, the new Atlantis Aquarium, the paddle boat, the various other shops and restaurants, and the Peconic River.

There are, we believe, locations on downtown Main Street suitable for a multi-screen movie theater, as Tim Yousik already mentioned. For instance, when Swezeys vacates the Woolworth building, as I'm sure they're planning to do when they build a new store, the Suffolk Theater could be expanded to include that building and a combination of performing arts and multi-screen facility. The now vacant New York State employment building could also be converted to a movie theater. No doubt there are other suitable downtown locations as well. If a movie theater company can be persuaded to convert an old IGA grocery store in downtown Hampton Bays into a multiplex movie theater, then there is no reason why a multi-screen movie theater couldn't be established in downtown Riverhead. And I think Tim is right, it's going to take an act of effort on the part of the town to do that and there was an active effort in Hampton Bays. I think it can be done. It's an accomplishable goal.

The North Fork Environmental Council believes that the revitalization of downtown Riverhead is critical to preserving and improving Rivheread town's community character, economy and image.

The proposed zoning amendment to allow a movie theater at the Tanger Outlet Centers would be in conflict with the town's long standing goals, plans and efforts to revitalize downtown Riverhead. The proposed zoning amendment would also undermine the ongoing Master Plan process and, therefore, the NFEC is opposed to the proposed amendment to the Manufacturers Outlet Center Overlay Zone to add movie theaters as a permitted use and urges the Town Board not to adopt it. And as Tim Yousik stated at the very least, you should do an environmental impact statement on this because of the conflicts with the town's plans and goals. Thank you."

Supervisor Kozakiewicz: "Thank you. Hand up in the back. Is that Ann Miloski? Come on up, Ann."

Ann Miloski: "Is this the one?"

Supervisor Kozakiewicz: "That's the one."

Ann Miloski: "My name is Ann Miloski, Calverton. And I'm of the same opinion of the two gentlemen who just stood up. When we did the zoning for the Tanger Outlet, there was supposed to be an outlet center and all of a sudden now you want to put a movie theater in there and I don't think that's the proper place for the movie theater. I know we need one. Our children would like to go; I would, too. But I don't think that's the proper area.

And if you do entertain that idea, you're going to have a security problem in the area they want to put that theater. And I don't think the taxpayers want to be paying for the police to be running up there at nights when the movie theater is open. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board concerning this proposed amendment to the code? Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. You know, we're up to four administrations now on the theater. The information that I have, Mr. Janoski come in here one night and said we bought the theater because it's been abandoned since '86 and we want to revive it and make a theater for people to go. Well, we got 2.5 million in it now, somewhere in that neighborhood. Now, in the meantime, nothing is happening; it's only talk. And no constructive action has taken place. But the Tanger boys can come in town and start (inaudible) and things look better and better.

As it's been said, there's ample space down here to put a multiplex theater and I think it should be down here and there's plenty of parking.

And, now, my last question. What is your plans if you do get this theater, this multiplex up at Tanger and you approve it? Are you going to abandon this one down here with all the money that's been put into it and just sits there as Janoski's white elephant?"

Supervisor Kozakiewicz: "Well, first and foremost- "

Steve Haizlip: "I'm not being fresh, Bob, I mean--"

Supervisor Kozakiewicz: "No, no, no. First and foremost, the- although there was bonding approved for approximately 2 million dollars-- "

Steve Haizlip: "Okay."

Supervisor Kozakiewicz: "-- we do not have 2 million dollars into the theater. It's a little over 1 million that was expended. That included the acquisition costs of the theater, the marquee and facade improvements, and renovation or work that was done on the roof. So to be exact, first and foremost, it's not 2 million that's been expended to the point where it is today.

This Board, I think, has discussed the Suffolk Theater, or I know we have discussed it a number of times. We have had the architect that was involved a few years ago, (inaudible), in here. We had an organizational meeting with Mr.-- is it (inaudible), of (inaudible), who was the architect for this. He's going back; he's taking a look at what changes that were made in the state codification to make sure that we're up to date as far as the building improvement, and he's going to come back to us with a number to see what it will take to complete it and get that theater open.

Now the thought is to- or at least the concept- one of the concepts is to have it as a performing arts center and, therefore- in conjunction with a movie theater, and, therefore, it would not be competing with the multiplex. They would draw different crowds, different types of people. So, I don't believe that if the Board does go forward with the Tanger proposal as you refer to it, that that would eliminate going forward with the Suffolk Theater. Because it would be two different types of operations. All right?"

Steve Haizlip: "Okay."

Supervisor Kozakizewc: "That's the way I see it. I mean I may have disagreement from the rest of the Board but I think they're- they are different and distinct from one another."

Steve Haizlip: "Okay. I know Joe, I think, paid about \$400,000- "

Supervisor Kozakiewicz: "That's right; that's what he paid."

Steve Haizlip: "To some friend at the Rendezvous- I've been informed, so let's- "

Supervisor Kozakiewicz: "No, I don't think that's true."

Steve Haizlip: "Well, I said I've been informed."

Superviosor Kozakiewicz: "Okay."

Steve Haizlip: "Whether it's true or not- "

Supervisor Kozakiewicz: "No, okay."

Steve Haizlip: "But don't abandon this place. Let's get something out of it."

Supervisor Kozakiewicz: "All right. Thank you. Sal Mastropolo."

Sal Mastropolo: "Sal Mastropolo, Calverton. I'm in favor of the movie theater up at Tanger, okay, if that's the fastest way to get a movie theater in the town. Putting a movie theater at Tanger should not preclude the town from moving forward with a small multiplex on Main Street, okay. If you go down to 112 in Port Jeff and Port Jeff Station, two theaters operate within about three miles apart. They have eight theaters in each and they run their shows like the one theater is 6:30 and 8:30; the other one is 7:30 and 9:30. It makes it very convenient and they're always full. So just, you know, if the town goes forward with a movie theater at Tanger, it should not stop a small multiplex from going in on Main Street because I think you can use both of them and both of them wouldn't sell out."

Supervisor Kozakiewicz: "Thank you for your comment. Anybody else who would like to address the Board?"

(Inaudible discussion among the Board)

Supervisor Kozakiewicz: "I don't think it's relevant. No. Any further comments? Seeing no further- no hands being raised, I would declare this public hearing closed at the time of 7:37. Thank you."

Public Hearing closed: 7:37 p.m.

Public Hearing opened: 7:37 p.m.

Supervisor Kozakiewicz: "Barbara, at this point in time, what I'd like to do is move to the second public hearing and declare the second public hearing open at the time of 7:35- I mean 7:37. I'm sorry. Thanks, Barbara."

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 August 1, 2000 at 7:15 p.m. regarding the consideration of the establishment and operation of an Individualized Residential Alternative (IRA) at 25 Patti Lane, Riverhead."

Supervisor Kozakiewicz: "Okay. Just briefly. This is a public hearing pursuant to the Mental Hygiene, the Padaman Law (phonetic). By letter dated July 10, 2000 received by our office on July 13th, we were informed by ADD that they intended to establish an independent group home living or a group home at 25 Patti Lane. 25 Patti Lane is located off of Roanoke Avenue. There is a drawing depicted out in the hallway and I believe we also will have a drawing set up here. Do we have that set up on the podium yet? Okay. Just so everybody can be familiar with where the proposed location is. I do see a representative from ADD here. Do you wish to come forward and address the Board?"

Don Reib: "My name is Don Reib and I'm the Executive Director of Aid to the Developmentally Disabled. We're a not for profit private organization which (inaudible) right here in Riverhead in 1983. We presently operate 21 community residences on the north and south fork of eastern Long Island. We employ- we're probably one of the largest employers in Riverhead. We employ over 200 people in our organization.

The house we're proposing is on 25 Patti Lane as the Supervisor

has stated and we proposed to put in five developmentally disabled persons in that house. We would provide 24 hour staffing, seven days a week which includes overnight staffing. We would also provide all the support services and rehabilitation services they might need.

During the week, Monday through Friday, they would be going to (inaudible) workshops and day programs leaving approximately 8:30 in the morning and then arriving back sometime around 4:30 in the afternoon.

We've been in Riverhead for 17 years. Our reputation within the east end and in and around the state has been absolutely excellent. If there's any questions with regard to this program, I'll be happy to answer them."

Supervisor Kozakiewicz: "How many individuals will be housed in this particular location?"

Don Reib: "There will be five."

Supervisor Kozakiewicz: "Okay. I wasn't paying attention. I was listening to these guys to the side of me."

Councilman Densieski: "Sorry."

Supervisor Kozakiewicz: "And the location is on the west side of Roanoke Avenue and access would be via Patti Lane?"

Don Reib: "Right. That's that's correct, yes."

Supervisor Kozakiewicz: "Okay. And this is a building that's been constructed already?"

Don Reib: "Yes. It's a four bedroom, two story home and it's in meticulous condition."

Supervisor Kozakiewicz: "Okay."

Councilman Cardinale: "We even have a picture of where it is."

Supervisor Kozakiewicz: "Questions? I'm going to let- Sal Mastropolo had his hand up, let Sal come up and address some comments maybe to the Board and to the applicant."

Sal Mastropolo: "Sal Mastropolo, Calverton. One question."

Who's going to own the property?"

Supervisor Kozakiewicz: "The property will be owned by ADD."

Sal Mastropolo: "Are you sure? I mean- "

Don Reib: "I'm telling- yes, we're a private corporation, not for profit and we will be the owners of the property."

Sal Mastropolo: "Okay, so you will not be leasing it from somebody else?"

Supervisor Kozakiewicz: "Hold it. Just- if there's going to be questions, why don't we put the question out and then what I can do is have Mr. Reib step forward and address your questions in turn because we're not going to pick up the exchange entirely the way it's going. Okay."

Sal Mastropolo: "Okay. My question is, who's going to formally own the property. If it's going to come off the tax rolls, will it be ADD or some real estate company leasing it to ADD?"

Supervisor Kozakiewicz: "Okay."

Don Reib: "The property will be owned by Aid to Developmentally Disabled, ADD, and we'll be mortgaging the property. We generally do that either through Suffolk County National Bank who has done most of the mortgages or through an IDA bond."

Supervisor Kozakiewicz: "Any other questions, Sal? Okay. I have a- okay, George Schmelzer."

George Schmelzer: "Will it be on the tax roll or off the tax roll?"

Supervisor Kozakiewicz: "You need to come up and speak into the microphone. Come on up. Come up. So we catch what your question is."

George Schmelzer: "Will it be tax free? Off the tax roll or on?"

Supervisor Kozakiewicz: "It will be off."

George Schmelzer: "Why?"

Supervisor Kozakiewicz: "Because they are a not for profit 501 C3 organization."

George Schmelzer: "A lot of businesses that have years with no profit either. They still have to pay taxes."

Supervisor Kozakiewicz: "There's a difference between the way they're designated. They are a profit corporation that may not have made money but they do not have a not for profit certificate."

George Schmelzer: "Well, a lot of these not for profit outfits, the executive makes big money but the outfit itself doesn't. But the executives, they do very good. Like the guy who started the cemetery. A cemetery, you're not supposed to make a profit but the executive then makes millions. I wonder if this is the case. Just wondering."

Supervisor Kozakiewicz: "I can only comment on what I would know and that is it's a not for profit corporation."

George Schmelzer: "Well, then you really don't know. How much-- how big (inaudible)-- "

Supervisor Kozakiewicz: "We can ask, if Mr. Rieb would like to come forward, we can ask him how much he would realize as far as each individual residing within this proposed residence, how much money would be paid over to ADD. I think that's a fair question."

George Schmelzer: "I want to know the executives, what pay they get, the big ones, in the outfit. Okay. He can answer that, he should know. Are you afraid to ask him?"

Supervisor Kozakiewicz: "I don't believe it's a relevant question or is it something we can ask them. We can ask what other residences are in the community. We know there's a proposed residence that's proposed by IGHL on Horton Avenue. We also know some of the other locations which ADD must notify us when they send us the letter of intent so we know where those other residences are. Under the Padaman Law, once again, one of the guiding criteria we have is to determine if there is an over-saturation such that we would recommend another site, disapprove this location, or approve this location. So, that's the question not how much money a particular executive within that not for profit is making."

George Schmelzer: "Well, if it's tax free, you should know. That reminds me we had south of the river, several years back, wanted

to make a home for the mentally disabled or whatever it was. A lot of women came to the hearing. I thought it was strange. I found out later, it was their own kids, they don't want to keep them home. Yeah. So, there you go. Tax free also, maybe. Thank you."

Supervisor Kozakiewicz: "Thank you."

George Schmelzer: "I know why you're scared of them (inaudible). More questions, people should have a right to know anything tax free, what's behind it. All right. Thank you."

Supervisor Kozakiewicz: "Thank you. I would- Sid Bail."

Sid Bail: "Sid Bail, President of the Wading River Civic Association. Has the Town Board ever disapproved of an IGHL- rather a-- "

Supervisor Kozakiewicz: "In its history?"

Sid Bail: "Yes."

Supervisor Kozakiewicz: "I believe there was a proposal on Hilton Court, Aquebogue, where the town, in fact, did oppose the application upon the concept that there was over-saturation."

Sid Bail: "Over-saturation."

Supervisor Kozakiewicz: "And we did not prevail."

Sid Bail: "Right."

Supervisor Kozakiewicz: "That goes back one, two, I think three or four administrations."

Councilman Densieski: "I believe there was a case in Southampton that was also upheld in Court."

Sid Bail: "With the Padaman Law, I understand the reasoning behind it but there are a couple of features that trouble me. Like Mr. Schmelzer, I- the idea of- like no taxes or payment in lieu of taxes I find a little bit troubling. But also the idea of the 40 day period. I have to compliment the Town Board, you guys did better this time."

Supervisor Kozakiewicz: "We've learned; we're learning still."

Sid Bail: "We've got- 23 days and if, the way I understand it, if a community can come up with a better location that is acceptable to the applicant which is ADD or IGHL or whoever- "

Supervisor Kozakiewicz: "Or whoever else."

Sid Bail: "Right. Then it might be a more amiable relationship or the basis of a more amiable relationship. But by the time you're notified, by the time it's posted, the 40 day period, this is good. Right. Now we've got like 20 days, right?"

Supervisor Kozakiewicz: "Right."

Sid Bail: "My question is to Mr. Rieb. If the waiting period was 80 days, would that represent an insurmountable problem to your organization?"

Don Rieb: "No (inaudible)."

Supervisor Kozakiewicz: "Don, Don, you know, just again. If we can, I know you're going to have some questions. Do you want to address a couple of them in a row?"

Sid Bail: "My question is like, for instance, Supervisor Grucci in Brookhaven has made a series of recommendations for changing the Padaman Law. I realize this is not within the Town's prerogative but one of them besides putting the homes on the tax roll, was an 80 day waiting period and this would be more realistic- "

Supervisor Kozakiewicz: "Or an 80 day notification period?"

Sid Bail: "Eighty day, excuse me, 80 day notification period."

Supervisor Kozakiewicz: "Okay."

Sid Bail: "Would- is there any feeling on the Town Board about something like this?"

Supervisor Kozakiewicz: "I can state from what we've experienced here with the two applications that have come in, that a 40 day time period is a tight time period in light of the fact that generally this is received. At some point between a Town Board meeting, before we can call it for the next Town Board meeting, we have another two weeks or longer before that public hearing is held, so it would be something- certainly a longer time period would be something the Town-

or at least I know I can speak for myself- I would not be opposed to. Because it would give us adequate time to prepare for the comments from the public; it would give us a chance to make sure we've examined other sites with the applicant. It gives a little bit more of an opportunity to explore those alternatives spelled out in the Padaman Law and makes the process maybe a little more meaningful. So I would not be opposed to the idea and if that's where Mr. Grucci- Supervisor Grucci is going with recommendations to the state, perhaps we should get all the Supervisors to get recommendation to our State representatives."

Sid Bail: "I will send you a copy of that."

Supervisor Kozakiewicz: "That would be fine. Thank you, Sid."

Sid Bail: "Thank you."

Supervisor Kozakiewicz: "And I think there was a question to Mr. Reib whether that 80 day period imposes a large problem upon the applicants in this case and I know you started to respond but, you know, you were seated, so."

Don Reib: "I think it would be very difficult to- for anyone to change the Padaman Law with regards to extending it from a 40 to a 60 day to an 80. I think whatever the law is, if it's 60 days, we would deal with 60 days and if, you know, it's- irregardless of what the time period is, is that the Padaman Law is there to protect the rights of the disabled. If we didn't have a Padaman Law, I doubt we would be struggling very different. A lot of families would be on the waiting list for years and years and years to come because communities just would not want to accept them into their community."

So irregardless of what the waiting period is, we would still be protected by law. And also the federal law Law would probably kick in, which is probably tougher than the Padaman Law. And I have a feeling if they got rid of the Padaman Law they would kick in the federal law and then it would be a case of outright discrimination if communities didn't allow these community residents in.

But with regards to the 40 day period, if they want to make it 60 days or whatever, I have no objection to that, you know. You know, putting that aside, we feel comfortable within the law, whether it's the state law or the federal law."

Supervisor Kozakiewicz: "Okay. Anybody else who would like to

address the Board with respect to this proposal by ADD? Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. All these people here briefly, the lawyer and all the representatives is talking about this Payton Law."

Supervisor Kozakiewicz: "Padaman Law."

Steve Haizlip: "Padaman- Payton or Padaman Law. All right. Now, you know what really burns people up, especially me? Now, I'm in my house and I'm non-profit and I've got big taxes on me. Now, the state comes up with these laws. Oh yeah, you can go down there to Riverhead and tell them you want to set up these ADD houses and- but they don't provide any tax incentive. But they sit a guy down and say, now, you tell them that they don't have to pay any taxes, that the other residences will pick up those taxes. You know, it's not fair."

Now, there's 33 and 1/3 per cent of our property off the tax roll. This guy's going to roll it up to 34 so that he don't have to pay any? Now, Sid is talking about Mr. Grucci is going to get this law revised but only to the waiting period but no tax exemption. Well, this year he's reminding me of Texan (inaudible) Falkenberg (phonetic). In 1955 they held a concert a play whatever it was at Belmont Park. Now it was supposed to go to charity. They ended up getting \$80,000. I don't know what went to charity and I don't know how much as George said that these guys, top dogs, are getting. That's all I've got to say."

Councilman Cardinale: "Thanks for sharing."

Supervisor Kozakiewicz: "Barbara Kimmel? Okay. Barbara Kimmel."

Barbara Kimmel: "I'm not here to speak about this but I cannot sit still. I'm Dr. Barbara Kimmel and I teach developmentally disabled students in California and what is going on here is almost outrageous. These students by graduating high school and going into these homes, these ADD homes as you refer to them, which we prefer to say group homes- "

Supervisor Kozakiewicz: "Independent group."

Barbara Kimmel: "Independent living. Correct."

Supervisor Kozakiewicz: "Right."

Barbara Kimmel: "Save the taxpayer millions or they'd be in institutions and they'd cost you a lot more. And then they leave and they go to work every day and they try their very best to be very independent and we work very diligently to get them as normal as possible. And by having them in your community, you are serving those families that had those students and 2% of your community is mentally retarded whether you know it or now. That's a statistic.

I'm sorry. I just had to throw that out. I was getting so hot."

Councilman Densieski: "That's fine."

Supervisor Kozakiewicz: "Your- "

Barbara Kimmel: "Thank you."

Supervisor Kozakiewicz: "Your comments are welcome and by all means. Anybody else who would like to address us with respect to this public hearing? Sal Mastropolo."

Sal Mastropolo: "Sal Mastropolo, Calverton. Just a quick question based on her comments. The five individuals that are going to live in this house, are they from the Town of Riverhead or are they from outside the Town of Riverhead? And is there any kind of requirement that says if you put a group home in Riverhead, that the residents have to be from Riverhead and not from Brookhaven or Southampton or Islip Town?"

Supervisor Kozakiewicz: "Well, I'll answer your last question first because the answer to that is no, there's no requirement that they be from the township where the group homes are proposed. I will then defer to Mr. Reib as far as whether any of these residents presently reside within the township of Riverhead."

Don Rieb: "We have- one of the residents that presently resides in the Town of Riverhead; the other four don't. But, you know, there never should be a criteria. We have the right to move from one area to another and the fact that you're handicapped, you should not be prevented from doing that. You know, they have the same rights as you and I, of life, living and the pursuit of happiness. And, you know, this public hearing, there shouldn't even be a public hearing with regard to a handicapped person moving into a community.

If I was a mom and a dad sitting out there and listening to the public hearing, you'd say, well, you know, we're talking about saturation and my daughter wants to move into this community, I don't know what I would do. You know, I mean Riverhead is a terrific community and it's a- and I think the strength of this community is its diversity. And I can only think that a handicapped person moving into this community can only add to what's right about this community and there's so many things that are right. And I don't think, you know, we should be thinking about keeping certain groups out of Riverhead.

It never should be a question of our fair share or saturation or anything else. You really should be- it's the most (inaudible) in our society is what can we do to bring them into our community? It's- it would only enrich Riverhead. It cannot do anything else other than that."

Supervisor Kozakiewicz: "Following those comments, I think what I would like to do is just read what the law provides as far as the Mental Hygiene Law, Section 41.34 as far as what the scope of this Board is or what our job is as far as this particular application because Mr. Rieb has made it- made a good point, I think. There's a certain assumption about the people who are moving into this proposed residence that they're somehow inferior to the rest of us or somehow don't enjoy the same privileges or rights.

