

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 7, 2001, at 2:00 p.m.

Present:

| | |
|---------------------|---------------------------|
| Robert Kozakiewicz, | Supervisor |
| Edward Densieski, | Councilman |
| Christopher Kent, | Councilman |
| Philip Cardinale, | Councilman - arrived late |

Also Present:

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

Absent:

| | |
|-------------|------------|
| James Lull, | Councilman |
|-------------|------------|

Supervisor Kozakiewicz called the meeting to order at 2:00 p.m.

Supervisor Kozakiewicz: "Thank you. I'd like to call today's Town Board meeting to order and the first thing we'll do is stand up- John, would you do the Pledge of Allegiance for us, please?"

(The Pledge of Allegiance was recited led by John)

Supervisor Kozakiewicz: "Why don't we do the minutes first and then we'll break and go to the front for National Night Out? Is there a motion to approve the Town Board meeting minutes of July 17, 2001?"

Councilman Densieski: "Motion to approve the minutes."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Okay. Moved and seconded."

The Vote: "Densieski, yes; Lull."

Supervisor Kozakiewicz: "Absent."

Barbara Grattan: "Sorry."

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

Councilman Kent: "I'm here and I vote yes."

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

Barbara Grattan: "3 yes and 2 absent."

Supervisor Kozakiewicz: "Okay. I'd like to have the Board join me down in front. Tonight is National Night Out. We have the usual presentation but we're bigger and better. Everybody who is involved with National Night Out, if you would join the Town Board up front. Quick intros- in addition to the Town Board, Lt. Boden, Rick Boden, Officer Jim Wooten (phonetic), Bob Dunigan (phonetic) from Schwing Electric; his daughter Erin Dunigan, and with that said I'm going to pass the mike over to Lt. Boden to give us a little bit of background about National Night Out and what they're doing this year. Thank you, Lieutenant."

Lt. Boden: "Thank you, Supervisor. As you probably know, tonight is National Night Out. It's the 18th annual National Night Out and the Riverhead Police Department is proud to have been involved in I think almost every one going back a long time. Every year we try to encourage the community to get involved, to put their lights on, to have block parties, to just get outside and mingle with their neighbors and to get to know their neighbors. It's a great crime prevention tool and that's what National Night Out is all about. It's about trying to make our neighborhoods and our town a little bit safer."

Everyone is doing a good job but it's something you have to practice all the time so that's why we try to do this every year just as a little reminder. Every year for like the last 11 or 12, we were trying to recall how many, it's been a long time. Bob Dunigan from Schwing Electric has been one of our biggest sponsors. He goes out with us. This evening we have some block parties planned. We're going to go out and visit some neighborhoods and Bob is always very generous and brings all kinds of goodies for the kids and for the adults. Light bulbs, which we try to encourage lights on for National Night Out and we have a pretty good time.

So, in addition to that, we also have a poster contest that we started about five or six years ago now and it's the Jamesport Community Center summer recreation program, the children there do posters as you can see around Town Hall and we pick some winners and Mr. Dunigan and his daughter, Erin, have the prizes for the first through third in each age group and we're going to name the winners

now. I hope most of them are here and get them up here and then we'll let you go on with the Board meeting.

Bob, do you want to say anything quick?"

Bob Dunigan: I just want to thank the community. We've been a sponsor of this for about 11 years now. The poster contest gets harder and harder each year and it seems more and more contestants and harder to choose the winners but it's a lot of fun and we really appreciate the opportunity to give something back to the community and that's really why we get involved in it. Not just me, not just my daughter, but all the employees at Schwing Electric and we'll be out on the road tonight riding around with the police and giving out light bulbs and everything else. But again it's our opportunity to say thank you to Riverhead."

Lt. Boden: "Okay, we're going to name the winners now. Hopefully, they're here. I see a bunch of children here so hopefully they're here for that, I would imagine, otherwise I wouldn't- well, it's cool in here, it's a little cooler than outside.

We'll do the five to eight year old group first and I guess I'll start with the first place winner and if she's here, sorry, the first place winner is a boy. His name is Rodney Rollins. If he's here, come on up. And I'm just told that first place is four tickets to Splish Splash so that's a nice prize. Very good, Rodney. Good job.

Second place in the eight year old group is Courtney Rehm (phonetic) is she's here. She's not here, okay. We'll have to hold her prize. And I don't know if the third place winner is here because I know that this one had a problem, but it's Amanda Collins, also not here.

Okay. Moving right along, we're going to go to the nine to 13 year old group and the first place winner is Brianna Posten (phonetic). Wow, we're really striking out here. We're striking out. Okay. The second place winner is Eugene Barrow. Here? And Eugene is going to be playing some miniature golf with three of his friends at Calverton Links.