Under the law, after we have receipt of notification from an applicant that there is a proposal to establish an independent group home or independent living arrangement, we have one of three things that we can do. The first is to approve the recommended site. The second is to suggest one or more suitable sites within our jurisdiction- and I stress within our jurisdiction- which could accommodate such a residence. The third choice is to object to the establishment of a facility of the kind described by the sponsoring agency because to do so would result in the concentration of community residential facilities for the mentally retarded, developmentally disabled in the municipality or in the area in proximity to the site selected or a combination of such facilities with other community residences or similar facilities licensed by other agencies of the state- and this is the key wording- such that the nature and character of the areas within the municipality would be substantially altered. That's what our job is as the Town Board. That's what the Padaman Law or the Mental Hygiene Law provides we can do.

We've talked about the time period tonight and we've talked about

a lot of other things. But clearly the question is whether this results in an over-saturation as Mr. Reib has pointed out. That's what our focus should be. Not on other extraneous matters. And, hopefully, that helps clarify it a little bit.

The law is available for anybody to review. It's found in the Mental Hygiene Law and as I indicated it's Section 41.34, the Padaman Law. Hopefully, that brings a little bit more clarity to it and maybe we should have stated that at the outset, that's what our job is. But, that's the choices we have and- "

Councilman Cardinale: "Bob, do they define over-saturation in the statute?"

Supervisor Kozakiewicz: "They- the only standard is the question of whether it will result in a substantial alteration to the nature and character of the areas within the municipality. They do not define it further."

Councilman Kent: "That clause or phrase is defined by case law though."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "And there are some cases where a community has denied it and been upheld in their denial but they are very few and you'd have to go to, you know, to the case citations at the back of McKinney's in that specific chapter."

Councilman Cardinale: "But there's no definitional section. It's just the phrase."

Councilman Kent: "No. There's no definitional section but there are some cites where that phrase has been interpreted by the court."

Councilman Cardinale: "Right. Thank you."

Supervisor Kozakiewicz: "You had a chance, George. I'm going to call the gentleman in the back. And then yourself next."

Frank Nicolosi: "Thank you. Frank Nicolosi. Question. Non-extraneous question having to do with the issue of numbers. The point was made by Mr. Reib that there were five residents of the building and it was made known by Mr. Reib that there were four bedrooms.

Could he address that, please?"

Supervisor Kozakiewicz: "Certainly."

Don Reib: "That's correct. There's five disabled persons moving in there; there's four bedrooms and one of the bedrooms- we're covered by state code and that the bedrooms have to be so many square feet. And one of the bedrooms will be a two person bedroom."

Supervisor Kozakiewicz: "You wish to- George Schmelzer?"

George Schmelzer: "I've heard it said often that Riverhead School District is overloaded with special education costs, costs several times as much as ordinary. Will this make it still more?"

Supervisor Kozakiewicz: "These are individuals who are older; they're adults."

Councilman Kent: "Adults."

George Schmelzer: "Oh, beyond school."

Supervisor Kozakiewicz: "Right."

George Schmelzer: "Okay. They can even- they couldn't hold public office (inaudible)."

Supervisor Kozakiewicz: "Thank you, George."

George Schmelzer: "Okay, you're welcome."

Supervisor Kozakiewicz: "I'm not even going to go down the road on that one. Anybody else who would like to address us with regard to the public hearing? Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. I just want a rebuttal to Mr. Reeves."

Supervisor Kozakiewicz: "Reib."

Steve Haizlip: "I don't think anybody got up and said anything discriminatory or derogatory about the type of individuals that live in there. They are only concerned with the house and the tax business. And I want that understood."

Supervisor Kozakiewicz: "Thank you. Anybody else? If not, the time of 8:03 having arrived. I declare the public hearing closed."

Councilman Kent: "Bob, I think you should- you might want to leave this one open at least for written comment for a few days in case anybody wants to submit a written comment."

Supervisor Kozakiewicz: "What's the pleasure of the Board? Two weeks? Or- "

Councilman Kent: "Well it has to be within the 40 day period so I would say- "

Supervisor Kozakiewicz: "Right. I don't wait too long."

Councilman Lull: "Next Monday."

Supervisor Kozakiewicz: "Revisit that. We'll leave it open for written comment until next Monday which would be August 7th, close of business on August 7th, 2000."

Public Hearing left open for written comment

Supervisor Kozakiewicz: "Ready for number three? All right. Sure. The time of 8:04 having arrived, I declare open the last public hearing."

Public Hearing opened: 8:04 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 August 1, 2000, at 7:20 p.m. regarding the consideration of a Local Law amending Chapter 108-14 Park and Playground Sites, Section 108-146 Condominium Map approval, Section 108-133 Conditions for approval."

Supervisor Kozakiewicz: "This is a do over from last public hearing. We had a public hearing which dealt with modification of the recreation fees that are paid by those who do subdivisions, developers and sponsors of various projects through the town to increase the current per lot recreation fee amount of \$2,000- in that case it was to \$3,000. Subsequent or in between that public hearing there was some additional comment from our Recreation Advisory Committee and

some other individuals within the town and we had a public hearing on, which is today's public hearing, to increase the amount of \$5,000 per lot for rec fees.

So simply put, the proposal is to change the current way we assess recreation fees for subdivision approvals from- and also condominium maps- from \$2,000 to \$5,000.

Would anybody like to address the Board? Peter Danowski. You can get- "

Councilman Kent: "Does this include mobile home communities?"

Supervisor Kozakiewicz: "No."

Councilman Densieski: "Probably should."

Supervisor Kozakiewicz: "Oh, you want to- there we go, okay, thank you, Peter. We want to make sure we can see you."

Peter Danowski: "I want to see Mr. Kent."

Councilman Kent: "I didn't really want to see you."

Peter Danowski: "I guess my original inquiry-- over the years, my understanding or reading of the state statute which enabled to towns to create legislation to collect these fees was the town was required to put these in a trust fund for the purpose of spending them for recreational purposes.

Can anyone tell the audience today how much money we have in the till that has been collected as a result of these recreation fees?"

Supervisor Kozakiewicz: "What we presently have as far as the rec fees in this trust fund?"

Peter Danowski: "Right."

Supervisor Kozakiewicz: "It's- "

Peter Danowski: "Ballpark numbers."

Supervisor Kozakiewicz: "About 600- \$600,000 I believe."

Councilman Kent: "\$600,000. I think Jack Hansen probably could

answer that."

Supervisor Kozakiewicz: "I know it's approximately \$600,000."

Peter Danowski: "Well, I've always been concerned as to the fact that they are, in fact, in the trust fund and they've always been spent for the right purpose. Having had an answer to that inquiry, my next question really concerns itself with the fact that many times we hear almost every young person in town say it's getting too expensive to live in the town and we have taxes going up, I understand that. This is a way in which a builder of a house ends up passing the cost on to the person who's going to buy it. The developer is not going to just swallow the funds and not pass it on. So when this Board and the public hear a public hearing to raise funds at first it may seem, well, the developer is getting socked so who cares? But really it's going to get passed on to the person who ends up buying the home.

Either that or the product, the house, is going to be cheapened to the extent of \$5,000. So I don't think it's something we should just quickly say, oh, here's a way to add some monies to this trust fund. Certainly I'm in favor of building up the park areas. I'd love to see the beach areas improved. I think there are ways to raise taxes, to spend funds, and be accountable for collecting those taxes. But to just add it on as an increase to these park and rec fees, I don't think is necessarily fair.

Additionally, what's really bothersome is that there are applications pending before either the Town Board or the Planning Board that have been in the pipeline for some period of time. And certainly clients of mine and clients of other attorneys who have filed applications knowing there's a \$2,000 park and rec fee and waiting sometimes months and sometimes years to get approved, to find out that possibly shortly before they are approved you're going to more than double these fees, I think is unfair I suggest it will lead to litigation.

It would certainly be my recommendation that no matter what you do with this proposed legislation, that you make the application prospective only. That you have it applied to new applications and not apply to applications that have been in the process of being reviewed by the Town. And I do think over the years, various Town Boards have taken that issue under consideration.

So I'm certainly opposed to your raising these fees. I certainly think it's of no benefit to people who want to buy houses in the town

and I think if you want to raise taxes to have the courage to go forward with a budget at the end of the year and raise taxes. I'm not against paying more taxes if you are going to improve our park areas. The question is how do you raise them?

And I always think every time I cross a bridge or a tunnel in the City and I'm slowed down in traffic, that wouldn't it be nicer if there were no fees being collected as you cross these places and it would certainly smooth up traffic. Thank you."

Councilman Cardinale: "Pete, two questions. One, are your comments- are you representing anybody in making the comments?"

Peter Danowski: "I'm just making a general comment for all of my clients- "

Councilman Cardinale: "Okay."

Peter Danowski: "No one would be in favor of this."

Councilman Cardinale: "All right. Are they personally or are they professionally made? That's my question. Are you representing a client?"

Peter Danowski: "I'm doing it both ways. Certainly I'm doing it- "

Councilman Cardinale: "Okay."

Peter Danowski: "-- on behalf of clients and I'm doing it personally, too. If you want to raise my taxes as a taxpayer in the town, then certainly raise it."

Councilman Cardinale: "Okay."

Peter Danowski: "Put it in the budget, raise my taxes; I'm willing to pay it. I really do think the park areas are needed. I definitely think the beach areas need to be cleaned up. In some ways they are a disgrace. I understand you have made your attempts and there are all kinds of bureaucracy slowing things down, but I really am against this both personally and representing clients."

Councilman Cardinale: "Second question. In regard to your professional, you know, comments. It is my understanding only because I've been told this, I think by you, and by other attorneys

representing developers, and I'd like your comment on this because I know the Town Attorney is doing some work on it, that even were we, in your view foolish enough to triple this fee as a method basically of getting more in the trust fund to do the recreational projects as opposed to just raising the tax rate, that we can't do that as a matter of law because this fee- it's not designed- it's not supposed to be a tax, it's supposed to be an offset for the recreational needs of the town and, therefore, there has to be a connection or nexus between the amounts collected and the need that is being addressed by collecting those amounts.

Can- I know you've expressed this before, can you elaborate on that?"

Peter Danowski: "Well, I think we only don't just limit ourselves to park and rec fees. For those people who are in the audience that are unaware of what happens to a developer, we also have engineering review fees and I say this with regard to both, and I think it's also an open inquiry that (inaudible) responds to, what's happened to all the engineering fees that have been collected over the years and where did they go? Or did they go back just to reimburse the engineering costs? Did they go back just to the Planning Department which I'd like them to go back to because they certainly need some help.

But on both of those issues, you're correct in what you say. That, in fact, the purpose of these if they're not to be labeled a tax, has to be to have a well planned idea of reimbursement for expenses reasonably incurred. If, in fact, you've got a budget in the Recreation Department and you've got plans that are very specific and you want to tie plans to fees to be collected, that would be a better way to go.

As you know and you certainly represented clients in the development area, when you go before a Planning Board as an example, the Planning Board has to make a decision and they have to make a rational decision laying some reasons on the record as to why a developer should or should not provide a park and playground on site if that's what's deemed necessary as opposed to just kicking in money to a fund. And the town has a right and the Planning Board certainly has a right to consider it, there's enabling legislation. But to keep collecting money without a plan, without a purpose and without also considering whether a particular project, a park and playground should exist on site, I think would be improper.

So you should be telling the public what your plan is and how specifically it relates to something that's already in writing that the public could look at."

Councilman Densieski: "Pete, I'd just like to make a comment about that. As Chris mentioned earlier, we did get a copy of the plan for Stotzky Park, which is the skate park, the roller blade park and some parking stalls and landscaping and if we go- if the Town Board votes to go ahead with that, that \$600,000 is going to be about zero. It's going to wipe that whole fund out. And I disagree to a certain point. I don't think the entire burden of recreation should fall on the taxpayers' back."

Peter Danowski: "Okay. And I appreciate that. I do think that you should spend the money, make your decisions. If it's good for the kids, spend the money. If you've got it, spend it, just don't bankroll it. And certainly I'm hoping money is kept for park and rec purposes. (Inaudible)."

Supervisor Kozakiewicz: "It's for capital improvements."

Councilman Kent: "Regardless of the price, regardless of how much we decide to increase it by- "

Peter Danowski: "Or not increase it at all."

Councilman Kent: "-- or not increase it at all, I think someone coming into our town and buying a house in our town, should be willing to pay to invest to improve the capital improvements to recreational facilities and I think it would only enhance the value of every home in the town, including those who are buying new to our community. So if we had better recreational facilities, I think that would enhance the property values of every homeowner in our town."

Councilman Cardinale: "Yeah, but what- "

Peter Danowski: "I guess the question comes back, Chris, and I don't mean to interrupt Phil but I want to get on that point. The question is the alternate way to do this would be to place it in the budget and collect it from everyone including myself who's not buying a house and make that house more affordable for a young person who doesn't have to necessarily bankroll the whole cost."

Councilman Cardinale: "Here's what I'm troubled by and struggling with and maybe somebody here can help me. If I- if this is

a fee comparable to an engineering fee, where the fee has to be related to and connected with the amount of work that needs to be done for the developer, then how can we place an unreasonable or unproportional burden on the new homeowner to pay for recreation facilities that will be utilized by all homeowners? That's what strikes me as unfair in this approach. That the new homeowner, the last guy in gets hit much harder than the current homeowners and the current homeowners are going to use the same facilities.

When you are telling an engineer- when you are telling a developer you are going to pay for every single dollar that it costs us to review your plans, that makes a great deal of sense. We ought to do that and we don't do it as well as we should and I think we could collect more. But this is not- if that's what we're trying to do here, this isn't the same situation because we're saying that we're going to collect recreation fees so that we can make facilities not just for this particular development but for the whole town so that the burden is disproportionately placed. And in that sense you do have a good point that it would be more proportionally placed by a general tax levy."

Peter Danowski: "That's my- that is my point and I just- my parting shot here is you compare the engineering fees collected with the expenses, my bet is you've collected a lot more than you've expended and I would like to see- you don't have to give the money back. I would like to see that money poured back into the Planning Department."

Supervisor Kozakiewicz: "I saw a hand in back of- Ralph Brown, did you have your hand up? And then we'll work our way forward. Oh, I'm sorry, this gentleman on the right, too. You were up moments after Mr. Danowski. So don't let me forget you."

Ralph Brown: "Good evening. My name is Ralph Brown from Riverhead. And I'm a member of the Recreation Advisory Committee. I'm a new member; I've only been on there a short while and tonight our Chairperson is out of town so she's asked me to read this letter into the record. I think Barbara has a copy of this from our last meeting so I'll just read it into the record and the copy is with Barbara."

This letter is addressed to Robert Kozakiewicz, Town Supervisor; Phil Cardinale, Councilman; Ed Densieski, Councilman; Chris Kent, Councilman; and Jim Lull, Councilman. And it's from Rose Sanders, Recreation Advisory Committee Chairperson.

Dated July the 17th, 2000.

Re: Riverhead Town Developers' Fees

The Riverhead Recreation Advisory Committee, by majority vote, respectfully recommend that the Town Board revise the proposed increase in developer rec fees from the suggested amount of \$3,000 to \$5,000 per parcel. This Committee believes that the increase will support both the necessary renovation of current recreational facilities and plan for future projects.

Serious consideration must be given to those future projects so that they may be developed and constructed in such a way as to withstand our building explosion and the recreational impact that coincides with a significant growth in our population.

The Committee's ideas for the future of recreational development in Riverhead require the capital resources that are inherent in any plan for growth and expansion. We trust that the recommendation along with out cumulative efforts to improve the quality of life here in Riverhead are favorably considered as we all strive to achieve our recreational and development goals.

Thanking you in advance for your consideration in this matter."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Thank you, Mr. Brown."

Supervisor Kozakiewicz: "We'll go to this gentleman; he had his hand up earlier and I passed by him."

Bob Whelbulb: "Supervisor, Members of the Council. My name is Bob Whelbulb. I'm the Executive Vice-President of the Long Island Builders Institute. We represent several dozen builders who are working in the town and several more dozen firms that are supplying them with goods and services and indirectly we're representing the homeowners and customers of those builders.

Now, I personally have been the lobbyist in policy guides for the New York State Builders Association since the late- well in 1970, I believe and I before that supervised a group of folks from around the state who re-wrote and wrote the sections of town law that authorize you to do this and more recently I'm the Rural Affairs Committee's legislative advisory group. I'm a member of- we took into account

recent case law in 1991 and revised the statute again in 1994. So I have some expertise on the general issue.

The issue at stake is the power of a town to levy a fee versus a tax on new development and what the standards are and I think Councilman Cardinale and then Councilman Kent, you are both on track talking about benefits and charges.

There was an interesting case called Bayswater Realty which was settled by the Court of Appeals in 1990 and it was really interesting. The builder went there and he had a condominium and he said I'm not a subdivision, therefore, I shouldn't have to pay the rec fee that a subdivision has to. And the court rightfully looked at it and said, you know, if a duck- it quacks, it has wings, it flies, it's a duck, even if it's a different color so what. And it extended it to condominiums as well as to, you know, individual subdivisions.

But in the course of doing that, the court said here's how a town is taxing and using its powers. It can't simply go out and establish a dollar amount. It has to go out and do a study of the projected current and future needs for recreation in the town and then determine on a particular subdivision whether or not the proportion of that need generated by the new residents coming in can be met on site. And if they can't be met on site, you can establish a fee that creates a proportionate burden, and there has to be a nexus as people have indicated before between the 10 house subdivision and \$5,000 apiece and the amount that they're going to use such new facilities against what the projected population growth and all these other people that are going to use it.

And the court specifically and it was a very interesting decision and I'd like to be sending you all a copy of that plus the new town law and some of the backup on it, but it basically said that if you do levy this fee you cannot use it to improve existing recreation facilities in the town. That's not the function of the fee on new development. It's to cover what the future might need. And in proportionate to everyone else.

There is also an argument that has been made successfully in a number of communities because the building industry had to deal with this, you know, on a political basis, too. You know, do you want to sue everyone of these town laws that just has a dollar amount in it without a plan and evaluation or do you want to worry about increases. And I think we took that post. But in a couple of cases, the simple repetition of the Bayswater facts and examination through discovery

whether the town has a plan or not and whether that calculation has been made appropriately has been sufficient to invalidate these cases.

So our finding on levy is essentially that you should make a proper case for requiring parkland and we say that you cannot make that case and I think the courts will back us up on it, without a study of the future population growth and the relative impact of a particular subdivision against all others that might come into the community. And second if the proper case exists on site, you've got a little burden to show that it cannot be put on site for the benefit of the, you know, the residents of the subdivision itself and the immediate neighbors. And that case has to be met under the law very clearly before you give final plat approval. So it's a determination made case by case. Once you make that determination, you can then say this development's proportional cost is excellent and you can pay a dollar amount.

But there's a real good argument that that dollar amount will vary so it has to be proportionate per unit of household. I think sometimes it's needed and sometimes not depending upon what the deal is.

Now, in Riverhead, it's particularly interesting to us because you have an additional thing overlaying the recreation fee that you've got on the books now. You are in the middle of a comprehensive planning process to update and revise your comprehensive plan. That is a perfect opportunity to do the kind of recreational planning that the statute would call for. But absence that, we think we have an illegal enactment facing us simply from going to two to three to \$5,000. We will be advising our members to pay any such fees under protest and take the next appropriate step.

But there's something else that's going on here and it's fascinating because the new homeowner and the builder who's selling a lot is subject to a new tax, too, the real property transfer tax which is dedicated to open space and indirectly to recreational additions to the town. And now we have a double taxation issue on new housing for the first time if you think about it.

When a builder sells the house, 2% of the sales price is going into a fund so the Town of Riverhead can buy more open space which he can use for active recreation. On top of that, you've got an increase proposed from two or three or \$5,000 in your rec fee, all of which is not based on a particularly good study that tells you legally that you have the right to do this and essentially if every resident of the

Town of Riverhead can use a park you are using this money for, then the proportion of that park funding ought be- well, let's give the guy a lifetime ticket so he can enjoy it on nights when it's closed and stuff like that because it's his park. You don't really do that. You make it available to the public so it shouldn't be paid for by just a few people.

And the other factor is if it does improve property values and we believe that. I mean the home building business is the value business, you know. If you make an awful community, you're going to deflate prices. If you have a community with active recreation and adequate schools and all, it's going to enhance value. But it enhances the value of everybody in the town. But the tax is paid only by the new people moving in. So it's the kind of thing that's not exactly fair unless it's properly proportioned.

So we think this ought to be part of your planning process backed up by a good comprehensive plan, EIS and all that good stuff that would sustain it in court and the amount I think you find will not be an arbitrary number. The court does not give you the authority to say \$25,000, \$50,000, \$100,000 whatever the traffic will bear. It says that you can charge this fellow in rough proportion to the amount he's contributing to your need for additional recreation. No more, no less. And I say that that may change depending on where that subdivision is located and whether the need to be partly met on site or in the neighborhood or elsewhere.

So I think what's happened is the towns and the state have had a pattern that the courts did not believe existed and we keep updating those taxes in a way that's unfair and the courts have changed it and the statute was amended and it reads just like the decision in the Bayswater court in 1994 and I think we've got a little bit of a problem if you try to simply go (inaudible)."

Councilman Kent: "Let me ask you a question on that then. It would follow then that if you're building a subdivision on more valuable land, that person should be paying more per lot for rec fees than someone who is building on land less valuable."

Bob Whelbulb: "No, it doesn't."

Councilman Kent: "Well, hold on a second because- "

Bob Whelbulb: "Well, let me explain why."

Councilman Kent: "-- I didn't- to interrupt you. If you have to set off property in a subdivision to create a park within a subdivision, the money itself would be more valuable so there you go, there's a cost. If you divide it- if you have a tract of land, let's say 20 acres or 50 acres, regardless, and you wanted to put in 40 homes on a 50 acre tract and you had to set aside some property in that tract of land for a park, and that tract- that parcel is more valuable, so you look at it, you do the analysis and say, well, that tract- just the land alone would cost \$100,000 if you had to purchase it. And you are servicing 40 homes. And then you have to develop that parcel as a park."

Bob Whelbulb: "It's a great argument- "

Councilman Kent: "And now the cost may be- "

Bob Whelbulb: "-- because if you do 40 times 2,000 we have an \$80,000 fee and it would be a deal, you're make it \$5,000 and we're paying twice as much."

Councilman Kent: "You know, I'm just saying. So if you do the analysis, if- each development might pay a different price per lot rather than a development on a less desirable land or less valuable land, with only paying- "

Supervisor Kozakiewicz: "I'm not sure that's what he said the test was and I think really what we should do is look at that Bayswater case which is from what I'm hearing and what I think will be advised by the Town Attorney is more of a town-wide analysis and- "

Councilman Kent: "Oh yeah, no, no, I understand that. I agree with the town-wide analysis of parkland needs, recreational needs. But it was interesting he was making some comments about- what it would be in the alternative- "

Supervisor Kozakiewicz: "Well, we have to also do- "

Councilman Kent: "-- to setting up- in the alternative to setting up a park within the subdivision, you would make a contribution to the rec fees in order to establish community- "

Bob Whelbulb: "(inaudible) the dollar amount is equivalent or less to do it that way. It's easier than (inaudible) a subdivision around a park but not always. But the question is how much can you do and how do you make the contribution? The tax is not based on the

density of a parcel nor on the size of a lot. But essentially it's based on the fact that you've got a household, a household of two, three, four people. You're using a park facility. And essentially a per lot or a per unit tax, its equivalent. And I think you can probably throw out, I think it made it less for a condo than a, you know, a- "

Supervisor Kozakiewicz: "For a single family residence."

Bob Whelbulb: "-- for a single family house."

Supervisor Kozkaiewicz: "Detached- detached house."

Bob Whelbulb: "Or, yes, we did that successfully in DeWitt, New York. They had that based on the size of the lots and all. But I think the idea is if it's a family using the parks, the relationship should be to all other families that are coming in in the future based on your comprehensive planning results. I think you can throw this and mix into your comprehensive- "

Councilman Kent: "Be better off to force these developers to put parks in every development that they do. It would probably cost them a lot more, too."

Supervisor Kozakiewicz: "Well, I think- "

Councilman Densieski: "They don't want to do (inaudible) because they're not developed. I mean- "

Councilman Kent: "Cost them more, too."

Supervisor Kozakiewicz: "Well, we can take up that discussion in work session as far as the individual park issue but- "

Bob Whelbulb: "And we'd be happy to participate in that planning process and give you some advice. And (inaudible) on the case and the basic law on that. We urge you to really consider it carefully. It's- you can't do what you're thinking you can do, gentlemen, in an easy (inaudible) without the analysis."

Supervisor Kozakiewicz: "I know we've asked the Town Attorney to research the issue for us. We're not prepared to go forward until we have those questions, the nexus, the necessary nexus, what the test is and what we need to do as far as a Town Board, as far as this proposal. So that was something that was already in the works and- "

Bob Whelbulb: "Please keep that double taxation in mind anyway because consider that a contribution being made right there."

Councilman Cardinale: "Incidentally, did you indicate in the course of the- that your group had determined that they would not challenge the existing fees but they would take hard looks at any increases?"

Bob Whelbulb: "Right. Basically increases and new schemes that seem- "

Councilman Cardinale: "That's contrary. Because I don't think there was any analysis on the first- on the \$2,000 fee 10 years ago either."

Bob Whelbulb: "That's the issue in almost every community in the state. It was just based on what the cost of the land to the developer was, the kind of thing that Councilman Kent was raising up. But the court tells that it couldn't be that way. It has to be based on a rational plan. It opened a lot of eyes and the Association of Towns was taken aback by this. My God, we don't do it that way, do we? But that's the way the court would like you to do it. And I think that would be fair. Thank you very much."

Supervisor Kozakiewicz: "Thank you. Sal Mastropolo."

Sal Mastropolo: "Sal Mastropolo, Calverton. Can you tell me, is there a formula to determine the amount of land that has to be set aside for a park in a development?"

Supervisor Kozakiewicz: "It's done on a case by case- you mean as far as if there's a particular- "

Sal Mastropolo: "Well, in other words, let's say somebody is developing a 50 acre parcel."

Supervisor Kozakiewicz: "Right."

Sal Mastropolo: "Does he have to set aside 5%, 10% for parkland? Because, I mean, I've heard arguments that says if you raise the price of the rec fee, it's going to get passed onto the homeowner. But I also heard that the fees are in lieu of them putting in an on site park. Okay. Now, I'm not a developer- "

Supervisor Kozakiewicz: "That's the way we are currently doing

it. That's right."

Sal Mastropolo: "Okay, I'm not a developer. But I live in a 30 lot subdivision, okay, which happened to be developed by my brother-in-law and if he had to put a park in there, he would have had to take one or two lots and set them aside for a park."

Supervisor Kozakiewicz: "That's correct."

Sal Mastropolo: "Those two lots are worth \$150,000. Okay. So, you know, he shouldn't be passing any- any builder should not be passing any costs of the fees onto homeowners because he's yielding more lots in a subdivision by going with the fee versus the on site park. And he doesn't have to worry about maintaining a park forever. Okay. So it should not affect the cost- "

Councilman Kent: "Well, usually what happens in that instance, is they form some type of a homeowners association, an HOA, and then every member in that subdivision has to contribute money annually as a maintenance fee to maintain the park. So really in the long run by giving it to the town, you might actually- each individual homeowner if they keep the property for a certain amount of time, might actually be better off doing a one time up front cost rather than paying an HOA to maintain a park within their subdivision. That's the way it really works."

Supervisor Kozakiewicz: "I think there has also been a history where homeowners associations were not properly established and areas that were being set aside for park and rec area, open space areas were lost because of nonpayment of taxes. Based upon that occurrence happening all too often within the Town of Riverhead, the town took on the position that in lieu of that circumstance arising, we would instead put these monies into a trust fund which we talked about earlier and, therefore, use that trust fund to provide additional recreational facilities."

We're not, you know, we talked about improving current facilities, but as you heard earlier today, the proposal is not to improve current but to expand and provide additional and new facilities such as a skate park. Such as an inline roller rink and things like that. And that was a policy decision by the Board and by this Board as well as the Planning Board. Clearly, I think, there has been a whole lot raise as far as what this necessary nexus is. We will have to look at that and determine what the proper amount is and whether we can show after a good thorough review of what the

recreation needs are projected to be. Because it's a projection. We can't say what the recreation needs will be in 10, 5, 15 years, but we can certainly take a good estimate based upon the fact that we're going through a master plan process now and then figure out what an appropriate fee is. And that's what we're going to have to do before we move forward on it."

Sal Mastropolo: "Okay, the other question is how long have we had the \$2,000 fee?"

Supervisor Kozakiewicz: "Approximately 10 years is my understanding."

Councilman Cardinale: "It was in '88."

Supervisor Kozakiewicz: "'88. Okay."

Sal Mastropolo: "The cost of living has gone up in 12 years. And the builder is getting a lot more- "

Supervisor Kozakiewicz: "Well, and the cost of land as well."

Sal Mastropolo: "That's right."

Supervisor Kozakiewicz: "You know, if we want to use that argument or that thought as a follow up. Okay? Thank you. Brian Stark, please."

Brian Stark: "Brian Stark, Aquebogue. I just want a clarification. What are the recreation fees covering? What subdivisions, fee simple, detached homes, condos?"

Councilman Cardinale: "It's a good question. One of the issues that was brought up last week- "

Supervisor Kozakiewicz: "Presently, the way it's codified?"

Brian Stark: "I know the way it's codified."

Supervisor Kozakiewicz: "Subdivisions, condos."

Councilman Cardinale: "Major subdivisions condos. There has been a suggestion that before we- last hearing if that's what you're addressing- that before we even get involved in the analysis, that we ought to analyze whether it is fairly administered by addressing all

new housing in the town as opposed to simply, for example, major subdivisions not minor, because people in the minor subdivisions defined as less than four, also use the parks, the same parks that people in the major subdivisions, more than four, use. And there has been some suggestion that senior citizen housing should be included, modular and mobile housing. So I bet you have something to say about that."

Brian Stark: "Well, within the Riverhead code as it exists now with regard to mobile home parks, we're required to provide our own recreation facilities, which we do."

Councilman Cardinale: "That's good because that's good relevant information."

Brian Stark: "Well it would be a double tax on us if we're providing recreational facilities- "

Councilman Cardinale: "Right."

Brian Stark: "-- under the code, which we do, and then come out and whack us with five grand. Would you agree?"

Councilman Cardinale: "I think that's a reasonable argument. Yes."

Councilman Kent: "Yeah, it will be the alternative. Either you provide acceptable recreational facilities which I think will be decided by the Planning Board, not this Board."

Councilman Cardinale: "Right."

Councilman Kent: "And- "

Brian Stark: "Well, it should be codified."

Councilman Kent: "-- or in lieu of that- "

Brian Stark: "If you're going to change the code- you are going to change what, the recreation fees go toward, you should look at your own code, what, you know, you're saying that you must provide as a developer already with regard to mobile homes."

Councilman Cardinale: "I'm glad to know that. I'd like to have the Town Attorney look at that because you're saying- "

Brian Stark: "And it's very specific."

Councilman Cardinale: "There's a special provision in regard to this particular kind of housing."

Brian Stark: "And it's very specific as to what you are required to provide as far as the amount based upon the number of homes."

Supervisor Kozakiewicz: "That's the particular chapter that they come under."

Councilman Densieski: "That's probably why it wasn't included in the recreational fees."

Brian Stark: "Yeah, I would say that's safe to say. Thanks."

Supervisor Kozakiewicz: "Thank you. Mason Haas. And then George."

Mason Haas: "Mason Haas, Jamesport. I listened to attorneys, builders and many people speaking about it. I am in the real estate industry, I do the land title research work over at the County Center. That is where all transactions take place for any buying and selling of housing. And one of the things we're seeing and we have been seeing in the last year, people related to the title insurance industry- title examining industry, is a huge drop off in the industry. I think the idea of raising the fees is a great idea. I don't know about \$5,000. I also think maybe looking at the minor subdivisions, including those is a good idea.

I think the reason why we feel we're seeing it- the people in the title industry are seeing the drop off in sales and stuff is because the prices of houses have over-inflated so much, with the interest rates being down below 10%, young people aren't jumping on it. They were jumping on it at first, but what's happened in the last year is that the pricing of housing has just skyrocketed. Houses were selling in a week's time going on the market and people were getting their money they're asking for. So I think the timing and that amount, that \$5,000, is not really a good idea. Yes, increase it but look at, you know, maybe a lower level, a \$3,000 figure. Look at your minor subdivisions, just spread it around. Going up that high, I do agree will be passed off to the new home buyer and there are many young people still struggling trying to come up with that money.

Even with the interest rates down, the prices of houses have gotten too high and the market is on a down slide and probably will be for quite some time right now."

Supervisor Kozakiewicz: "Thank you. George Schmelzer."

George Schmelzer: "It was mentioned by a Board member that parkland went for taxes. If when lots are sold, it's described on a deed rights to this so called parkland, it makes no difference even with the taxes (inaudible) their right to stay there. So, that's the way it is. So maybe the Town should encourage private recreation. There was a few (inaudible) back, I believe in Jamesport, somebody allowed his vacant lot to be used for ballgames. People objected, it was stopped. So, now why should the town do it if somebody private wants to do it? Let them do it. And you should encourage boatyards, any recreation. Even roller skating. Anything. Why limit it to taxpayers having to pay for it? Sometimes people like a private place. Sometimes it might be run a little better, more to their liking. So, that's about it. Bringing that to \$5,000, you're going to stifle something. Thank you."

Supervisor Kozakiewicz: "Thank you. I saw some hands in the back. J.D. Stark."

J.D. Stark: "John Stark of Foxwood Corp. I just want to add to- add a few words to what was said earlier in regard to retirement communities and the fact that retirement communities don't bring children into the community. And I don't see where the need for a skate park would benefit a retirement community or retirees in the town. I think you have to take a look at how much of this money being collected is going to be divided among senior facilities and facilities for the town in general. Take that into account when you look at these fees."

Supervisor Kozakiewicz: "Just for clarification. I know this has been something that we've talked about that certainly seniors still have recreational needs. There may be different types of recreational needs that they have and I don't want to sound horrible but maybe they might want a bocce ball court or, you know, horseshoes, golf, maybe a golf practicing area where they can practice golf, a driving range. I don't think they're going to want a skate park. I don't think they're going to want in line rink. Maybe they do. But certainly that's something we've talked about as a Board, that there is going to be a need to address the recreational needs not only of the young but people like my age and people that are older. So- "

Councilman Kent: "Just a little older."

Supervisor Kozakiewicz: "I know."

Councilman Lull: "Bob, a great deal of the Recreation Department's touching of senior citizens has to do with their trips and a variety of different kinds of such activities that they provide and that's why I made the suggestion before about a separate senior citizens recreation fund which should provide some of the necessary work."

Supervisor Kozakiewicz: "All right."

Councilman Kent: "In addition, we're just going into the phase of we're looking to design a senior rec center and that's going to be very costly, so- "

J.D. Stark: "Okay. I just look at the number of major subdivisions that have gone in in the last few years and I'd say a good portion, if not most of them, are retirement related, senior related and to lump this fee onto those types of communities to benefit, you know, the population in general, you know, just take that into account. That's all."

Councilman Densieski: "Thank you."

Supervisor Kozakiewicz: "Thank you. Charles Cuddy."

Charles Cuddy: "Charles Cuddy. I speak for several builders and also my own interest in this particular proposed ordinance. I reiterate remarks. I guess if you practice simile, you'd make the same remarks but Mr. Danowski and certainly the builders association indicated a number of things to you. I reiterate those and I would point out to you that I think it's absolutely important that the Board not avoid this nexus connection and the disproportionate penalty that would be assessed to new owners in the town as compared to those who are already here. I think that would be an unfairness that shouldn't be visited on people simply because they're coming into the town.

I don't think you can say welcome to Riverhead. You have some soft costs that are \$7,500 or \$2,500 key money for your water tap and \$5,000 that is now a park fee.

I would also ask you to look very carefully at what you've crafted so far because I think that there are some impositions that

you don't really want to have happen because you put builders out of existence. You have a condominium unit, per unit. You have an apartment unit, per unit. The condominium unit per unit is \$5,000. The apartment is \$3,000. That house, the single dwelling isn't a unit, it's a parcel. So you have three really different standards. You take no account as the gentleman just before me indicated of senior citizen housing, of those over 55. We make affordable housing but we're still currently going to tax if you can use that word those people the same as people that can afford houses. So I think that the code as it's proposed is deficient.

I would point out to you that if somebody brings 200 condominium units to this town at this time and there are people doing that, that's a million dollars in fee, \$5,000 times 200. You have the code written so that they have to pay that in cash, up front. That's- it's just an impossibility. I think that should be looked at very carefully if you are going to do something like this.

But, again, I wish to say that I wish having a 2% tax on purchases for those over \$75,000 for vacant lot and \$150 for house is a significant contribution to at least open space in the town and also possibly to recreation and I don't think that you need to have a \$2,000 to \$5,000 increase to cover the things you are looking for.

But, as again, I wish to really say that I think it's very important that you make a connection between that fee and what you're going to use it for. Hopefully, the Board will take a look and recraft this to cover some of those questions that I raised and the builders that I represent would ask that you take a second look at this. Thank you."

Supervisor Kozakiewicz: "Charlie Cetas."

Charles Cetas: "My name is Charles Cetas. I'm Vice-President of the North Fork Environmental Council and also a Riverhead town resident. I'm not going to take a position on what the fee should be. We haven't discussed it, our position is more of a philosophical argument. Suppose there was no growth in the town of Riverhead. There was no subdivisions- new subdivisions, no- there would be no need for this fee, right? I mean, you couldn't do it because there would be no new subdivision to collect it from.

So that what I'm saying is there is a base line that's already established by what are the recreational needs of the town and you- I assume you're doing that through the property tax already, you're

bonding out and collecting money back through property taxes, right? For maintenance of recreational fees."

Councilman Densieski: "Capital improvements are done through the rec (inaudible)."

Supervisor Kozakiewicz: "When you talk about maintenance, you're talking about existing facilities?"

Charles Cetas: "Yeah, right."

Supervisor Kozakiewicz: "That is part of the- "

Charles Cetas: "I'm just saying, you know, you had the growth in the town of Riverhead frozen at whatever it is now, 24,000- there was not a single new person moving into the town of Riverhead. You would have no need to collect this fee, right?"

Councilman Densieski: "Only if you think there's enough sufficient recreation now, which I personally don't need a study to tell me that we don't have enough recreation."

Charles Cetas: "I'm not taking the argument that you should eliminate the fee. I'm just saying that the purpose of the fee is to satisfy a need brought about by new development in the town which put increased pressures on the need for recreational aspects and activities in the town.

So this idea that, gee whiz, you could solve this whole thing simply by increasing the general property tax is a bogus claim I believe and also try to tie it to the community preservation fund. Fred Thiele could probably speak to this better than myself. So, that community preservation fund was not set up to obviate the need to collect this particular fee.

So, I guess my point is that you have your recreation- your Recreation Department has determined what, you know, their needs are under the current system. Whether this current system needs to be tweaked or fine tuned to make it more fair, that's some discussion maybe to be done on that. But I don't think this idea- I think they're trying to get you guys to not take action on this or to even try to eliminate this fee. I don't think they can make that argument convincingly. So- "

Councilman Densieski: "Charlie, I'm confused. Are you for or

against it?"

Charles Cetas: "Well, actually- we're not taking a position on what the amount should be. I think your Recreation Department has that we need \$5,000 per lot based on the current system. Am I right?"

Councilman Densieski: "Yes."

Charles Cetas: "Okay. So- and they're asking- you say, well, that's really unfair to us because we think the current residents should kick into take care of these new needs that our new developments are creating, which is a bunch of you know what."

Councilman Cardinale: "That's certainly- "

Supervisor Kozakiewicz: "Sid Bail."

Councilman Cardinale: "That certainly clarified things. Thank you."

Sid Bail: "Sid Bail, Wading River Civic Association. We discussed this at our last meeting and we voted to support the recommendations of the Rec Committee for the \$5,000 fee. I've been involved in civic stuff for enough time that I could remember some of the debate from 1988 about the recreation fee and there was a lot of- some of the same arguments, some of them are different than the \$2,000 fee with socking it to the newcomers. It was a very high fee and it was going to prevent people from owning their own homes. It was going to be past onto them. But, like, you know, \$2,000, for the last 12 years has made Riverhead an attractive community apparently. And some of the developers sitting out in the audience are benefitting from the investment that people have been making in this community since 1988. And as Sal Mastropolo said, you know, with inflation, etc., the \$5,000 fee may not be as unreasonable as it might first strike some to be. So we support this. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "I'd like to point out one thing, too. That this is just for new construction. This isn't a young couple buying a used home as a starter home or something like that. They won't be affected by this. It's new construction."

Sal Mastropolo: "Yes. That's our position, major sub."

Supervisor Kozakiewicz: "Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. So far I've only heard you talk about subdivisions, condominiums, and residential. Now, Mr. Densieski mentioned about new construction. We've got new construction in commercial and industrial going on in the town. Are they going to be exempt?"

Supervisor Kozakiewicz: "They would not be paying this fee. The idea is that construction we're talking about is a residential construction because- "

Steve Haizlip: "Yeah, I know, I know."

Supervisor Kozakiewicz: "-- the residents are the ones who are using the recreational facilities. So that's the- enabling legislation at the state level which enables us, therefore, to adopt our local law providing for these fees. So, it would not apply to a commercial or an industrial use."

Steve Haizlip: "But the people that work probably are local and they are going to be exempt because they're in their homes nearby."

Supervisor Kozakiewicz: "If there is a home that was constructed recently, there would have been a rec fee associated with that subdivision which would have been a residential subdivision. Okay? Anybody else who would like to address the Board? Yes?"

Barbara Kimmel: "Dr. Barbara Kimmel, Jamesport and I'm referring to Lebanon Chemical, Somarga, LLC."

Supervisor Kozakiewicz: "We're talking about this as far as recreation fees, the public hearing that we're still on?"

Barbara Kimmel: "Are we not going to- "

Supervisor Kozakiewicz: "We didn't close it yet."

Barbara Kimmel: "I'm sorry. Okay. I'll wait."