And the third place winner in the nine to 13 year old group is Kimberly Stevens. Ice cream at Snow Flake. Some friends, too, I hope. Okay. Well, make some friends here for sure.

I want to say congratulations to all the children that

participated in the poster contest and I want to just say a great job and we'll get the prizes to the ones who couldn't show up."

Supervisor Kozakiewicz: "I do have a proclamation that I'd like to present. It recites the fact that this is the 18th annual National Crime and Drug Prevention Assemblage which is known as National Night Out and it's recognizing the role that the Riverhead Juvenile Aid Bureau has played in this event as well as our Riverhead Town Police Department and I'm just going to ask that everybody join with me and declare today National Night Out.

And we're doing this during the morning or evening- I mean afternoon hours so that we can, hopefully, participate and be there during National Night Out. In the past, we've always done them in the evening hours and by the time we conclude, the National Night Out has also concluded so we had no ability to take part in it. So, Lieutenant, thank you."

Lt. Boden: "Mr. Supervisor, thank you. The official National Night Out tee shirt. We'd like to say thanks to the Board."

Supervisor Kozakiewicz: "While- I want to thank everybody who participated in the poster contest, everyone else who helped out with National Night Out. While they're leaving, since there's going to be some distraction, maybe what we'll do is continue with our agenda. Barbara, Reports, please."

REPORTS:

| | |
|---------------------|---|
| Building Department | Monthly report for July, 2001 total collected \$62,896.00 |
| Sewer Department | Discharge monitoring report for June |
| Tax Receiver | Utility collections report for July, 2001, total collected \$252,556.82 |
| Town Clerk | Monthly report for July, total collected \$12,493.34 |
| Open Bid Reports | Meadows at Aquebogue, opened on 7/23/01 |

Wading Woods Condominiums
opened on 7/23/01 at 11:10

2002 4WD dump truck opened on
7/27/01 at 11:00 a.m.

Barbara Grattan: "That concludes Reports."

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

APPLICATIONS:

Shows & Exhibition Permits Agriculture Heritage Festival
September 23rd

Jesus is Lord Church, August
26 to September 19

Councilman Densieski: "Barbara, that's September 9th, I
believe."

Barbara Grattan: "Is it September 9th?"

Supervisor Kozakiewicz: "It is September 9th."

Councilman Densieski: "The rain date is September 23rd."

Barbara Grattan: "Okay, September 9th."

Shows & Exhibition Permits Jesus is Lord Church, August
26 for a gospel tent

North Fork Classic Horse Show
August 9th to August 25th from
8:00 a.m. to 5:00 p.m.

Darkside Productions, Inc.
9/28 through the 31st, 12 noon
to 12 midnight

Timothy Hill Children's Ranch
Country Western Day on Sept.
8th

Doc's Tavern - August 17th, a

| | |
|---------------|--|
| | BBQ, musical entertainment |
| Parade Permit | Riverhead Lion's Club on August 25 th at 9:00 a.m. |
| Site Plans | John Wesley Village III - 92 senior citizen residential units |
| | East End Christian Academy- School facility |
| | Curious Sisters Antiques - side yard gazebo |
| | Peconic Bay Motors - addition to an existing building |
| | Robert and Nancy Betorello - convert the existing labor camp structure to an accessory office |
| | Mildred Ehrenfeld - handicap ramp |
| | Coastal Pipeline - to move the storage building |

Barbara Grattan: "That concludes Applications."

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

CORRESPONDENCE:

Edward Probst President
of LI Rtech Construction Corp.

Mr. and Mrs. Robert Theriault

Joseph Menna

Gail Edwards

| | |
|-------------------------------------|--|
| Muriel Froehlich | |
| James Froehlich | letters against the Moratorium |
| Mary and Phil Barbato | letter in favor of the Moratorium |
| Petition | 50 names in favor of the Moratorium |
| Petition | 101 names in support of re-locating the proposed burn building |
| Petition | 221 names concerning the Telecommunications tower on Mill Road |
| Peter Danowski | A petition for extension of the Riverhead Water District regarding the Woods at Cherry Creek |
| North Fork Environmental Council | Regarding the comments on the proposed Moratorium |
| Greater Calverton Civic Association | Regarding waiving the fee for the installation of water hook up and to waive the water bills |
| | Requesting permission from the Town to allow three signs to be placed on town property |
| | Thanking Gary Pendzick for the prompt water installation at the Visual Views Park |
| Riverhead Little League | Disappointed that the Little League was not allowed to sell concessions at the east end tournament |

Barbara Grattan: "That concludes Correspondence."

Supervisor Kozakiewicz: "Thank you, Barbara. Before we go to Committee Reports, I do want to pass on one message I received from an Ingrid Schmelzer. She called me about a half hour, 45 minutes ago, to mention that her father, George, had gone to Central Suffolk Hospital yesterday. He had appendicitis so he won't be here today.

But that was not the reason she had called. She said that her father wanted me to announce the fact that on Monday it will be the 75th anniversary of the train wreck that occurred in Calverton and had taken out the pickle plant, one of those things that George if you remember gets up every year and has the photos so he wanted to make sure that that was mentioned. I understand that he's doing well; he's recuperating at Central Suffolk and I'm sure all of us want to extend him our best wishes for a speedy and healthy recovery.

Now, Committee Reports."

Councilman Densieski: "From the wonderful world of solid waste, I'd like to report that the Town of Riverhead is now going to accept used household batteries and there's a special container right outside the front doors for you're A's and B's, not car batteries but household type batteries, in an effort to help recycle.

Also under the Recreation- the all children's playground is now completed at Stotzky Park. It's for your young or small children. It is handicapped accessible and if you have some young children, it's a real nice addition to Stotzky Park."

Supervisor Kozakiewicz: "Thank you. Chris?"

Councilman Kent: "Yes, I wanted to make a report from the Farmland Select Committee meeting which was last Wednesday night, August 1st. As you see on our public hearing scheduled for today, there is a public hearing for the purchase of development rights of agricultural lands owned by Benny Gatz. That's the 33 acres of property that's up for consideration for purchase.

We continue to work- we're working with the county in a partnership and we're right now looking into the acquisition of 13 additional agricultural properties and if anybody wants any of the specifics on any of those properties that we're looking at for acquisition, you can talk to me after the meeting. Okay."

Supervisor Kozakiewicz: "I did want to mention one other thing. Commissioner Charles Bartha and I had spoken earlier as well on the Route 58 and Harrison Avenue traffic signal issue. He was looking to try and get back to me as to when the actual signal will become operational. As many of you may know, the poles are up. The signals are there but he couldn't give me a specific date of when they expect to put them on.

But what he did want me to express is that the first couple days after they activate those traffic signals at Route 58 and Harrison, they will do it with the flasher. They will not have the whole signalization going because they want to get the public and traffic accustomed to the fact that there is now going to be a signal at that location. So if you see it operational but it's only doing the flashers as opposed to the full signalization, that's in accordance with their plan.

So saying that, Barbara, would you please read the first notice of affidavit and publishing for our first public hearing tonight?"

Public Hearing opened: 2:20 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York, on August 7, 2001, at 2:05 p.m. regarding the consideration of a local law to repeal and replace Chapter 107 entitled Wetlands, Floodplains and Drainage of the Town Code."

Supervisor Kozakiewicz: "I'm not sure, is the CAC Chairman George- George is here, okay. This- George, why don't you step up? I'll just briefly- this had come to us from our CAC, Conservation Advisory Committee. They had taken a look at the Chapter 107 and I believe George will reaffirm that it was seen by code revision and after code revision had a look at it and some discussion, it is now before us for this public hearing. I hope I'm correct in most of those things. This is an entire repeal and replacement of Chapter 107. With that, George."

George Bartunek: "Yes, that's correct. The current Chapter- "

Supervisor Kozakiewicz: "George, you need to announce who you are and- "

George Bartunek: "Oh, my name is George Bartunek. I live in Baiting Hollow, Calverton. I'm Chairman of the Conservation Advisory

Council and during the last two years, the Conservation Advisory Council with the assistance of various other agencies in the town has reviewed and revised Chapter 107.

The original Chapter 107 was created, I believe, and adopted in 1976 followed by an extensive survey of wetlands throughout the Town of Riverhead and subsequently it's been realized that Chapter 107 did need certain revisions and clarifications.

Very briefly, what I'll do is I'll go through and I'll explain some of the- very quickly, some of the changes that have been considered for your adoption. First of all, the definitions have been brought in line more or less with the state definitions for wetlands and the identification of various vegetative species to identify wetlands. We have increased the area of regulation. Now, the current chapter 107 has no designated area of regulation. There was never any specified setback of wetland from wetlands or anything like that for development and the suggestion is that we have an area of regulation of 150 feet. This is in keeping with the towns of East Hampton, Southampton, and Brookhaven. Actually Southampton has just adopted a new revision of their code that affected their fresh water wetlands and they've increased their area of regulation to 200 feet. The code that we're proposing does not have a specified setback for wetlands. That should be made clear to everybody. This is simply an area of regulation where if there's development around a wetland, what we want to do is we want to be able to look at areas of 150 feet from the wetlands.

We are also asking- "

Councilman Densieski: "Excuse me, George. I have a question for you."

George Bartunek: "Sure."

Councilman Densieski: "Is this going to be- are the say existing farms going to be grandfathered or are they going to be under this new code?"