Supervisor Kozakiewicz: "Okay. We haven't closed it yet. We're close, I hope. Is there anybody else who would like to address us with regard to the proposal to increase the rec fee from \$2,000 to \$5,000? Okay. Nobody else. We declare the public hearing closed at the time of 8:55."

Public Hearing closed: 8:55 p.m.

Supervisor Kozakiewicz: "Now, Dr. Kimmel, you can come up and address us on any issue and I know what yours is already and also people wish to address us with regard to the resolutions. I have some cards. We'll have more cards next time; we'll have them made up so that we'll have plenty of cards for people to address us. And without any further, adieu, the only thing I would say is we try to adhere to the five minute rule."

Barbara Kimmel: "You won't hear from me for five minutes."

Supervisor Kozakiewicz: "Okay."

Barbara Kimmel: "I speak very rapidly and I have spoken to you on many occasions before starting in 1986. At this point in time, the building and the surrounding vicinity that is owned by Somarga, LLC is unsafe, it is unsightly, it is an attractive nuisance, students, local kids are hanging out there. They are drinking there. They are possibly doing drugs there. There are people dumping debris there. It is a fire hazard. There is no weed abatement. I stopped a gentleman from dumping big wooden pallets there one evening two weeks ago. I strongly suggest that this town have a 3R policy for graffiti. One is to report it. Two is to record it, take pictures of it. And then remove it immediately within 24 hours."

That area is surrounding a beautiful, old Riverhead historic landmark. There are Victorian homes there going back 150 years. My taxes on the house that I live in are more than the big house that we live in in California. And believe me we have a lot more offered to us in California. So I resent paying large taxes and driving up and following the graffiti laden building to the entrance to my home. Thank you very much."

Supervisor Kozakiewicz: "Thank you."

Councilman Cardinale: "Barbara, you are aware that there's a #728 on tonight's resolution calendar finally does something concrete. I don't know if you've seen it. But, although we're still mired in litigation in regard to the tear down of the big building, they're going to spend \$6,000, the town, and put it on Somarga's bill to take out the modular unit, take out the fire debris on the lot, mow the lawn and secure the large building. So at least that will happen and

I'm told by the Building Department, it will happen within the next 10 days."

Barbara Kimmel: "Too late. The Superintendent of my schools visited last week."

Councilman Cardinale: "Uh-oh."

Barbara Kimmel: "Thank you anyway."

Councilman Cardinale: "And you're right next door to this, too, right?"

Barbara Kimmel: "Yes. He was (inaudible)."

Councilman Cardinale: "Yes."

Supervisor Kozakiewicz: "I'm going to do one card, then I'll go to you Gus, Gus LoPorto. I mean Sal, after that. Yes, Gus, if you can come up because I've got you on a card. We'll alternate between the cards and people raising their hands."

Gus LoPorto: "Gus LoPorto from Riverhead. I would like to address the Town Board on engineer's department more or less to the right of way of 58. These cars that are parked on the sidewalk, on the green, is that- do we have a ruling on that, how far back? We're talking about thousands of dollars- there's a way- (inaudible). Tag each one of them, they're right on the sidewalks and I'm referring to Osborne and 58, on the sidewalk. (Inaudible) Why do we have to have that? Isn't there a- "

Supervisor Kozakiewicz: "Where are we talking about? These are car dealerships?"

Gus LoPorto: "Yes, all of them. All of them."

Supervisor Kozakiewicz: "Okay."

Gus LoPorto: "And also these farm stands, farm equipment right on the (inaudible). Right up against the curb. Is there a code on that?"

Supervisor Kozakiewicz: "On farm equipment?"

Gus LoPorto: "Any of the- set back a little bit, 10 feet. What

is in the code?"

Supervisor Kozakiewicz: "Well, you asked a number of questions. As far as the cars that are parked from the dealerships- "

Gus LoPorto: "Yes."

Supervisor Kozakiewicz: "They file a site plan and if the cars are within the area that is depicted as a green space, they're technically in violation of site plan. Agriculture, we've always treated agricultural a little bit differently, I think because we've had an agricultural heritage and we have exempted agricultural implements from the question of whether they're an unregistered vehicle or not. Is- are we talking about cars when we're talking about agricultural? Are we talking about a combine or tractor?"

Gus LoPorto: "A tractor- tractors and all that."

Supervisor Kozakiewicz: "Yeah."

Gus LoPorto: "You have one on 58 which is right on where the sidewalk should be."

Supervisor Kozakiewicz: "You're talking about LaCorte, the John Deere dealership?"

Gus LoPorto: "Yes. And also all your car dealers are parked right (inaudible) of your sidewalks. It's illegal. What is your setback (inaudible) town property?"

Supervisor Kozakiewicz: "County property. It's a county road."

Gus LoPorto: "County- what is the setback?"

Supervisor Kozakiewicz: "I believe there's a right of way of 17 feet off of the area- "

Gus LoPorto: "Each one of them is illegal there. Each one of them. Go down there and you measure. Each dealership can be fined today. Each one of them. The farmstands."

Supervisor Kozakiewicz: "Well, we can cite them. The question of whether we can fine them, we can't do in the course of a day because we have to take them to court and we have to have a judge agree that there is the- that a case has been established. You can't

establish a fine- we can't be judge, jurors and decision makers in one swoop. You know. As far as the question of whether they are violating site plan, that's something that I know we've had an ongoing discussion, not only this administration but the administration prior to that, the administration prior to that, and I think, the administration prior to that."

Gus LoPorto: "What is being done?"

Supervisor Kozakiewicz: "We meet with them; we've asked them to move them back. They do and we get voluntary compliance and the only thing we can do is we'll meet with them again and tell them that if they don't, we'll have to take the appropriate action in court. I mean if you notice, there are times when we cite them and Mr. Barnes and his department has been very good about following up on this. They do go off the right of way and off of that grassy area and they disappear and then they seem to make a slow migration back. So."

Gus LoPorto: "It's not right."

Supervisor Kozakiewicz: "Thank you. Sal Mastropolo."

Sal Mastropolo: "Sal Mastropolo, Calverton. Resolution 707. Is it 22 or 122?"

Councilman Densieski: "What number was that, Sal?"

Sal Mastropolo: "707."

Supervisor Kozakiewicz: "That's the River Club."

Sal Mastropolo: "Yes. River Club, LLC. Twenty-two unit condo or 122 or 222 I think it was?"

Supervisor Kozakiewicz: "222."

Sal Mastropolo: "It's not 22. That's for sure."

Supervisor Kozakiewicz: "222."

Councilman Kent: "Which resolution is that?"

Sal Mastropolo: "707. So that means the public notice has to be changed as well as the resolution."

Councilman Lull: "I'm not sure. Barbara?"

Councilman Kent: "Twenty-two unit condominium."

Sal Mastropolo: "It's not 22. It's either 222 or 122- and I think it's 222. That's the one on Riverside near the Moose Lodge, right? It's at least 200."

Councilman Densieski: "Rick, how many units are in that, Rick?"

Rick Hanley: "I don't think it's a type; it's 222."

Councilman Kent: "I think it was 222."

Supervisor Kozakiewicz: "It is 22."

Sal Mastropolo: "All right. 702. Order establishing the lateral water main Wading Woods at Riverhead. Has the site plan approval been given yet?"

Supervisor Kozakiewicz: "This has a site plan- this is the one that the condominium map was approved for."

Sal Mastropolo: "Yeah, okay. But this is also the one that there was a question about the clay mining in the back where that low area that's supposed to be a catch basin- "

Supervisor Kozakiewicz: "Right."

Sal Mastropolo: "-- okay, well, I mean, how come we're passing a resolution establishing the lateral water main? Have we done a perk test there? And do we know that they're going to be able to drain- "

Supervisor Kozakiewicz: "We're providing public water as opposed to having wells. I'm not sure if I follow the relevancy or the connection."

Sal Mastropolo: "Well, I guess my issue is if there was a clay mine there and they're not going to be able to take the water into the ground from their septic systems, okay- "

Supervisor Kozakiewicz: "That's septic. Okay, yes."

Sal Mastropolo: "Well, if it fails a perk test and they can't have the drainage for the septic systems, then that tells me that

something should be done to stop the development so why are we going forward with water when we don't know if they're going to be able to handle the water runoff from each of the units?"

Councilman Kent: "This issue came up, Bob, when we were discussing increasing the map to- "

Supervisor Kozakiewicz: "In order to file a site plan, they have to do test borings."

Sal Mastropolo: "Have they done the test borings?"

Supervisor Kozakiewicz: "They must as part of a site plan approval process."

Councilman Kent: "Did we approve the site plan is his question?"

Supervisor Kozakiewicz: "This is a condo subdivision- a condo that's been already approved and part of a planning process before."

Sal Mastropolo: "Yeah, on 25A-- okay, but this issue came up when you talked about transferring the water- "

Supervisor Kozakiewicz: "That's correct."

Sal Mastropolo: "-- from the Pine Barrens."

Supervisor Kozakiewicz: "Right."

Sal Mastropolo: "And I came up at the last Board meeting and said that I was told that there was a clay mine in the back there and that there may be some question as to whether that property can handle the septic systems from those units."

Supervisor Kozakiewicz: "This had an approval for a certain amount of units. The reason there was a transfer of development rights proposal in the Pine Barrens legislation was to possibly increase the size so that it was in conformity with the Suffolk County Department of Health standards."

Sal Mastropolo: "Increase the size- right. Okay."

Supervisor Kozakiewicz: "This would have been the subject of an engineering test that would have been done as part of that condo

process because that is one of the things that's done as part of that condominium review process. It's studied by the consulting engineer for the Planning Board and there is test borings that are done. If Mr. Hanley comes in, he can pull out the map and show those test borings. I- okay?"

Sal Mastropolo: "Yeah, because that was the issue, whether it can handle the septic systems coming out of those condos. And I don't think we had gotten far enough yet- "

Councilman Kent: "Wasn't Mr. Cuddy the attorney for- "

Supervisor Kozakiewicz: "Mr. Cuddy did represent Wading Woods. That's correct. Or- Rick, question. There's another question that's come up. It was 222 on the River Club. On the Wading Woods proposal, my understanding and correct me if I'm wrong, this is already an approved condominium for 36 units in Wading River."

Rick Hanley: "Correct."

Supervisor Kozakiewicz: "Part of that process involves an engineering study which would include soil borings or test borings, is that correct?"

Rick Hanley: "There would be test holes required for the condo map approval, yes."

Supervisor Kozakiewicz: "And that would be part of the process that would be done- "

Rick Hanley: "And also for the Health Department as well, they would require that."

Supervisor Kozakiewicz: "Right. And that's done by our consulting engineer or the review of the plans to determine- well, I mean the test boring is done by the applicant. The applicant submits that as part of the process- "

Rick Hanley: "Right."

Supervisor Kozakiewicz: "-- for the approval. Then the layout of the condo or condominium project is then reviewed by your office- "

Rick Hanley: "And by Mr. Raynor."

Supervisor Kozakiewicz: "And by Mr. Raynor. Is that correct?"

Rick Hanley: "That's correct."

Supervisor Kozakiewicz: "With respect to the question that's put by Sal Mastropolo, he's questioning whether we did that type of a test and whether we have any question or confirmation about whether this was a clay mining area."

Rick Hanley: "Sal did mention that to me I think last meeting. Clearly the Health Department when they review the Article VI application for the condominium for the actual pools, require that as well. I have no knowledge of any clay lens there that would interfere with a standard sanitary system."

Supervisor Kozakiewicz: "My understanding as well. When the test borings are done for the Suffolk County Department of Health Services, if they reach any clay lines, they will require an applicant to actually go out and dig a test pit, will they not?"

Rick Hanley: "I think the Health Department requires more than just a test boring. They require an actual pit excavation."

Supervisor Kozakiewicz: "If there's a problem they encounter. Is that correct?"

Rick Hanley: "Even without a problem."

Supervisor Kozakiewicz: "Okay."

Rick Hanley: "They need several pit excavations on the premises just for this reason."

Supervisor Kozakiewicz: "Okay. And they would do that as an approval as part of a construction project?"

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "Is that correct?"

Rick Hanley: "Yes. And no building permit would be issued prior to Health Department approval."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "And if there is clay, they would make them dig below the clay- "

Rick Hanley: "They would have to- "

Councilman Kent: "-- sand."

Rick Hanley: "Yes."

Sal Mastropolo: "All right. 699. Can you tell me what the exemption is for alcohol on that? Authorizes Riverhead Fire Department to conduct its 13th Annual Invitational Motorized Drill. And then in the resolution it talks about they want exemption from the alcohol."

Supervisor Kozakiewicz: "They are selling beer. They've done that over the years at this event."

Sal Mastropolo: "All right. Because that moves right into some of the other issues. 698, approves application of Robert Ginsberg Horse Show at Calverton Enterprise Park. Does the town realize any revenue from the vendors that are selling items in- at those events? And are all those vendors licensed or do they have peddler's permits through the town?"

Supervisor Kozakiewicz: "Do they have peddler's- no."

Sal Mastropolo: "So the town doesn't recognize any revenue from the vendors that are going- "

Supervisor Kozakiewicz: "Other than the revenue we recognize from Mr. Ginsberg to conduct the event."

Sal Mastropolo: "Okay. Why can't we get revenues from the vendors that are selling on town property? Which is going to go hand in hand with the Blues Festival and the vendors that sold at the Blues Festival. Did the town require peddler's permits and did we get fees for those vendors that set up- "

Supervisor Kozakiewicz: "We require them to comply with the Health Department standard for having a peddler's permit for that day for that event. It's a special permit that's required from the Health Department and they must have that."

Sal Mastropolo: "But we got no revenue out of that?"

Supervisor Kozakiewicz: "No."

Councilman Densieski: "We are getting a wonderful, you know,--"

Supervisor Kozakiewicz: "As far as from those particular peddlers."

Sal Mastropolo: "Don't get me wrong, okay. At the Riverhead Town Fair, I think it's at the Riverhead Town Fair, most of the non-profit fraternal organizations within the Town, okay, run like the hot dogs and hamburgers, the beer, and all of the profits get turned into the town. What do you mean no?"

Councilman Lull: "The Riverhead Country - excuse me, the Riverhead Country Fair is not run by the town. It's run by a private organization."

Sal Mastropolo: "Okay. And where do the profits from the food booths go, like the Moose Lodge runs?"

Councilman Lull: "That is turned into Townscape as a not-for-profit organization which does beautification downtown."

Sal Mastropolo: "Okay. So- "

Supervisor Kozakiewicz: "Ultimately it comes back."

Councilman Lull: "It ends up there but it doesn't come through the town."

Sal Mastropolo: "Okay. All right. So now, let's go back to the Blues Festival. Okay? There was a line about 400 feet long at that one beer concession which was a private trailer. Did the town recognize any revenue from that and should we in the future?"

Councilman Lull: "A section of the town did because it's the Business Improvement District."

Councilman Densieski: "No, it wasn't (inaudible)."

Sal Mastropolo: "All right."

Supervisor Kozakiewicz: "The question is whether the town did- we did not realize any profit. Whether we should in the future- "

Sal Mastropolo: "Should we consider doing stuff like that? I mean, other towns require peddler's permits- "

Councilman Lull: "Sal, the point that I was making about the Country Fair, also applies to the Blues Festival in that the job that the Business Improvement District does is downtown, is for the betterment of the town and so when the money comes into the Business Improvement District, it does get spent that way."

Sal Mastropolo: "So the profits from the vendors went to BID or the profits went to individual- "

Councilman Lull: "They were the sponsors; I assume so."

Sal Mastropolo: "You know what they say about assumed, don't you?"

Councilman Densieski: "No, I believe that it was a private person that made a flat rate offer to the BID- "

Councilman Lull: "They all are."

Councilman Densieski: "Yes."

Sal Mastropolo: "Okay. So somebody is paying- the vendors are paying somebody to run concessions- "

Councilman Densieski: "Yes."

Sal Mastropolo: "-- at these public affairs on town property."

Councilman Densieski: "That's correct."

Sal Mastropolo: "Okay. All right. Next question. Farm stands in the town. Is there a law or a town code that determines what can be sold on farm stands? And is it only produce from the farm itself?"

Supervisor Kozakiewicz: "Not solely, no."

Councilman Kent: "It's a majority- "

Supervisor Kozakiewicz: "I think it's- the terminology is mainly grown or produced. Mainly grown or produced."

Councilman Kent: "Mainly grown."

Sal Mastropolo: "Where?"

Supervisor Kozakiewicz: "By that particular farmer."

Sal Mastropolo: "Okay, well, what about a farm stand that a tractor trailer backs in and unloads 200 cases of grapes from California and bananas from Panama and Lord knows what else?"

Supervisor Kozakiewicz: "We're picking on the farmers today, aren't we?"

Sal Mastropolo: "I mean, are we getting- are we getting outside the bounds of a farm stand at that point?"

Councilman Densieski: "You're allowed to have a certain percentage of outside products that are not grown on the farm. And they get those from places like Hunt's Point Market or dealers that come out so they can offer a variety."

Sal Mastropolo: "Okay, so there is something in the town code that regulates how much they can and can't sell? That's not produced on the farms."

Supervisor Kozakiewicz: "There is a general definition that's found in the agricultural use district text. And I think it allows for an accessory use and the wording we can recite to you as an accessory use that states mainly grown or produced on the premises or some words to that effect. So the question is what's mainly? It's not a percentage; it's not a particular number. If it's 51% that's mainly grown or produced, I guess that's mainly."

Sal Mastropolo: "Okay."

Supervisor Kozakiewicz: "But I'll- before you go, we'll ask-- I think it's 108-21, 20, somewhere in there."

Sal Mastropolo: "While she's looking that up, since I'm (inaudible) five minutes, I have one last item. There was an article in the paper about Calverton Industries and I guess we lost. We, the town, lost. Okay. They got their DEC approval?"

Supervisor Kozakiewicz: "That's correct."

Sal Mastropolo: "Okay. It's my understanding that the town code says that the sand mining in the town of Riverhead- the sand

miner shall pay the town \$.50 a yard for every yard he takes off- he takes out of the sand mine? Can you tell me what the town's plan is to monitor and collect the fees from Calverton Industries if he's going to mine some 2,000,000 yards- "

Supervisor Kozakiewicz: "We're still fighting the issue. We have a fight up against- with the DEC as far as the original neg dec with respect to that Calverton Industries approval. So we're still fighting it and we're hoping we'll prevail on our fight as far as that situation is concerned and, therefore, we will not get into the situation. If we have to monitor, we will."

Sal Mastropolo: "Okay."

Supervisor Kozakiewicz: "But we're still fighting- we're still fighting the original DEC neg dec and we still have them in court on the federal action- or they have us more exactly in court on the federal action, and there's an appeal with respect to the state court proceeding. So the issue is not resolved yet."

Sal Mastropolo: "Are they hauling out of there now and, if so, are we collecting \$.50 a yard?"

Councilman Kent: "Well, wait a second now. On the \$.50 a yard, I'm not sure if that includes sand mining because sand mining has been banned in the town. I believe the \$.50 a yard- "

Supervisor Kozakiewicz: "It's for the processing- "

Councilman Kent: "-- was excavation of materials as part of development. So I don't know how we're going to- I'm not sure we can even charge them the \$.50. I'm going to look into that. I'm going to- "

Sal Mastropolo: "You should check it. Because I heard it was sand mining."

Councilman Kent: "No. Because we don't allow sand mining."

Sal Mastropolo: "I know you don't, but- "

Councilman Kent: "It's on excavation."

Supervisor Kozakiewicz: "It was zoned out or excluded subsequent to all the court challenges being started with respect to

this particular property which, as I indicated earlier, still being fought."

Sal Mastropolo: "All right. Thank you."

Supervisor Kozakiewicz: "Okay. What's that? I'm going to have Zabby coming up since Zabby already looks like she wants to speak to us. Five minutes, Zabby. That one is the one you want to talk into. Okay."

Zabby: "I'm glad to be back here in Riverhead and I wanted to thank the Board very, very much and congratulate Phil Cardinale and Bob Kozakiewicz for their letter asking for a second channel for the government educational access and we have received it. And they were the first, the leaders, they wrote the first letter and we want to thank them very much for their support of public access television. And now that we have the channel, I would like to ask that the Board write a letter to Cablevision asking that we get to see the state, the Assembly and the Senate, all of the governmental meetings gavel to gavel and all the committee meetings at the state level. And also at Suffolk County level, we'd like to see on this government educational channel the Suffolk County meeting, plenary meetings, gavel to gavel and all the committee meetings. They have 12 committee meetings."

And then, of course, we'd like to see- continue to see the Board meeting and also the work sessions. So we (inaudible) for the work sessions now as well. And, so we'd like- "

Councilman Densieski: "Now we're talking about excitement."

Councilman Kent: "We'll have to dress."

Zabby: "And, so also- and also we would like the Board when you write a letter to Cablevision and tell them that you do not want them to use any of the time. You do not want conflict of interest. You want to have 24 hours rolling so people who work in the day, work at night, can see- I see you shaking your head yes. We don't want Cablevision to use that to make profit, our channel. We want it- 24 hours a day for us. And repeats if necessary."

And, also, Cablevision has just recently okayed an annual sum of \$40,000 a year to the town of East Hampton to provide for public access and for the public access users and providers. So, we would like Cable- our town to ask Cablevision to supply the labor and to tape all of these meetings. And it was- I'm so glad somebody here

knew enough to call Cablevision and say where is Cablevision to tape this meeting? But they weren't here at the beginning. And so at any rate Cablevision can well afford to- they're not paying any New York taxes or federal taxes and they can well afford to be civically minded and tape all of these events at Albany, at Suffolk County, and at for all the towns.

Southold also has this channel and (inaudible). And that's one thing. And another thing, I was wondering if you guys would like to have your property taxes subsidized so you have your taxes lower. It turns out that I just uncovered some interesting things. In the beautiful contract, the franchise agreement that you have already here. It turns out that under Section 8 on records and reports, there's a sentence that says that the town supervisor's office, Mr. Kozakiewicz, at the cost of the company, Cablevision, together with a certified- can request the certified annual financial reports when the latter is delivered to the New York State Public Service Commission and report duly certified as to the accuracy computing payments to the town and a request that the company will submit a 10K report to the town.

It turns out that Shelter Island had a franchise agreement- it turns out- well, actually on June 20th, the- one of the representatives of the Public Service Commission said that the Town of Riverhead didn't get a 3% franchise agreement like all the other towns. And- because he said, oh, they had bargained for something else and whenever this man, Mr. (inaudible) makes a statement, I always double check it because usually he's wrong, especially if it's not in favor of the town. And, so I checked Southampton- not Southampton but South- Shelter Island has an agreement- a franchise agreement, too. And I was sent that- "

Supervisor Kozakiewicz: "Zabby- "

Zabby: "Yes?"

Supervisor Kozakiewicz: "I'm going to ask you to sum up."

Zabby: "Okay. Well, it could mean like \$222,000 a year for the town and you can get it retroactively back five years. That would be over \$1,000,000, it could subsidize your property taxes- "

Councilman Kent: "It could pay Joey."

Zabby: "-- the Board clapping here. They like that. They want

to hear that. It turns out that Shelter Island here and their franchise agreement also didn't have anything specifying that they get 3% of anything. But look at here. I got from Gerry- Gerard Siller here- a copy of Cablevision's- they sent \$22,325 to Shelter Island and they have only, I think one-tenth of the subscribers that we have here in Riverhead, and that represented 3%. And I have it back- the statements and they show how it's calculated and everything, saying the number of subscribers. And that goes back to- they sent me all of them back to 1996.

So it could be that given the wonderful attorneys here on the Board, Mr. Cardinale, Mr. Kozakiewicz- is there another one?"

Councilman Kent: "No."

Zabby: "See it's very nice now to have elected officials that are attorneys. You should see Mr. Phil Cardinale fighting for our rights and backed by Mr. Kozakiewicz and the whole Board."

Supervisor Kozakiewicz: "Thank you, Zabby."

Zabby: "So, that might be a good thing. Also senior citizens-"

Supervisor Kozakiewicz: "Zabby? Zabby?"

Zabby: "Just two more points."

Supervisor Kozakiewicz: "All right, please."

Zabby: "I'll make- I won't elaborate on the points, but guess what?"

Supervisor Kozakiewicz: "Because I think what we'd ask you to do is get together with Phil and get this on target and we'll certainly go to Cablevision and- "

Councilman Kent: "They're already gotten together."

Supervisor Kozakiewicz: "All right."

Zabby: "Right. Okay. And the other thing is that you can get senior citizen discounts and also for the price of basic, get 25 channels, not 7, because the contract- 15 year old contract, specifies it. And not only that, if you don't want a sports channel, you don't have to pay for it. It all says it in here. You could- we could get

some rebates."

Supervisor Kozakiewicz: "Thank you, Zabby."

Councilman Densieski: "Thank you, Zabby."

Supervisor Kozakiewicz: "All right. We're going to review these minutes and we're going to ask Zabby to get together with out Cablevision liaison. Mason Haas."

Councilman Densieski: "Champion of the people."

Councilman Cardinale: "I spoke to Zabby on Sunday, right. It was a wonderful lengthy discussion. And also on Monday and also Friday. So we talk a lot. And we'll continue to talk."

Zabby: "And thank you very much."

Councilman Cardinale: "Thank you, Zabby."

Zabby: "He does a great job (inaudible)."

Mason Haas: "(inaudible) I came tonight. Because I was at the football field or football practice for my son at the recreational facility. I came to talk about the movie theater. I know it was discussed earlier and I missed that but regarding if it goes down to Tanger. I think one of the things the town should consider is the type of theater that we allow Tanger to put in. We have that type- we have a theater in Hampton Bays and Mattituck and you hear nothing but bad talk about that theater, those theaters. The bad sound, how they cram everybody in and stuff like that.

Now, I happen to have the experience of visiting a stadium theater up in Stony Brook. There's one in western Suffolk County up by the Nassau/Suffolk line; there's one in middle Suffolk County, being Stony Brook. And maybe what the town should consider is one out here at the east end. The two forks coming together, it would be also an attraction to bring people into the town.

So it's something to think about. Just don't say yes to Tanger and say okay, yeah, you've got the empty space, go ahead and put it in there. Elaborate on it. And have them build (inaudible). Put a theater in there that's going to be beneficial to everybody, not just to fill up space that they have there."

Supervisor Kozakiewicz: "Thank you."

Laura Clarey: "Hello. My name is Laura Clarey. I'm from Aquebogue. This is regarding #718, the acquisition of land. I'm wondering if the list of tax map parcels is published somewhere so we could, you know, know where the (inaudible) land is going to be. And typically how long does it take to acquire these lands once the resolution is approved?"

Supervisor Kozakiewicz: "This is a wish list of what we provide to the County of Suffolk. Not those, Joe, it's not the group home. You're talking about- "

Councilman Kent: "It's not those? No, no, no. Yeah, we've got them- "

Supervisor Kozakiewicz: "Oh, we have those as well? Oh, okay, good. I'm sorry. I didn't realize you had the flip side to this chart. This is a wish list of parcels to be acquired under the quarter percent drinking water fund and what we do is annually we adopt a resolution, we pass this over to the County of Suffolk and identify parcels for acquisition. So, to answer your question, this is something that's an ongoing process and we try to work with the county for the use of those quarter percent funds to acquire some or at least a parcel that's been identified as something that would fit within the criteria- of the quarter percent drinking water protection."

Laura Clarey: "Are these parcels also on the Community Preservation Fund list?"

Supervisor Kozakiewicz: "Some of them are. Yes."

Laura Clarey: "Okay. Can I have a list of the parcels?"

Supervisor Kozakiewicz: "We- the resolution that we're adopting today will list them by tax map. You can get a copy of that tomorrow from the Town Clerk's office."

Laura Clarey: "Great. Thank you."

Supervisor Kozakiewicz: "Okay. Thank you. Yes. And, Rita, you can be next."

Stanley Zambriski: "Stanley Zambriski, a resident of Riverhead."

I live on Swezey Avenue. I'm here to ask the Town Board about doing something about Polish Town, the traffic on Pulaski Street, and I know you painted the yellow lines on the curb, it's not doing us any good. There's a lot of traffic now through Polish Town and they're speeding through there. And we would like to have four-way stop line put on Hamilton, Swezey and Marcy. We've got to stop that traffic from speeding through there. I mean just the other day we had an accident there on Swezey Avenue because the cars are still parked in the corner and you can't get out. And I live on Swezey. I have to go all the way around and go to Osborne Avenue and go out a red light to get out. This is crazy. Something's got to be done."

Supervisor Kozakiewicz: "I wrote down the locations. We'll pass that along, to look at the establishing- you're looking at four-way stops at each of those intersections?"

Stanley Zambriski: "Four-way stops. And that will slow that traffic down so the people can get across. Today I was out there on that part there and a woman tried to get across that road with three children, one in a baby carriage and two walking."

Supervisor Kozakiewicz: "I know generally and I hate to impose an additional burden on you, we usually do this by a petition. I- "

Stanley Zambriski: "I can't understand a petition. This is a serious thing. Why do I have to have a petition? Tell me."

Supervisor Kozakiewicz: "I knew you were going to say that- "

Stanley Zambriski: "I know, I know you were going to come out and tell me I had to have a petition. There's two people here that can give the okay for that to go through without a petition. One is the chief and one is you."

Supervisor Kozakiewicz: "Actually, it takes the Town Board so it's more than two people."

Stanley Zambriski: "All right, the Town Board then."

Supervisor Kozakiewicz: "We have to- we look at it. We look at it. We determine whether the establishment of signs- you're talking about placing signs up for speed control, speed enforcement."

Stanley Zambriski: "Right, we need them for speed control and for getting out."

Supervisor Kozakiewicz: "Well, see, that's another issue. If it's in order to provide egress and ingress and access to the roads, that's something that I think is legitimate. To control speed, the way to control speed is by enforcement as you know. We've got to write tickets; we've got to get the people stopped. But that's not to say that I or the chief can solely do that. We, as you will see, there's a resolution tonight which is placing stop signs in another location. We had a public hearing on the 18th, we heard public comment, and we're now adopting those changes. It has to be codified.

If we put stop signs up without this Town Board taking action, that's no good. Because anyone who's stopped, will then say, well, where is it in the code and guess what happens? It will be dropped."

Stanley Zambriski: "Well, it's in the book already. I know it's in the book because I'll tell you why. I've worked for the town."

Supervisor Kozakiewicz: "What's in the book, the four-way stops?"

Stanley Zambriski: "Yes, sir. I went to three different towns and let me tell you, every one of those towns, one was up in Stony Brook, and I went to what is it, Horton's Point in Southold- "

Supervisor Kozakiewicz: "Right."

Stanley Zambriski: "The road that runs right along the Sound, well it was a ways from the Sound because there's houses on both sides. Every one of those crossroads has a four-way stop."

Supervisor Kozakiewicz: "Right. And that's- that was adopted as a result of that township, Southold, for example in the case of the Southold- "

Stanley Zambriski: "Well, why can't we- "

Supervisor Kozakiewicz: "We can. I'm not saying we can't. I think we're arguing against one another here, Mr. Zambriski."

Stanley Zambriski: "No, I don't want to, really."

Supervisor Kozakiewicz: "Really. What you're asking us to do is undertake this study, come back to the Town Board, recommend the changes, hold the public hearing, and adopt a change. That's what

you're asking us to do."

Stanley Zambriski: "All right."

Supervisor Kozakiewicz: "And the four stop sign locations would be Hamilton, Swezey and Marcy in each direction from- on Polish- on Pulaski Street."

Stanley Zambriski: "Right. It's just impossible for the police to- "

Supervisor Kozakiewicz: "So north, south, east, west."

Stanley Zambriski: "Right. Catch traffic through there. You can't have cops down there, standing there every minute of the day and I tell you, if you don't, you're going to have a- something's going to happen there, somebody's going to get hit by a car or something because it's ridiculous. People come- they walk and it they come out between a car, here comes a guy down there doing 40, 50 miles an hour down there. This is crazy. And you can't blame- for the cops to be there, they can't- "

Supervisor Kozakiewicz: "I'm not- I'm not placing blame on the police officers by any means."

Stanley Zambriski: "No, I know, I'm not blaming them either. I don't want anybody- I'm not just talking for myself. I hope you know that."

Supervisor Kozakiewicz: "No, and I know, you know, one of the things that we've done with the police is we were able to acquire a new device which- I don't know if you've been around town and you've seen it, but it's the little trailer that lights up the speed."

Stanley Zambriski: "Yeah, I've seen it."

Supervisor Kozakiewicz: "And it was on my street and I noticed- there was a car as soon as it saw it, it went from 45 miles an hour down to 29 in the course of about two houses. So- "

Stanley Zambriski: "But you take that away, then what do you got?"

Supervisor Kozakiewicz: "Well, but it's a mechanism. But your concerns- "

Stanley Zambriski: "I agree with you on that."

Supervisor Kozakiewicz: "Okay."

Stanley Zambriski: "And I just hope that you'll do- kind of look into it a little bit because it's a bad spot."

Supervisor Kozakiewicz: "Thank you."

Stanley Zambriski: "Thank you."

Supervisor Kozakiewicz: "Rita Hodun."

Rita Hodun: "Rita Hodun, Calverton. I have a few questions that need to be answered concerning the skydiving school at the Grumman- former Grumman site. Being that the town is the owner of the facility, the town is responsible for the site. Is there any-- if there is a fuel spill on the site, is there any money being set aside for cleanup and restoration from the tenants in the form of a bond? The removal of waste oil, how will that be handled? Parts from the plane. How will they be removed from the property? Where will the fuel from the plane be stored and how will the planes be fueled? Weekdays and weekends, limited flights. What will the hours of operation be? Is this strictly for skydiving, skydivers and the pilots or will their families be using the facility for parties, barbeque, dirt bikes, skateboards, and in line skating.

What about the deer situation? How is that being handled? Where is the drop off zone to be located for the skydivers? In the event of a skydiver plane landing in a farm field on private property, who's responsible for the damages? Who provides fire and ambulance services? Who will maintain and repair the runway sweeping, keeping and cleaning of debris, snow and ice? Approximately how many high paying jobs are anticipated to be generated within the area with the opening of the facilities?

We would appreciate a written response from the Town Board in a timely fashion. Rita Hodun, Treasurer of the Greater Calverton Civic Association.

I have a copy for each member."

Supervisor Kozakiewicz: "Thank you, Rita. I saw a couple- I know I also saw another hand. Joan Griffing. She's asking for a written reply."

Joan Griffing: "Good evening. Joan Griffing. Greater Calverton Civic Association. I'm not here to complain. I want to give a compliment to Mr. Cardinale and Leroy Barnes. We sent in a letter from the Association about a hazardous condition in an area and his prompt response and Mr. Barnes' response. I just want to say thank you for it and keep up the good work."

Councilman Cardinale: "Thank you. I appreciate it."

Supervisor Kozakiewicz: "You're on a roll tonight."

Councilman Cardinale: "I must be, yes."

Supervisor Kozakiewicz: "Tom Longi."

Tom Longi: "I'd like to know how the town plans to use the Calverton facility, the former NWIRP."

(Unidentified): "Can't hear you."

Tom Longi: "Yes. I'd like to know how the town plans to use the former Grumman facility, the NWIRP."

Supervisor Kozakiewicz: "Generally- I mean there's been a reuse plan that was studied when the property was being conveyed to us by the federal government which analyzed a number of different uses on the property, a theme park, hotel convention center, recreation uses, golf courses, sports park. There was an aviation component to that, an industrial component."

Last year the Town Board adopted two zoning districts which would apply to the property. One was an industrial development district, the other was a recreational development district. The vast majority of the industrial development district is presently in contract with a company called Calverton Camelot, LLC. And that excludes the 10,000 foot runway. The 5- the 7,000 foot runway is part of the recreational improvement district which includes a number of sub-parks or subdistricts.

I'm not sure if I can go further at this point but that's what we're looking to do."

Tom Longi: "The Camelot LLC. What type of property is that?"

Supervisor Kozakiewicz: "Calverton Camelot LLC is a limited

liability company. That's what the LLC stands for."

Tom Longi: "Okay. Has it considered plans to use it for production use?"

Supervisor Kozakiewicz: "We have been doing that on occasion where we've had commercials and other type of production use on the site."

Tom Longi: "Okay. I came up with a plan about three years ago to use it to generate 30,000 new high paying jobs and it got a warm reception at first and then later on it seemed to get a lot of opposition. The plans were somehow lost. I'd like to know what the town did with them. The article itself, it wound up in the paper in, you know, Long Island Advance, of how I intended to use the property. It could actually put a lot of young people to work out here and train them at the same time. I also put in a letter of intent to use the property for a charity concert to be held on August 12th and 13th to promote the idea of using Calverton for production and all of it based on helping animals that nobody wants. It seemed to be very popular in the kind of business I'm involved with. I'd like to know if the town, you know, willing to consider this plan again."

Councilman Densieski: "Are you talking about for the core industrial part?"

Tom Longi: "The entire 2,923 acres. We have architect renderings that we submitted to the town."

Supervisor Kozakiewicz: "We have a contract for the core. We cannot consider any other proposal for the core while we're in contract. To do anything contrary to that would only compound our problem. It would be (inaudible) interference with the contract."

Tom Longi: "I understand that. But the first time that I negotiated with the property, you were also in contract with First Industrial Real Estate of Chicago. At that particular time, I was told I should strike a deal with them to acquire the entire piece. And we gave our renderings over to them and then First Industrial Real Estate never passed their due diligence period to purchase the property. Suppose- are they in due diligence now, this Camelot LLC?"

Supervisor Kozakiewicz: "Passed due diligence. That was waived."

Tom Longi: "So you're about to close with them on the property."

Supervisor Kozakiewicz: "We're moving towards that."

Tom Longi: "Okay. And the primary use for it?"

Supervisor Kozakiewicz: "Industrial reuse."

Tom Longi: "Okay. And job generation, just off the top of your head?"

Supervisor Kozakiewicz: "I can give you the statistics. We have a number of users out there which are probably 500, 600 jobs."

Tom Longi: "And that compares with 30,000 new high paying jobs with training? Has the town considered this proposal?"

Supervisor Kozakiewicz: "Which proposal is that?"

Tom Longi: "I'll give it to you again."

Supervisor Kozakiewicz: "Your proposal you're talking about? Again, I don't know how we can consider your proposal when we're presently in contract with another individual, Mr. Longi."

Tom Longi: "I understand that."

Supervisor Kozakiewicz: "I mean I've made that statement once; I'll make it twice. We can't- unless you go to Calverton Camelot LLC and strike some deal with them where you make this a reality, we can't do that. We can't undo a contract that we're in."

Tom Longi: "Okay."

Councilman Densieski: "Sir, if you have an interest in the balance of the property, I would probably recommend you to go to the RDC, that's where the proposals do go. I don't know if you have taken that step or not."

Tom Longi: "The thing is is that the plan utilized he existing hanger space without any new building. This would help with any potential water contamination problems. By not constructing on the property or do anything new with the property, you're not going to get any resurgent of ground water problems. The thing is to buy the

(inaudible), I would have to do some new building; I'm not looking to do that. I'm looking to split the hangers three ways, turn it into 3,000,000 square feet of hanger space, and rent it out- "

Supervisor Kozakiewicz: "Well, we've got to stop for a second."

Tom Longi: "Okay."

Supervisor Kozakiewicz: "Because there's not 3,000,000 square feet of hanger space there, so you'd have to build."

Tom Longi: "I know- no, no, no. There's 1,100,000 square feet of hanger presently. Am I correct?"

Councilman Densieski: "No. It's less than that actually."

Supervisor Kozakiewicz: "No. There's office space."

Tom Longi: "Okay."

Supervisor Kozakiewicz: "And there's other uses on the property. So the answer is no."

Tom Longi: "Let's say the hangers are 45 feet high and we could divide them three ways. We'd actually triple that figure of available hanger space."

Councilman Densieski: "No you don't. You just divided it by three. How did you add to it?"

Councilman Kent: "You said make it three stories- is that what you said?"

Councilman Densieski: "Make it three stories?"

Councilman Kent: "Oh hangers though. How would you- "

Tom Longi: "Actually we had an architect submit a complete set of plans on how to split the- each hanger three ways."

Councilman Kent: "But they would no longer be hangers then. They would be something else."

Tom Longi: "They would be actually production support companies in there. We'd get a major feature film company to come in. I have a

production support company. I have also 700 different companies willing to come in provided that they get a franchise on the property. It's so lucrative this particular plan, I don't think that you people have ever considered it or even looked at plans I provided. And- "

Supervisor Kozakiewicz: "You have signed commitments from 700 companies?"

Tom Longi: "I have 700 clients that are willing to come in. I have also- "

Supervisor Kozakiewicz: "And you shared this information with our real estate broker and the RDC?"

Tom Longi: "I've already done that with- I've offered it to Jack O'Connor of Grubb & Ellis. That's your real estate broker; is it not?"

Supervisor Kozakiewicz: "That's correct."

Tom Longi: "Okay. I recently got a letter from you declining use of that particular property for a concert to benefit the communities around Grumman that went down, that suffered economically when Grumman moved out. Now for some reason you made certain statements in the letter indicating I couldn't promote a concert like that in time. At that same time, I was in contact with the Delsner (phonetic) people and I was involved with a concert called Med-Aid (phonetic) in 1999. Actually it's one of the biggest concerts around, internationally televised. It was promoted in less than two weeks. What I'd like to know is why that was refused? When we had somebody call the Town of Riverhead and ask them about the property, you people told us that the property was available. Then for some reason, you declined it. I'd like to know why."

Supervisor Kozakiewicz: "I gave you my reasons in that correspondence, they're self-explanatory."

Tom Longi: "What you told me was that a concert could not be promoted in time. You told me that there was a question of liability and you told me that there was going to be aviation use effective August 1st. That's why I'm here. And from what I understand, that doesn't interfere with my projected date of August 12th and 13th. So I'd basically like to know why I was turned down."

Supervisor Kozakiewicz: "Because of those reasons set forth in

that letter, Mr. Longi."

Tom Longi: "That you don't feel it could be promoted in time?"

Supervisor Kozakiewicz: "That's one of the things that was set forth in the letter."

Tom Longi: "Is it something that we're willing to talk about as far as putting on a concert there in the future? If it's to help people- if it's to help- "

Supervisor Kozakiewicz: "Well, I guess taking up one of the comments from Mr. Mastropolo today, I guess if there's a fee that the town can generate and derive as well from the use of the property, we'd have to look at it. We'd have to see that this is a read circumstance."

Tom Longi: "If the Delsner people are interested in putting on a concert there, it could be very lucrative for the town, by way of concessions and everything else, employment and it could actually help the kids around here."

Supervisor Kozakiewicz: "Okay. Thank you."

Tom Longi: "Thank you. Could I submit this to you, resubmit it to you?"

Supervisor Kozakiewicz: "Which is what?"

Tom Longi: "It's my original bid of proposal on the property."

Supervisor Kozakiewicz: "This is for the entire parcel?"

Tom Longi: "The entire parcel."

Supervisor Kozakiewicz: "As I said, we can't consider a proposal on the entire parcel. If you want to go back and- "

Tom Longi: "Okay. What about the ribbon?"

Supervisor Kozakiewicz: "-- fine tune it and- "

Tom Longi: "What about the ribbon?"

Supervisor Kozakiewicz: "Which ribbon?"

Minutes of an Informational Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, August 8, 2000, at 7:00 p.m.

Present:

Robert Kozakiewicz,	Supervisor
Christopher Kent,	Councilman (arrived at 7:31 p.m.)
Philip Cardinale,	Councilman (arrived at 8:04 p.m.)
James Lull,	Councilman
Edward Densieski,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Kozakiewicz: "Let me get things started. I have three Board members here at this point in time and the time of 7:00 has already gone by. There are a lot of people out there obviously as you take a look around. This is an informational meeting. There is no particular project before the Board. This is not a regular Town Board meeting.

The thought was to get some information out there and get the community involved and to hear some of the comments from each of you with respect to a particular project which we've all come to know, love and hate. It's the Riverhead Center project on Route 58.

As I mentioned, there is no formal application pending today which we're going to discuss. And the reason for that is simple. Earlier this year, the Town Board took action on the particular project that we're discussing, Riverhead Center. We took action, first, by approving a change of zone application. Change of zone, which was upheld by the Court, by Judge Dunne in a decision that we recently received last month in July.

We also approved the special permit petitions that were filed by Riverhead Center, one of them being to establish a lumber yard on the industrial portion as rezoned, and the second, to allow for an increase over 15% lot coverage, in this case 16.3%. Once again, that's been approved. That's presently being challenged in Court and we're awaiting a decision from the Court with respect to that particular approval by this Town Board.

This project, briefly, I'm going to try and keep it brief because I know a lot of you want to speak. You, hopefully, will give each other respect. I know you filled out cards. Barbara, there's a yellow sheet up at the podium. When you come up, if we can ask you to sign your name so we get all of your names and spellings correct. It's a little different from what we usually do.

Going back to the narrative of what this project has been through or how long this project's been pending, because I think there may be some misconception about what's been going on at the Town level. In January, 1996, Riverhead Center LLC made an application to the Town for a special permit and change of zone. In 1997, when the Town Board approved the PDD legislation, the Riverhead Center application was amended to include an application of that PDD coverage to their property. That approval was granted in the latter part, in November and December of 1997 and thereafter was challenged in Court.

When the matter went up to the Appellate Division, which is the intermediate level, the second level after it was challenged in the lower Court, the Town unfortunately lost. It was based upon what the Court saw as a flaw with the way the environmental review had been done with the Court case. There was a technical error and to be honest I still disagree with it, but unfortunately that was the decision we were stuck with from the Court the first time through.

As a result, and I believe it was April, 1999, I'm sure counsel will straighten me out if I'm wrong on the dates, they refiled their application to the current application which involved the change of zone to industrial and business and they started the process again. As indicated- or I think I kind of glossed over this, this process has gone through a full environmental review. They filed a draft environmental impact statement that was accepted by the Town, no comments made. It was converted into a full environmental impact statement and that has been upheld. That part of the project has been upheld. It was the rezoning of the PDD.

I would ask that, if you can, each and every one of you respect the speakers that come up and if you can keep it to- what we generally try to adhere to a five minute rule. If you can make it quicker, great, so that each of you could be heard with respect to questions you may have of us as a Town Board, or questions you may have of Riverhead Center. I hope- well, my hope is that each of us can be respectful to one another and it won't degrade into name calling, anything such as that. If it does, my inclination will be to close the public hearing. I don't think there's any place for that. It's

an information meeting and there's no place for name calling and degrading comments. So, if it does wind down to that, with my cohorts' consent, we'll shut the meeting down and we'll leave it that way.

I know that Riverhead Center attorneys would like to address the Board as well and I'm going to let them start first so they can lay out a little more of the ground rules and what this action has been through, what this project has been through.

I want to reinforce that the Town Board has taken two votes this year and in each case the majority of the Board, in fact, the last vote was 5-0 so that's an indication this Board has heard you loud and clear and we want the project to occur. So I want to make sure that's emphasized. We want the project; we've heard the comments from the public and it's as a result of litigation that it's been unable to take a step forward.

Saying that, I know Councilman- okay, Councilman Lull makes a very good point. If there's any written comment that you prepared, after you make your comments at the podium, you could leave a copy with us so that it can be part of the file and part of the Town Clerk's record. Saying that, I'd like to recognize, it looks like Mr. Cuddy wants to start off and then I'll go through the cards. I know there are a couple of you who have indicated a desire to start out first shortly after the attorney speaks. So thank you."

Charles Cuddy: "Mr. Supervisor, members of the Board and also members of the audience. We appreciate the opportunity on behalf of Riverhead Center to be at this community informational meeting and I would for the members of the public, like to reemphasize that the Town Board has absolutely supported this project and both the Town and the applicant made every effort to use this 50 acre site to the advantage of the community. We've been thwarted time and again by essentially five litigants. The people that have opposed the project are the North Fork Environmental Council, Revco, Paints Plus, Griffing Hardware and Eileen Miller.

And it's our position that the majority of the community has been hurt for too long and we're here tonight to try and find some way to remedy that situation. It's strange to us that the opposition that has gone on for these years, and we're talking three years of opposition, four and a half years since we first started this project, virtually never appears at any meeting. They first were opposed to the Home Depot and yet when Lowes application was made to the Town,

there was not a word said. They then opposed the coverage that we had at our site and yet when Wal Mart came, they- and had the greatest coverage in the Town, there wasn't again a word said. They prevented us from going forward; we're trying to bring that to an end through this type of meeting.

We have a number of concerns but they were probably best summarized for us in a letter that was received today by a person who said they could not attend the meeting and sent this letter and I'd like to read it and I'll later put it into the record.

To whom it may concern: It's time now for the Center to be built. For the last two years, we have had to look at moonscape in Riverhead. Riverhead is no longer a horse and buggy town. It's the last large business center in the east end. It is time to stop the litigation in the name of so called environmental issues.

These litigants are trying to stop Home Depot, plain and simple. How come they're not trying to stop Lowes warehouse from building? Something smells a little fishy, maybe the people who are paying legal bills for the North Fork Environmental Council and others own the property where Lowes is scheduled to be built.

In any case, this has gone on long enough. We want the Center to be completed. We need the competition and an increased selection of stores from which to choose from plus Riverhead needs the increased tax base.

Sincerely, B. Piersall (phonetic), Town of Southold.

Not Riverhead, but Southold.

At this point, I would like to have Mr. Leland who has done a lot of the work on the litigation just inform the audience as to what the litigation has been about so that you'll have some better understanding of what we've been through."

Supervisor Kozakiewicz: "Thank you, Charlie."

Rick Leland: "Thanks, Charles. My name is Rick Leland. I'm one of the attorneys for Riverhead Center. Mr. Supervisor, Members of the Board- how's this?

I've been representing Riverhead Center in connection with the litigation arising from this project since sometime in 1997. I want

to tell you where we've been; where we are, and unfortunately where we are going to be going. Because the point that I'm going to make to you is that you are now paying a tax which I will call the Griffing, Revco, Paints Plus, Eileen Miller, North Fork Environmental Council tax because each time they sue us, and they've done it five times, and there are two more coming down the road, the Town has to appropriate money to pay for counsel to defend the case and each year that we're delayed from opening the Center you lose a million dollars approximately in tax revenue with the real estate taxes. You lose money in your share of the sales tax that we would generate and you lose the economic benefit of probably 800 new jobs in the Town of Riverhead.

So while people sometimes think well, you know, this is a big development company, they can afford to pay for the litigation. Well, maybe my client can pay for the litigation but you're paying for it out of your pockets every day when you write a tax check to the Town of Riverhead. And all it's doing is- all that this tax is doing is preventing the Town from moving forward with a development project that you appear to welcome and that the Town has certainly supported from day one.

Let me tell you where we are in the lawsuits. These five litigants and whoever else is paying the bill for them, brought a lawsuit against the PDD legislation, then they brought a lawsuit against the rezoning of the Riverhead Center property to a PDD designation, then they brought a lawsuit against a subdivision at the Riverhead Center and that stopped everything for a couple years. Because of the unfortunate loss at the Appellate Division the Supervisor told you about.

So then we came back in 1999, and we came back and we reduced the scope of the project and we added more buffers and we increased the parking and we moved the entrance so it wouldn't interfere with the mobile home park on Mill Road and we sat down with the litigants and said what can we do to make this project acceptable? And what we got was what we've been getting in a lawsuit. Technical, (inaudible) arguments with very little merit. Not addressed to how this shopping center is going to hurt anybody, not addressed to any environmental harm from the shopping center. Because I'll tell you there is none.

We've studied the traffic; we've studied the sewage; we've studied the socio-economic effects. We have studied this up and down the line and never got one, one objection on environmental ground other than some generalized statement from NFEC or its cohorts. So

then we got sued because the Planning Board made a recommendation to the Town Board to have done the rezoning. A recommendation not even binding. That lawsuit was started this year. We defended it; the Town defended it; we won. It was dismissed.

Then we came back and we got our rezoning and we defended it and the Town defended it and we won. And then we got our special permit and the lawsuit was filed within 30 days of our getting the special permit. That lawsuit will be decided some time in the fall. We're going to get site plan approval, we hope. We're going to go to the Board. We hope the Board will approve our site plan. There will be a lawsuit from that. And there will be an appeal from that. As a matter of fact, I must tell you. I spoke with John Ciarelli who's the lawyer for these objectants who by the way told me he was not coming tonight because he didn't think it was in the interests of his clients to address the people of Riverhead.

In any event, he told me that they're filing an appeal from the decision that we won last month which means that the Town is going to have to spend more money to defend it, more money to fight this and to stop you, the people of Riverhead, from getting the services they apparently want. To stop you from getting the income that the Town would receive and all for what purpose? Well, it's pretty clear to me what the purpose is. You don't have to be a rocket scientist to figure out that a paint store, an electrical supply house, and a hardware store might have an objection to Home Depot. But you know, that's the way competition is; that's the way the world works. But these are people that are holding you and the Town hostage and unfortunately our system is such that all we can do is defend. And we're going to defend with the able help of the Town and the Town's attorneys. And we're going to keep defending.

But we'd like to be able to do something else. We'd like the people to assist us in putting an end to all of this. Thank you."

Robert Kozakiewicz: "All right, all right. I'm just going to ask- all right, clapping is fine. I'm going to ask if you can control yourself. All right. But clapping is fine. I know the gentleman all the way in the back, on the right, had approached me and I'm probably going to give him favor- Mr. Jurgenson (phonetic)- is that what it was? He's not there. Okay. I have some other cards then. I'm going to go to the cards in the order I have them and then I'll take comments from people as they raise their hands. Jack Van deWettering."

Jack Van deWettering: "You know I've been- "

Supervisor Kozakiewicz: "Look what you started, Rick, Rick Leland with the microphones. Okay."

Jack Van deWettering: "Most of you probably know us and know our company. We've been around here in this Town for the last 40 years, but maybe some things that you don't know. The company, Ivy Acres, employs approximately 250 people. About \$10,000,000 is being generated in this Town because of this product that we sell. That product, would you believe, is all going to Home Depot. There is 250 jobs on the line. So I'm here in support of this project.

Ivy Acres spends over \$10,000,000, 250 people, and we funnel this right back into this community so this community can do its job what they're supposed to do.

The other thing that- if you don't go along with this Home Depot facility, is that you all have to go to Patchogue which is the nearest store. That's an extra, at least 45 minutes there and back. Right? It costs you money to do that, waste of gas, the environment. My God, that's probably (inaudible) polluted (inaudible). And, of course, it brings a lot of shoppers here from the west end into the east end.

Another thing that maybe a lot of people don't know (inaudible) is how generous they are. Look at the Olympics on the corporate side, we sponsor the Olympics. On the local level, if you go to some of the places like Bay Shore that would help with big donations and I'm sure when those people come over here they will support the community also. I was just at a fundraiser for Home Depot in New Jersey and in one day they raised over \$1,000,000 for cancer research for the city of (inaudible). To me, that's the type of people you want in this town.

So, the litigation, it is nonsense. They're taking you for a hostage. It's wrong. But in case for some reason they would like to talk to me and I can do something about brokering some kind of a whatever, I'll be glad to help out. Thank you."

Supervisor Kozakiewicz: "Tom Bozza. Tom Bozza. Yeah, you want the one to our right, your left."

Tom Bozza: "You mean the shrimp's one."

Supervisor Kozakiewicz: "If that's what you call it."

Tom Bozza: "All right. Hello, my name is Tom Bozza. I'm from Glenwood Village. I had a couple of notes prepared. But this issue is too emotional to even talk about notes. We've been through this many, many times. I want to relate a simple little episode that happened to me a couple weeks ago. A gentleman from New York, a retired fireman, wanted to come into Riverhead and I was asked to give him a tour. I did. I took him to Tanger Mall, Ramada. We came down, excuse me, saw the restaurants. We went all the way up to 58- we went up to 58 and we came back the other way. And, I said to him, Jack, what do you think? He says I'm thoroughly impressed. And I said great. He said where do you live? I said Glenwood Village. He says, may I see that? I said, sure. We went into Glenwood Village, thoroughly impressed. A couple days later I said to him, Jack, what do you think? He says, Tom, who the- quote, who the hell wants to live next to a city dump? That's what that thing has turned out to be. The Riverhead Center has turned out to be a dump. There is garbage there. It is rat infested.

We have to do something and anybody that is stopping this is an enemy of the people. So I think that this thing should come to a head and it's incumbent upon the Town Board and the rest of us to make sure that there is closure. Let's get it over with because they've got their hands in our pockets. All they've been doing is stealing from us. They haven't done us any favors. And not only that. Their actions are cowardly. Not one of them showed up tonight. You're not important enough. I'm not important enough. Anytime we've made a request they have simply said who the heck are these people? They don't matter. Apparently they must have had lousy teachers because they didn't learn anything about the constitution. They didn't learn anything about freedom of choice. They didn't learn anything about human decency. So I think these are the people we're going to have to shun. We're going to get like the Pennsylvania Dutch and decide- hey, if they're not going to help us, we certainly don't want to help them. Thank you."

Supervisor Kozakiewicz: "Pat Smith."

Pat Smith: "Good evening, Mr. Supervisor, Town Board Members and members of the audience. My name is Pat Smith. I work for Home Depot and I must say this is overwhelming. We're not used to this kind of response in many towns. Mr. Gianos called me last week and said come on out to Riverhead, there's a little meeting going on, talk to a few people and let them know if you think Home Depot will bring the Town. So, a little more than a few people here, Bobby.

Again, I do work for Home Depot. I'm here to reconfirm our commitment to this project. We've been on this for four years now and we're- we are going to build a store in Riverhead. These guys are not going to stop us.

There's a lot of people here tonight. I think Jack Van deWettering said it very well. We are very excited about it. We can't wait to get in the Town. We love to get involved with the community. We'll join the Chamber of Commerce. We'll have our Team Depot which is our store volunteers out building parks, we'll be making a huge difference here in Riverhead. And, again, I thank everyone and I just can't wait to get going. Thank you."

Supervisor Kozakiewicz: "Jeffrey James. Jeff James, okay. He's coming up. Okay."

Jeffrey James: "Good evening, Mr. Supervisor."

Supervisor Kozakiewicz: "Our right, your left. There you go."

Jeffrey James: "Good evening, Mr. Supervisor, ladies and gentlemen. My name is Jeff James. I'm with the Suburban New York Council of Carpenters. I'm here tonight on behalf of the Nassau/Suffolk Building Trades which represents 60,000 construction workers on Long Island. We're here tonight just to show our support for you and we are ready- we're ready to build this project. We know it's going to bring much needed revenue, much needed jobs. It's going to enhance the community. We're ready to go to work for you. Thank you."

Supervisor Kozakiewicz: "Edward Enders (phonetic). All right. Henry Danowski. Henry Danowski."

Henry Danowski: "Thank you very much. Let me use the mike. The first thing I'd like to do is thank you for the material you used on the Roanoke Landing there for the ramp. Thank you very much."

Supervisor Kozakiewicz: "Yes, we still need to address that issue up at the Reeves Beach though. I was down there today and took a look and it's- still needs to be addressed. So, I'll see if we can get something done up there as well because it's in sore need of dealing with that erosion problem. Thank you."

Henry Danowski: "Right. The other thing I'd like to talk to you about is in the Caldor's Shopping Plaza, please, could we get this

doggone box moved out of there before- it's like a Town dump there now. People are just bringing their garbage there and leaving it."

Supervisor Kozakiewicz: "Henry, this is a meeting which is an information meeting to talk about the Riverhead Center project. Not a regular Town Board meeting."

Henry Danowski: "Okay."

Supervisor Kozakiewicz: "We'll be up in Wading River tomorrow- I mean- tomorrow- next Tuesday and we'll have our regular agenda at that time. This is more of a meeting just to hear your concerns with respect to that project and that project alone. If you noticed when you came in, there's no agendas- there are no agendas- I can't even- it's been a long day. There are no agendas out at the desk. This is solely to discuss that project. There was some preparatory comments by myself concerning where we've been as far as a Town Board and the fact that earlier this year as you know from being in attendance at Town Board meetings, we approved the change of zone and we approved their special permit applications and as mentioned earlier and again for people who walked in perhaps after those initial comments, we were successful with respect to the first litigation involving the change of zone. And we intend to continue fighting. The special permit is being challenged. So I don't want to cut you short, but that's what we're talking about."

Henry Danowski: "Okay. I'm all for it anyhow whatever they're talking about tonight."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Mr. Danowski, Mr. Danowski- "

Supervisor Kozakiewicz: "I didn't mean him to keep it that short. Joe Van de Wattering."

Councilman Densieski: "Mr. Danowski can come- can call Town Hall anytime he wants. He doesn't have to wait 'til the next Town Board meeting to- "

Supervisor Kozakiewicz: "Of course not."

Joe Van deWattering: "Mr. Supervisor, Councilmen. I'm Joe Van deWattering residing in Baiting Hollow and I'm the chairperson of the Committee to Establish a YMCA in the Town of Riverhead, and in that

process I've been reaching out to all potential donors because we need lots of financial support. Home Depot has committed to financially assist us in a major way in the establishment of the Peconic YMCA assuming, of course, that building permits will be issued for their location at the Riverhead Center.

We need to stop all lawsuits and appeals. We have the continued lawsuits, we have a simple case of NIMB, not in my backyard. Are you listening, Eileen Miller? And fear, fear of competition. Competition (inaudible) of American business. And fear of providing options for all of our citizens. Shame on you, holding us hostage through the Stark, the Villella, and now the present administration. Shame on you for not allowing a choice for the consumer, shame on you for being so intrinsic and dogmatic. It's time to stop this silliness and welcome to our Town a very community minded company, Home Depot."

Supervisor Kozakiewicz: "While Joe is signing the yellow pad, I'm going to ask Mason Haas to step up. Mason. Okay, hiding on the stage left."

Mason Haas: "Which one?"

Supervisor Kozakiewicz: "That one, there you go."

Mason Haas: "All right, I found it. You know, I've been involved with the Town quite a bit being in the ambulance corps and everything and follow a lot of things going on in this Town politically, socially and all. And I understand there are a lot of concerns (inaudible) regarding the Riverhead Center when they first started the project. And I feel like very many people here feel that those questions have been answered over and over again, the challenges in Court. Right now all it is is a cost to the taxpayers. The majority of the taxpayers I speak to would like to see the Riverhead Center come.

Now people talk about the traffic on Route 58. The traffic is going to be on Route 58. You are a local person, you know the side roads, shoot around the side roads and you get right in. And you get right off of Route 58. The only ones dealing with the traffic on Route 58 are those coming through the Town heading to the north fork and stuff. But, you know, now it's coming to a point almost that it seems frivolous to challenge after challenge and lately they're all being thrown out of Court. And I myself would like to see it stopped. It's a cost to the taxpayers. Let Riverhead Center come. Let them come in, show that they can be good neighbors. A Home Depot is not

going to hurt anybody in this Town, I don't feel. I feel there will be enough to go around with the way the population is growing in this Town. But I for one am tired of the lawsuits. Let Riverhead Center open at this point and bring in their tenants. Thank you."

Supervisor Kozakiewicz: "While Mason is signing the yellow pad, I know there was a gentleman who approached me outside who was filling out a card. He wanted to speak towards the beginning part of the meeting. I have no more cards up here. If- I think- okay, come on up. Because I have no further cards at this point- yes. Well, why don't you come on up here so we can get it on record, sir? Well, one question, so that everyone can hear it."

Charles Castman (phonetic): "My name is Charlie Castman. I live in- it used to be Roll-In but McClouds bought it so now I forget the new name. So anyway, what would happen- I'm asking the attorneys, if I sued Griffing Hardware for depriving me of my rights to shop at Home Depot? How about the- wait a minute. I've got a better one. How about the young lady that's suing? Can I sue her for depriving me of my rights? I have rights just like she does. So can't I bring suit against her? So I'm sure everybody in here will chip in \$50 apiece to pay the lawyer. Right? Can I sue her?"

Supervisor Kozakiewicz: "I don't know the answer to be honest with you. I would have to think the answer is no- "

Charles Castman: "Well, why, if she can have the right to sue- "

Supervisor Kozakiewicz: "Oh, you can bring a lawsuit, I don't think it's going to go far."

Charles Castman: "I don't know about how far it's going to go but it's going to make her hire a lawyer, right?"

Councilman Densieski: "You're probably going to need \$100 apiece, I think."

Charles Castman: "What was that? \$100 a person? I just thought I'd ask that question. Thank you very much."

Supervisor Kozakiewicz: "Thank you. Okay. One other card came up, Sandra Mott. Mr. Leland, what do you think of that? You just sat there, you didn't respond."

Rick Leland: "Well, you know, it's very tough in this State to sue people for participating in public matters."

Supervisor Kozakiewicz: "Right. Slap suit- anti-slap litigation. What is- his comment was- I sort of jokingly deferred to Mr. Leland who was the counsel who stood up after Mr. Cuddy and he indicated- and I don't want to quote him- in sum and substance, it's tough to sue an individual in the State of New York who's participating in a public process and once that- it's called the anti-slap suit. And it's difficult to bring those type of cases to Court because the idea is that an individual who is challenging a particular project, should not be- back down because of a developer who has more money can force them to back down so there is that- "

Charles Castman: "I'm not a developer. I- "

Supervisor Kozakiewicz: "I understand what you're saying. I understand what you're saying. Just to make sure you heard- I mean you asked what the comment was so I was trying to- I was trying to give it back to you in sum and substance. Sandra Mott."

Sandra Mott: "Yeah, good evening. Sandra Mott, Riverhead. I read loud enough, don't worry. Sandra Mott, Riverhead. The long and the short of it I'm here a little late so I don't know how this audience is running, for or against, but it's sort of a moot point."

Supervisor Kozakiewicz: "So far for."

Sandra Mott: "Fine. I don't know where- "

Supervisor Kozakiewicz: "Unanimously."

Sandra Mott: "Well, it's always nice to have the other side of the coin represented and I think I'll represent that now. We live across from the development, just like E. Miller. I understand that this can be a convenience to the Town and to the shoppers who live in Baiting Hollow, who live in Jamesport, who live in Wading River, who live in Aquebogue, and who live in other points east. But we happen to be the ones who have to contend with the traffic, the noise, the disruption of what we all came out here to live for, the rural environment, the character. I find nothing funny about anyone else's comments- "

Supervisor Kozakiewicz: "I did preface my initial introductory comments- you weren't here, Sandra, by stating to everyone that I

would hope that we could be respectful of each and every one's comments. I know from what we heard so far what the consensus has been but, once again, if I could ask that you would respect the speakers who are standing before you so that we could hear from as many of you as possible, I'm sure you're going to have some other questions that I probably will try to take a stab at or I'll defer to counsel for the Riverhead Center. But if we could."

Sandra Mott: "Okay, as I was saying. We're going to have to contend with it on a daily basis. I don't know how many hours these stores are going to be open. Some stores nowadays are open 24 hours a day. I don't know if that- is it going to be Waldbaums that's going to be moving into that shopping mall?"

Councilman Kent: "At one time it was."

Sandra Mott: "At one- well, whatever grocery store- "

Supervisor Kozakiewicz: "Well, the difficult situation here is, I think, as far as trying to identify who the individual users or who the enterprises are who are going to come to this particular project has probably become somewhat of a juggling match for the developer and for the project sponsor, because they get stymied in Court and I'm sure it's tough to keep them involved. We do know from the speaker who was here earlier that one of them has indicated the desire to stay in the process and that's Home Depot. We had an individual stand up earlier who said Home Depot will come. And he was a representative from Home Depot."

Sandra Mott: "And what kind of delivery times will be- "

Supervisor Kozakiewicz: "This was studied in the environmental impact statement. Certainly if you wish to take a look at what the traffic impacts will be, the hours of operation, and how many deliveries there will be, you can look at the DEIS and the FEIS that was analyzed that was part of that environmental review. As I pointed out earlier, and I don't mean to cut you short because you're asking questions, the environmental review is there and on the earlier cases the ones that were sustained until the PDD legislation got overturned, the environmental review that was conducted with respect to this project by the Town Board has been determined to be valid."

Sandra Mott: "But I'm going to assume that those studies were done prior to the expansion of Tanger mall- "

Councilman Kent: "No. I think with the last application there was new supplemental information- "

Supervisor Kozakiewicz: "This project came in in January, 1996 and there was supplemental report, yeah, I think we can probably address that. When the PDD legislation was turned down by the Appellate Division, the applicant was required to come back in and resubmit the change of zone application and special permit. At that point in time, they were asked to file a supplemental environmental impact statement. So there was an additional environmental impact analysis done subsequent to the expansion."

Sandra Mott: "Well, I hope whatever that study determined, they took into consideration the fact that people do live in the neighborhood, including Ms. Miller who filed against the development. I hope the concerns of the Home Depot which I understand have done great things in other communities might do comparable, but if they recognize the fact that people live there, it is not completely commercial and industrial as everyone seems to think, which I've been here on numerous occasions on other issues. And I'll be back again in the future on other development."

My basic concern is that there are people who live there and that studies were done. I hope a consideration was made for the fact that it is a residential area as well and that's my basic concern as to delivery times and the coming of the trucks. Because already off of the expressway the amount of traffic in regard to truck traffic and there is inadequate signage. There is not adequate traffic lights, there are not adequate facilities for such a massive development that is going to be coming. I understand some have pulled out over the time frame because of business concerns. But nonetheless those who do come will be having major deliveries and we're not talking small trucks. We're taking major 18 wheelers and so on."

Supervisor Kozakiewicz: "With regard to the points you've raised. There are mitigation measures that were addressed as part of the environmental review process including signalization and traffic deceleration and turn lanes. So that was part of the process."

Sandra Mott: "I hope that they will- I hope they will be enforced because quite frankly- "

Supervisor Kozakiewicz: "They will not be able to get a CO. They will not be allowed to build unless they build in accordance with what those mitigation measures were that were addressed in that

environmental review process."

Sandra Mott: "I'm talking basic traffic issues. I'm talking basic traffic issues off the LIE. I'm talking basic traffic issues past a major community of seniors. I'm talking major traffic consideration as to the property on Mill- Millbrook I believe is the name of the community that's to the west of the location. Those concerns have to be- as you said they've been recognized, they have mitigating- their attempt to mitigate the circumstances but on a daily day to day basis, since no one else- no one on the Board lives in that particular neighborhood, that's why I came. To speak on the fact that yes, it will be useful, but let's make certain of the fact that the people who are already living there, that the enforcement of these mitigating efforts will be full and that once they are already established as witnesses that they will in turn enforce the traffic rules and regulations."

Supervisor Kozakiewicz: "All right. Sandra, there's a lot of people who are here- "

Sandra Mott: "I understand that."

Supervisor Kozakiewicz: "I've asked everybody to stay within the five minute rule."

Sandra Mott: "And that's basically it in a nutshell."

Supervisor Kozakiewicz: "Okay."

Sandra Mott: "And I hope that you will recognize that there are 500 homes there."

Supervisor Kozakiewicz: "Thank you."

Sandra Mott: "Thank you."

Supervisor Kozakiewicz: "Again, I have no- I have a card coming up now. Bill, if you wish to go right to the podium. Bill, why don't you try to let that- you are going to probably have to bend way down to speak- since you're so tall. It's the one to our right, it's the left."

Bill Talmage: "This one here?"

Supervisor Kozakiewicz: "Yes."

Bill Talmage: "Okay. Bill Talmage, from Baiting Hollow. It's great. I didn't expect to get right up to the microphone. Got a couple points I want to make. One is I have an interest in Riverhead Center so I want to say that right straight up. But, also, talking on behalf of the Talmage family businesses, we bought Talmage Farm, Agway, just down the road recently and are operating that as a garden center. As you know, Home Depot has a garden center in it.

I think people might be surprised to learn that we are not opposed to this project. When competition moves in, you have to adjust your business for sure but we don't think it's proper to play defense. You should play offense. Do the best job you can do, adjust your business. If you go up west, Hicks Nursery, Martin (inaudible) Nursery, large very successful garden center operations operating right in with Home Depots all over the place. So we believe we can survive. We believe we can do very well. We believe the people of Riverhead need the tax break that this project will cause and people want Home Depot in this town.

Also, point number two, I've done a lot of these meetings over the years and I've heard all these arguments, the- you know, we moved out here to get away from this, pull up the gangplank, nobody else come. As somebody who was born in this Town, I saw them come, but, you know, I've heard all that before. And I've also heard the North Fork Environmental Council and all the other NIMB's and I've heard all the arguments. You know. If you remember- and I think I'm going to challenge the newspapers, to go back and find the public records from these hearings for some of these other projects like Splish Splash. I mean Splish Splash was going to be the end of life as we know it on this planet if you remember. Tanger I was going to put every store on Main Street out of business; it was going to cause traffic to the ends of the earth and guess what? It didn't happen. I mean, Tanger II, again, and if you go back and you find these arguments that were made and we find projects that were built, and then we hear the same argument again, you're going to say, you know what? They were wrong, they were wrong, they were wrong and, guess what? They're probably wrong now, too.

I'd really like to see that done because I think we tend to let people off the hook. A lot of these people's credibility should be exactly zero by now. So, that's all I wanted to say. Thanks."

Supervisor Kozakiewicz: "Thank you. Tracy Stark, you wish to speak? And Joe Ingegno thereafter. We'll try to keep this moving."

Tracy Stark: "Tracy Stark, Riverhead. I'm also on the Board of Directors for the East End Arts Council. I also run the Riverhead Ambulance. I was also in Rotary but a little overextended so I had to back off a little bit.

First of all, is Miss Mott still here? It figures because I wanted to ask her who she was representing. She kept saying "we" and she always seems to be solely represented. Is there anyone here not in favor of Home Depot other than Eileen who is somewhere here, I hear. Okay.

And the other thing is, those other people that she says she represents live at Glenwood Village. How many people here are from Glenwood Village, would you raise your hands? Thank you. We live right across the street from Home Depot. I don't, but I'm there 24 hours a day practically. If it's not with the ambulance, it's doing management.

I don't need to reiterate what everybody has said about Home Depot coming, etc. But I do want to say that we did lose a gift of a million dollars and a theater downtown because of these lawsuits on top of your taxes which are repeatedly being dipped into. And in my opinion, they would have also given us first run movies if they hadn't lost- what was the name of it - Regal Cinemas, we would have gotten first run movies downtown which is what we really need because until we have the monies to make a performing arts theater, first run movies would be the only thing that would make it survive at this point. That's my opinion. And we lost that. Maybe we can get it back with the place coming to Tanger; I don't know. If it comes to Tanger. Who knows?

Plus the monies that they want to support YMCA with. We're going to lost that on top of more of our taxes. And as far as competition, I mean, I grew up in this Town soliciting and patronizing Griffing Hardware, Revco. We still do as a business. Paints Plus. I will always go to the Mom and Pop store to ask what kind of paint to use on what kind of material. Home Depot, you're going to get a cheaper price maybe but you won't get that Mom and Pop store where you can say, hey, this is wrong with my toilet, what do I use? Because you're going to get a teenager helping you. You are going to have to stand in line but that's what you get for the discounted price. And yes they may lose some people to competition, but strength to me is not in bringing others down with you. It's being innovative, creative, and motivated.

I did not fight John Wesley Village. I did not fight Riverhead Landing. As a matter of fact, I hand out phone numbers and brochures for both those places and Glenwood Village. Because people need a place to live out here. We didn't fight this competition. You've got to be creative.

So what are we going to do about this people? What action are we going to take? Who's going to go to Jack and say, Jack, okay, you've graciously volunteered your time, let's get a committee together. Let's do something. I'm sorry to Griffing and Revco and Eileen Miller who I allow on my property to come in and do work and make money, but I'm sorry. I'm sorry. This is life, this is struggle, let's get moving here. We're holding the whole development of Riverhead back. What are we going to do? Outside for a committee meeting after this. Thank you. If there's one thing I hate, it's going to a meeting where there's nothing going forward after the meeting. I want a solution. I want something to come from this meeting. Thank you."

Supervisor Kozakiewicz: "Joe Ingegno."

Joe Ingegno: "Hi. My name is Joe Ingegno and I've shopped in Griffing Hardware and Paints Plus- at least Griffing Hardware for the last 30 years, Paints Plus since they've been here. And I also shop at Home Depot. The only problem is I have to drive 30 minutes or 40 minutes to get what I want at Home Depot. I don't intend to stop shopping at Griffing or Paints Plus but I will shop at all three of them. So, but, what I really am disappointed about is how they've picked my pocket for the last three years for over \$3,000,000 which has caused me to spend less money in this Town because I have to pay more taxes with it. And how they've denied this Town the rights to have a shopping center of this quality and magnitude that would do nothing but enhance the quality of life for us out here, make life easier instead of driving on a Sunday morning to get your building materials or whatever. I also shop at Riverhead Building Supply and spent tens of thousands of dollars there.

And I think everyone can co-exist if they're innovative and sell a quality product and find a niche market which many of the other stores have found in other areas where there are Home Depots and Lowes and everything else all over this country. With all those numbers you would think there wouldn't be a hardware store left in the United States or a paint store yet they survive because they're not afraid to try new things, to try new methods of selling, and to be as Griffing Hardware Store is, a good community member where you say, well, I think I'll go buy this item here today rather than go stand on line in

Home Depot.

I am just sorry that it's taken four years to still get this thing on the road which is still isn't on the road yet, and I hope it comes to an end soon. And I hope this gets built and we have a new place to shop. Thank you."

Supervisor Kozakiewicz: "Thank you. No, that's right, you had your hand up first. Okay. The fellow with the green shirt. Yes, you. I'm not sure- hands over here? Okay."

Pete Rosano: "I'm from Crown Sanitation and Recycling- "

Supervisor Kozakiewicz: "I couldn't see that far."

Pete Rosano: "Well, in my business, you know- "

Supervisor Kozakiewicz: "Your name, just for the record."

Pete Rosano: "I'm Pete Rosano."

Supervisor Kozakiewicz: "Okay."

Pete Rosano: "In my business, when large national companies had first come to Riverhead, which is Waste Management, my family- we became nervous. We're saying that, you know, they're going to take over and, you know, we're not going to be able to have, you know, we're not going to be able to service customers. They're going to use the big company. They're going to use the better price. But what we've noticed in the last year, two years, that these large companies that have come in, we've noticed that our business actually increased because we give the- the smaller companies give the better service. That, you know, we give the better service and everybody would rather use the smaller company than the larger company like Home Depot.

I think it's a good idea that Home Depot does come to town. I don't think it's going to hurt any local small companies like Riverhead Building Supply or Revco or small paint stores because as Joe Ingegno said you still want to use the local people and I'm in support of the Riverhead Center also because there is nowhere to go out here. If you want to go see a movie or you want to get a bite to eat somewhere. You can't go anywhere out here. Tonight- I mean, I'm from up the Island more but, you know, we've established our business in this area and, you know, our life in this area. And tonight if we wanted to stay out here and get a bite to eat, you know, where could

we really go? We'd like to be able to go somewhere, you know. Go to a local place.

I would just like to, you know, put it on record that we're in support of the Riverhead Center. We think it's a great idea."

Supervisor Kozakiewicz: "Thank you."

Unidentified: "I understand there's hamburgers at the Kozakiewicz residence."

Valerie Anselome: "My name is Valerie Anselome (phonetic). Thank you for letting me speak. I just have one question for the attorneys perhaps. We, as the community, what can we do to help? What can we do? Is there something I can do as a community member to get this on the- get this rolling, to get this moving? You are talking about staying together, what can I do?"

Supervisor Kozakiewicz: "Yeah, the question- "

Valerie Anselome: "Can I write a letter? Can I make- "

Supervisor Kozakiewicz: "-- is addressed to you so I think I'm going to let Mr. Leland respond and- yes, please."

Rick Leland: "Well, actually, I think what the community can do to help is to show support at meetings like this, make it known throughout the community and to the people who are opposing you, that you don't want to take this anymore and that you are in favor of this project going forward and that you want it to go forward and that these people are creating a problem in the town that they and you live in. And it's really the public pressure that can be put on by the public information getting out and taking action and writing letters and making it known that this is not the kind of thing that the people in the town want.

You have very limited legal remedies, I must admit. As the Supervisor said-- "

Valerie Anselome: "Just as a community member. I'm not talking about legal so much. Can I make phone calls? Can I walk in front of the stores?"

Rick Leland: "Absolutely."

Valerie Anselome: "Can I write letters? What can we do? We're sitting on our hands."

Unidentified: "Can we picket?"

Supervisor Kozakiewicz: "The problem is that the legal process is the legal process and unless the litigants decide they do not wish to pursue any further legal action, the Courts have to decide the cases and there's nothing you can do- I mean, you can't write the Judges and tell them that (inaudible) are in favor. They're not going to listen to letters coming to them. They can't. They have to listen to the legal arguments being raised by the parties and they have to consider the lawsuits on the merits, and- "

Rick Leland: "I mean, I don't know whether the Town has any ordinance about it but there's a first amendment in this country and you're allowed to speak your opinion and you're allowed to do it in non-disruptive ways. And if you have a picket sign and do it in a non-disruptive way, that's permissible. I don't know what kind of response you're going to get. I can't tell you to go further, I don't want to be stirring up the pot and be a rabble-rouser here."

Supervisor Kozakiewicz: "Well, I think I'd go further to say that I don't think he wants to incite a riot or anything that would be considered a public disturbance because there are rules and procedures and laws that have to be adhered to. You know, I think that's it. I don't know what to say in response to that. I mean, the bottom line is, you know, we have to let the Judge decide the matter and the Judge will decide the case. We have a special permit application pending before the Judge. I'm confident the Judge will decide in our favor. Your comments, I think, can be made known to the litigants and, you know, I think we've heard a lot of things. I don't know, you know, what else I can say. Joan Marshall. Tom, you spoke. I want to try and- because we can be here until two in the morning."

Tom Bozza: "(inaudible) Home Depot can't provide the signs for us."

Councilman Kent: "What did he say?"

Joan Marshall: "Hi. I'm Joan Marshall and I'm a retailer, have been in the Town for 25 years. I don't live in the Town but I've been very involved in the Town as President of the Chamber, President of the Rotary Club, involved in the East End Arts Council. You name it, I'm involved in it. I'm in favor of this center because it brings

progress into Riverhead. We do not get deliveries- I'm in a shopping center- and the most of the deliveries are in the morning. There is none in the evening. And at 11:00 they have to sweep before- they cannot do it after 11. It's a town ordinance. To clean up the center so the people in back, we have the apartments in the back, and they're not disturbed by it. They love it, they walk in the back to come in.

My big question and the gentleman before answered it. I know it's not your fault that you're against this because you have voted for it, you have seen everything. You know the people want it. And the whole idea right now is the zoning that has to be approved by the Judge. Correct? In other words- "

Supervisor Kozakiewicz: "The change of zone was ruled upon favorably by the Judge. The special permit- "

Joan Marshall: "All right. So what other problem is there?"

Supervisor Kozakiewicz: "Well, it's- the practical problem as far as in the Courts?"

Joan Marshall: "Yes."

Supervisor Kozakiewicz: "They can appeal that decision. That decision that we received from the lower court which approved the change of zone made by the Town Board earlier this year, can be appealed. They can take an appeal to the Appellate Division and then it will take anywhere between nine months to a year to get a decision back on that appeal."

Joan Marshall: "So what's happening then is they're just stalling the inevitable in the Court with the town's money, which is their money, my money. I mean, I pay \$8,000 a year in real estate taxes and I don't even have the benefit of using the beach. You know, because the landlord does it to us and I think that's unfair and I feel at this meeting, and I think everyone is in agreement, that something- we reach a conclusion to something. We know it's not your fault, it's not our fault because we want it."

Route 58 is a commercial corridor. It always- it's been that way since the first shopping center which was the center I'm in, 25 years ago. And it's been kept very well. Bobby has done a great job. He even put nice apartments in the back and if everybody sees it, he's very proud of what he does. Andrew is a local person. He lives here. He doesn't build and run. None of them do. So we have local people

that are going to support us in all our funds, but give us an answer which the gentleman said before, we are in favor of it. Tell us what we can do to stop the litigation. That's the big question. We can all say we're in favor of it but give us an answer. Thank you."

Supervisor Kozakiewicz: "Dick Redikin."

Dick Redikin: "Good evening, my name is Dick Redikin. I'm a Riverhead resident. I just have a question really. Prior to my coming to this meeting, I assume that the people that are against the center were reasonable people. Even though I've been reading for the last two years what's going on, I thought they might have some legitimate reasons why they did not want the center to be placed here.

I've changed my mind, my feelings about probably why they're doing it. I have a question. Would it be possible to have some type of an official Riverhead ballot taker. Send out a letter to each resident as to their desires. Do they want the center; do they not want the center? And have an official ballot taking date set here at Town Center- Town Hall, where we can come in and cast a ballot for it or against it. It's not going to help in the litigation other than the fact the people will. It's the people's will. I truly believe that this is a sampling of the entire town which means that we're probably 80 to 85% pro center. If we can put that in front of these people, the litigants, and say this is what you're faced. These are the people that are telling you that you're wrong. It might cause them to withdraw. At the very least it could do would be to show the Judge what the people of the town desire. I don't know if it can be done."

Supervisor Kozakiewicz: "It, it- it already has in substance because the Riverhead Center people have already done polling and they've conducted polls and the polls have indicated that the town people want the Riverhead Center project and the project to come forward.

As far as the Court matter is concerned, an opinion poll would not have any results or any relevance and would not be binding upon the Court so the Court, again, is relegated to deciding the matter on the law, looking at what the factual issues are with respect to how the project was reviewed and it will decide the cases accordingly.

As far what the public opinion is and whether people want it or not, is not important to a Judge in a Court's decision."

Dick Redikin: "Then unless the people of Riverhead do something themselves, we're looking at two years? We're looking at two years?"

Supervisor Kozakiewicz: "It could possibly be that long, that's correct. That's correct."

Dick Redikin: "Okay, thank you."

Supervisor Kozakiewicz: "Mr. DeGrasse."

Antonio DeGrasse: "I'm not used to speaking to adults. My name is Antonio DeGrasse. I'm from Riverhead, Jamesport. As a retired educator, always dealing with school budgets- "

Unidentified: "Can't hear you."

Antonio DeGrasse: "As a retired educator always dealing with school budgets, I've always been concerned about how we pay the (inaudible). I have watched this from a distance in my very nice retirement but I cannot believe that two or three stores or whatever it is, the groups, can actually hold up the entire Town. And though we can't do anything, I was thinking this always counts. I don't believe in advocating secondary boycotts, at least not publicly, and I have in my own life experiences, many times had to deal with things that seemed impossible at the beginning. And I think that the gathering here today- this evening rather, represents a real statement to people who are negative to the Town having progress. I think you have to stick to your guns, you don't worry about- Judges can be influenced- the Supreme Court has changed based on public opinion. And you should never believe that people who gather together about something that they think is important, can't make a difference.

I'm sure-- and I will end by saying that before 1776 they said how could we really throw down on King George? That's impossible. They've got all those guys in Redcoats and they're trained and they have lots of boats. They had their Boston Tea Party and the rest is history. So I say keep the pressure on. Thank you."

Supervisor Kozakiewicz: "Mrs. Hatoff."

Anne Hatoff: "Good evening, I'm Anne Hatoff from Reeves Park. I'm not a business person in this town; I'm just a consumer. And I've lived here- "

Unidentified: "Can't hear you."

Anne Hatoff: "I'm not a business person in this town; I'm a consumer. I've lived here for forty years. When we first moved out, other than if it's King Kullen and then Safeway or maybe vice versa up where Dunkin Donuts is, there was nothing between the traffic circle and Route 112 except a diner up in the vicinity of 112 because we'd stop there to use the facility to go home to Nassau. We then moved out here, year round, raised our family. And certainly this is before the expressway invited us to live out here. Then the expressway came and along did a lot of people. But if you wanted to do any kind of shopping, you had to go to Huntington and then later on Smithaven Mall which in its day was a God send. I love shopping in Riverhead. I do all my shopping in Riverhead. If I don't have to go past exit 67, I'm ecstatic because of the traffic.

I see no reason- I can't really see anything bad. The traffic is the traffic. And we will overcome that. There are some people and I say this, God forbid, want to rip out our tree at the traffic circle. I would hope that would not happen. But we will- we can manage all this. We do need this. It can add to our tax base. It will add to jobs and I see nothing bad in it.

The- I go down Mill Road everyday and I head west on the expressway which means I pass where the center is going up. Aesthetically, I would be delighted not to look at the mounds of dirt, the weeds, the falling down fence and the cesspools. And I have no money involved in this. I'm just looking at it. It's an eyesore. I would love to see this whole situation relieved. I would also love to be able to go to a local movie house instead of traveling to Mattituck, which is really the nearest, or going west. So I see this as a plus for the town and I'm all for it. Thank you."

Supervisor Kozakiewicz: "I don't have any cards and I don't know if there is anybody else who would like to speak who is opposed to the project- Joan Griffing. Joan?"

Joan Griffing: "Good evening, Joan Griffing from Baiting Hollow. I'm not opposed to the project and I'm sure like 90% of the people in Riverhead are for the project. The gentleman in the orange tee shirt mentioned about a writing campaign and letters, come down to Town Hall and show support. I found people very lazy, unless you give them a postcard with postpaid stamps on it, before they'll mail it in. What about a referendum in November? Would a referendum help putting it on the November ballot?"

Supervisor Kozakiewicz: "I don't see any purpose for a

referendum. It would be an opinion, a poll, and it would- unless it's got something else tied to it, it would not be a legal referendum. I think this Town Board has heard what the people want and the purpose of a referendum would only- I don't really see a purpose to a referendum to be quite honest. Just what's going on here this evening is clear that people are supportive. This is in essence as Mr. Lull is pointing out a referendum and I don't see any purpose to that. We just have to keep our heads down, push forward in the litigation, and hopefully, pray to God, that the other party through mechanisms that have been discussed here tonight may reconsider their position and understand that Home Depot is coming and they've indicated that already. All right. Thank you."

Joan Griffing: "Thank you."

June Barth: "Hi. My name is June Barth. I'm from Aquebogue."

Supervisor Kozakiewicz: "Sir, you can stand up and stay up. You can come up."

June Barth: "I hope I'm not being repetitious. I'm sorry that I'm late. I intended to be here at 7:00 but was delayed. I want to say one thing to the Town Board regarding a lot of issues that are going on in this town now. What I fear is, you know, we're all a long time dead on this earth, okay, we're dead longer than we're alive so I really feel that to promote anything in this town, we want to do it with reason, with dignity. I think enough already of the lawsuits back and forth over small issues, big issues. I think we all have to rise above this now and do what we have to do for the benefit of this town and the benefit of this community. So I really hope that things will be considered reasonably by everybody and stop dragging lawsuits, lawyers, and so on into this. Because I care about the town."

Supervisor Kozakiewicz: "Thank you."

Bill Montgomery: "Hello, my name is Bill Montgomery and I live in Riverhead, only a short period. I'm retired Navy and as I became 65, they took our medical away from us which they said they replace it with Dr. Kovorkian's home phone number. Now my point is that this Riverhead Center, a lot of us are senior citizens, and we'd like to be around to see it completed."

Supervisor Kozakiewicz: "Tim Yousik."

Tim Yousik: "My name is Tim Yousik. I'm a business owner in

the Town of Riverhead and a taxpayer. I have a question for the Town Board. Is there a dollar amount that you could tell us that was actually spent by taxpayers defending these lawsuits?"

Supervisor Kozakiewicz: "The question is how much was spent by us? Yes. I'd have to- we have hired attorneys to fight this litigation."

Tim Yousik: "No doubt. Do you have a dollar amount what was spent so far?"

Supervisor Kozakiewicz: "I don't have the figure handy, no."

Tim Yousik: "I mean something close, half a million, a million?"

Councilman Kent: "No, no, no. I wouldn't think- it wouldn't be as high as you would think because we piggybacked a lot of our defense work upon the work that was done by the developer himself. So, a lot of our legal- our legal expenses were kept to a fairly small amount because we utilized the defense, the legal services of the developer in a lot- "

Supervisor Kozakiewicz: "The first time through with the PDD, I know that it was handled by the Town Attorney's office and, therefore, I guess you could say there was no taxpayer expense or no tax incurment. Clearly there has been a loss of taxes by the property not being developed, a loss of jobs by the property not being developed--"

Tim Yousik: "The loss of taxes is- do you have a dollar amount on that, roughly?"

Supervisor Kozakiewicz: "You're talking about a million a year."

Councilman Densieski: "Millions, millions."

Tim Yousik: "So roughly \$3,000,000?"

Supervisor Kozakiewicz: "Yeah."

Councilman Kent: "Well, I don't know if we would have realized them yet but we will lost some perspective tenants because- "

Supervisor Kozakiewicz: "Once it's developed and as tax status

day, yes."

Tim Yousik: "I think it would be a wonderful idea if the Town Board is actually in favor of this project moving forward, that the Town Board publicize what this has truly cost the taxpayers so that every taxpayer in this town is reading it in the local newspaper and realizes that there area handful of people that need to be sent a message, because this is wrong. It's cost us way too much. Thank you."

Supervisor Kozakiewicz: "Did you wish to speak? And your name, sir."

Tom Lennon (phonetic): "Hi, my name is Tom Lennon. I've been here in this town, paying taxes, well, my family, for about 35 years. I, too, would like to see this project in my lifetime also. I want to commend the Board, I think you've done a good job, the current administration on at least trying to get this project moving forward and you seem to be taking the right steps. But I find it kind of funny, I notice a couple of people talked about small business that's fighting this thing. I don't think anybody can argue-- I really don't think Riverhead Building Supply is really a small business. They've made a lot of money in this town and it's been from bringing people in from the outside also. It's not just local people.

And then I just want to address another comment, Bill mentioned the 58- living on 58 and the traffic. A friend of mine recently sold an apartment in the city. One of the comments that somebody mentioned when they were looking at the apartment was boy, you know it's a little noisy around here. And kind of looked at him and said, well, this is New York City, what did you expect? Route 58 is a commercial district. It's zoned commercial and I know there are residents there and people have moved there, but, you know, the business is there. Businesses have always been there and they're going to continue to be there.

Legally Riverhead Center seems to have done everything they can and it's been an approved process. You know, for certain people to fight it and cost the Town a lot of money, I don't think is really fair. You know, I just want to say that everybody should do obviously whatever they can and I think some comments have been very good tonight in terms of what needs to be done and people obviously want to help and want to get something done. And the support, I think, has been pretty overwhelming. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Kent: "Could I just make one comment on that? I believe Riverhead Center has backed out of all the litigation at this point, so, I mean Riverhead Building Supply has backed out of all the litigation at this point, so just to let you know that."

Supervisor Kozakiewicz: "You need a moment and then we're going to try and get some conclusory comments. Because I think I know where this is going. Yeah, the fellow up here is changing the paper. What I'm going to do is while he's changing the paper- I don't think I'm going to say anything that may be that pertinent for this, I think we've heard a lot of comments about what people feel about the project and the fact that we're all equally opposed to the people who are fighting this. And I think we all understand or hopefully understand the Town Board is not somebody who has stood in the way of this project. I would like to hear a few more people and then rather than continue on all night long, Mrs. Litka had her hand up for a while. I'm going to- a handful of people and then I'm going to close this information meeting. I think we could be here quite honestly until midnight hearing the comments. So, Mrs. Litka and then yourself-- right up there, and Carol Kemperman and then there was one hand in the back. And I think we'll sum it up with that."

Councilman Densieski: "Bob, maybe."

Supervisor Kozakiewicz: "Oh, okay, Bob, you can be the last speaker. All right."

Toni Litka: "Tony Litka. You say a Judge cannot be influenced, right?"

Supervisor Kozakiewicz: "I kind of- "

Toni Litka: "I'm going to show you he can. Do you remember the miracle of 34th Street?"

Supervisor Kozakiewicz: "Well, that was on the basis of a legal proceeding and besides we're going astray. The question is whether, you know, we're talking about the Riverhead Center, we're talking about what this Board has tried to do, we're talking about some of the problems that have been confronted. I don't want- "

Toni Litka: "But if they would write those letters and the post office- wouldn't that be beautiful to see 50 or 100 postmen walking

into a court and dumping all those letters on a Judge's table? That picture is (inaudible) influenced me to this day I still think. It's us. We've got to do something. You guys can't. If we all wrote a letter- "

Supervisor Kozakiewicz: "If the project comes forward to us and the right site plan is provided, it's got the detail that's necessary for us to act on it, we'll consider it. And I, you know, I can't say what our vote would be but I presume we'll probably be in favor of it and we may have some issues as far as the site plan. Then it's just a question of the court moving forward and we're prepared to fight it fully."

Toni Litka: "But you think our letters won't help?"

Supervisor Kozakiewicz: "I'm not going to tell you not to write letters. If you want to write letters, you can."

Toni Litka: "Who can we write them to then? Who's the Judge that's going to handle it?"

Supervisor Kozakiewicz: "The problem is this. The case gets assigned to different judges. There's no particular judge who decides- "

Councilman Kent: "Judge Dunne."

Supervisor Kozakiewicz: "-- the particular Judge who just decided that the case in favor of us was Judge Dunne. I'm not sure he's going to receive- is he the one who is going to- he has the special permit lawsuit as well."

Councilman Kent: "And maybe the Second Department in Brooklyn you can write to. I think there is nine justices."

Toni Litka: "Try it folks. Write."

Supervisor Kozakiewicz: "All right. Mister- Mort."

Mort Ericson: "Good evening. I'm Mort Ericson from Wading River, a resident of Wading River and the Town of Riverhead for 28 years and lifetime resident of Suffolk County. I went to school, came back home. One of the things I would like to tell you is that many, many years ago when the fire service went to EMS, the older guys in the fire service didn't understand and one of the things we did, we

continued, we battled uphill and today you have paramedics and the helicopters. We don't do 80 mile an hour trips to the hospital anymore. We do a nice safe trip. We have paramedics out in the ambulances and today's medical system that works together with the hospitals is all part of we've struggled over 20 years to get. And I would like to tell you there's a silent majority out in the Town that wants you to move frontwards. We congratulate you for all that you've done and we hope and pray that you will continue because Riverhead is a great place to live and we'd like to see the center and lots more, the theaters. I think you'll love it when you see them. Out in California, my son is out there in Oakland, excuse me, Ontario, and they built one theater with about 25 multiplexes I believe as they're called, and within a year it was so popular they built another one across the street and that is filled also, all bringing money to that community and they've made adequate parking and so forth. So in dealing with the different issues, I would encourage you to move forward and look ahead and know that there's going to be static along the way. But please take heart. There's thousands of us out here that really believe in what you're doing. Thank you."

Carol Kemperman: "I'm Carol Kemperman from the Village Crossroads Restaurant. I'm also in favor of this project but I have one problem and that is, maybe I'm ignorant, but I don't understand if they had a permit in place, they had the special permit, they did everything they were supposed to do, how can a lawsuit come in against this center and do what they did to hold it up? And then there was something I heard that they didn't have the environmental impact statement which then they did so how can- do you mean to tell me if I buy a piece of property and I tried to build something on it, somebody can come in and put a lawsuit against me if I have everything in order? How is that? They're taxpayers, too."

Supervisor Kozakiewicz: "Any time a Town Board or a Planning Board or a Zoning Board for that matter grants an approval to a project, there is the possibility an Article 78 can be filed challenging the approval. In this particular case, it wasn't the environmental impact statement that was filed with respect to this particular project that was found to be in error. The Court found that when the Town Board had considered the PDD legislation, they failed to conduct the proper SEQRA review and should have had an environmental impact statement done as part of that process. That was by the Appellate Division. The Appellate Division threw out the plan- the destination commercial planned development overlay district. When that was thrown out, the application made by Riverhead Center which was based upon that underlying zoning, likewise failed."

So while they did an environmental review, it was the underlying district legislation which failed because of the failure to adhere to allegedly adhere to the SEQRA review."

Carol Kemperman: "So now- "

Supervisor Kozakiewicz: "So anyone can challenge a particular project. The answer is yes."

Carol Kemperman: "Right."

Supervisor Kozakiewicz: "Whether they win is another question."

Carol Kemperman: "And for how long can they challenge this? Endlessly?"

Supervisor Kozakiewicz: "Well, no, there will be a limit at a certain point in time when they're through everything and this Town Board has made all the approvals-- they've received all the approvals they can from this Town Board or from this Town, they'll be an end to the process. Unfortunately it's not coming quick enough for as we hear from most of you out here today."

Carol Kemperman: "Okay. Thank you."

Supervisor Kozakiewicz: "Thank you. Is there anyone who wishes to speak against this particular project? Okay. Saying that, what I'd like to do is because as I said earlier I think we can go on forever. I'd like to let Mr. Gianos sum up with some of his observations and then we'll close this informational hearing. Thank you."

Bob Gianos: "Good evening, everyone. Members of the Town Board and everyone in the audience. I think tonight we did one of the hardest things that anyone can ever do and that's to get people who are for something into a room and out of their houses. For the last three and a half years, it's been very easy to send a lawyer who says I represent North Fork and Eileen Miller, Revco, Griffing and bring them here to the podium and make speeches about all the things they're going to sue us for, which they have. Three and a half years later and everyone in this room has had enough."

Today we found out that opposed to accepting our invitation to come here and have a discussion with everyone in this room about what they're real views were, what we might be able to do to resolve these

issues that they have, they chose not to come and not to address us and they didn't even send their lawyer this time which, you know, frankly we're a little shocked about.

So, but they did send one message and the message they sent is that we're going to file another appeal and that we think we can tie you up for about another year, year and a half. We can cost the Town money, we can keep that place looking the way it is across the street. And that was the message they sent tonight. So the question is, is knowing that, what do we do?

One of the things that I'd like to do is take Jack Van de Wettering up on his very, very gracious offer as an esteemed business leader in this community to perhaps chair a committee of people, of people in the audience today, who would meet with these individuals and understand what are their real issues. And whether or not they are really representing the issues or they are representing some big money behind them to keep these lawsuits aimed at Riverhead's Town Government and aimed at this project and aimed at Home Depot.

There are people in the audience today who suggested economic action, the way the United States government takes economic action against other countries who violate our standards of international peace. And for those people who made those suggestions, I would very much encourage the formation of some committees because I don't think that anybody will change anything unless they see people coming to their premises, coming to their store and saying we'd really appreciate it if you'd stop and I think everyone can ask nicely once, nicely twice, and if they just tell you that they're not interested in helping you out and they don't care about your taxes and you've asked them all politely, then it's time to go right ahead and exercise your first amendment rights to stand in front of their store and say we asked you nicely, we're trying to be your friend, we'd appreciate it if you became part of the community, but at this point in time we're tired of paying your monopoly.

I wish we knew what we could do after the meetings we've had with them which haven't been for a while, what we could do as a project team. My dear partner, Andrea Mendelsohn (phonetic) whose family owned Mid Island Lumber for 50 years here in Riverhead, and it always struck us as funny that somebody would oppose turning a lumber yard into a lumber yard and call that an environmental question, and for some of the people who came up, the one person who came up and opposed and said residents live there. We know residents live there. We've been studying for the last almost five years now everything about that

intersection, everything about that corner, everyone who lives there, and we have filled this entire cabinet and half the front desk with paper that's sitting in files here that has taken everything that was mentioned into account.

So we're not really sure at this point in time what it is that we can do to solve any of their issues because they're not here telling them to us to solve, to please put a bush here, please put some more trees there, please put some more grass here. And I think at this point in time, we're convinced that's not what it's really all about. It takes a lot of money to fund these lawsuits. We spent a lot of money.

Years ago when this all started we made an offer that we would donate the legal fees we thought we were going to spend to a list of charities in town if the opposition would do the same. That offer was carried in the papers, it was put in ads, and the litigation went on and on. So obviously it isn't about helping the folks of Riverhead because they could have said, gee, that's a good offer, that's a good way to spend money instead of suing the Town government.

So at this point in time, we're not quite sure where their money is coming from. We know the Town government is being told they are going to spend a lot of money in the year 2001 on these suits so we've got nothing to lose here folks to chair a committee and people could volunteer to meet with Jack and Jack can take his committee and meet with the folks and probably a good idea if I'm not sitting in there or Andrea is not even sitting in there so that they're not afraid to speak their mind and for any of the folks who want to lead other committees and think there should be some other committees formed, let's go ahead and form them. We're spending a whole lot of money defending lawsuits anyway, so we might as well spend that same amount of money organizing ourselves to speak to these people and whether we speak to them economically or we speak to them peaceably, it will be up to them. Thank you very much for your time."

Supervisor Kozakiewicz: "As I mentioned earlier, I was going to let Mr. Gianos be the last speaker. I think we've heard from many of you as far as your concerns and what you feel with respect to this particular project. Really, the desire here was to one, tell you where we've been as far as a Town Board, what the process has been, where the application has gone, where it started, what the process has been as far as the Court proceedings have been concerned, and what action has been done recently as far as this Town Board. We also the forum also provided you an opportunity to hear from the principals of

Riverhead Center, from legal counsel for Riverhead Center. We do not necessarily endorse some of their comments and I think you have to take them for what they were. I'm not trying to discount them or downplay them at all.

Again, it was an opportunity to hear everybody, to understand where the project's been, and hopefully we'll be able to convince the individuals who have challenged this lawsuit that enough is enough and let's move on with our lives.

Saying that, and unless there's further comment from the Board, I'd like to close this hearing at this time. Bob- "

Bob Gianos: "Just one last thing. There's a table outside. I'm going to go ahead and wait outside for anyone who wants to volunteer for anything just give me your name and phone number and we'd be happy to get in touch with you in the next few days and organize a meeting to follow up on this. Because if there's no follow up, then we probably have all wasted our time tonight."

Supervisor Kozakiewicz: "Thank you. Okay. At this time, I declare the information meeting closed."

Meeting closed: 8:34 p.m.

Barbara Hutton
Town Clerk