George Bartunek: "Existing agricultural operations were intended to be grandfathered in."

Councilman Densieski: "Were not going to be grandfathered- "

George Bartunek: "Were going to be."

Councilman Densieski: "Were going to be. Okay."

George Bartunek: "Were going to be. If you have an agricultural operation that is existing around the wetlands, that it was going to be grandfathered."

Councilman Densieski: "So newly cleared lands would be- okay."

George Bartunek: "Newly cleared lands would have to abide by the provisions that we are proposing."

Councilman Cardinale: "How would you know if they are newly cleared or not?"

George Bartunek: "Well, you'd have aerial photographs that would specify- "

Councilman Cardinale: "You do have a- status?"

George Bartunek: "Oh, yes. Like every year, I think the county flies aerial surveys of the county so you have very up to date photographs that you could use."

Councilman Cardinale: "Thank you."

George Bartunek: "So what we are proposing is that there is going to be a 75 foot for (inaudible) operations. There is going to be a 75 foot buffer. If the application of pesticides and herbicides and fertilizers is going to be required and that farmers would be not- it would not be necessary to create a buffer is the application of fertilizers is not going to be used or pesticides or herbicides.

The area setback of 150 feet, there is probably going to be some question about whether that's really necessary or not. There are a lot of studies have been done- I mean what we want to do is we want to try to justify the 150 foot setback other than just keeping in line with what the other towns are doing. There are scientific studies that have been completed that indicate the wetland- the setbacks that are being required for example by the DEC are really not adequate. Even those laws were written over 25 years ago and probably what you are going to do is you are going to find that the DEC is probably going to increase their setbacks.

There's just one brief paragraph that I'll read from a web site that I downloaded some information from. There was a study that was

done by Castille (phonetic) and others in 1994 and just not to belabor the point here but they found that buffers less than five to 10 meters, that's approximately three feet to a meter so that's approximately 15 to 30 feet, provide little protection of aquatic resources under most conditions. They recommend minimum buffers widths of 15- that would be 45 to 30 meters which would be 100 feet under most circumstances with the lower end of this range providing basic physical and chemical buffering and the upper end being the minimum needed for maintenance of biological components of wetlands and streams.

They noted that the fixed width buffer approaches are easier to enforce but the variable width buffers are more likely to provide adequate protection on a specific case basis. States have guidelines on desirable buffer widths and a number of states have buffers ranging from 45 to 300 meters. A minimum 90 meter buffer, 270 feet, around state and federal wetland refuges- refuge and conservation areas has been recommended. So you're probably going to find the state is going to realize eventually that their buffer area is not sufficient.

I'll conclude with that."

Councilman Densieski: "George, one question."

George Bartunek: "Sure."

Councilman Densieski: "Is there going to be any increased cost to the taxpayers or an increase in service that's going to be a burden to the taxpayer?"

George Bartunek: "I can't see how that would be possible."

Councilman Densieski: "Okay."

George Bartunek: "Everything that we're trying to do here is trying to keep- we're not trying to add any costs or- to the landowner or to the town for enforcing this."

Councilman Densieski: "Thank you."

Councilman Cardinale: "As long as we keep paying the Conservation Advisory Commission members the grand total of \$250 a year, we should have no problems."

George Bartunek: "It's overwhelming- like Christmastime- "

Councilman Cardinale: "I know. It must be."

Supervisor Kozakiewicz: "Thank you, George."

George Bartunek: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address us either pro or con with respect to the proposed changes to Chapter 107? Peter Danowski."

Peter Danowski: "I do have a comment that goes back to the historical approach on this type of regulation, and I think when it was originally proposed back in '75 or thereabouts that the state DEC was going to get out of the business once the town had done their mapping so we wouldn't have this double layer of applications. To my knowledge, the DEC never got out of the business.

So what's bothersome now is this affects the small homeowner as it does the major developer. The person that wants to put a deck on a building on a single and separate lot will necessarily have to go for permission to both the state and the local town. Certainly I preferred it in the beginning the state were going to get out of the business and we only came to Mr. Bartunek's group and applied for a CAC permit. Now we're going to continue to go to both for layers of regulation and now we're making the regulation more stringent.

If we were talking about freshwater or tidal wetlands, we currently, I think, talk about 75 feet and 100 feet. So the person that has their house and wants to put a deck on or a small addition on a single and separate lot, may now be subject to further jurisdiction, more regulation, and possible denial.

So when we talk about, you know, tidal wetlands, coastal marsh and fresh water wetlands, don't think that we're talking about a large tract of land that may affect only a farmer or a developer. It's going to affect a lot of single family homeowners on existing pre-existing lot. And so at first blush, when I first hear about this today, I say gee, what stares me in the face is 150 feet. I don't mind changing an ordinance to make it more clear.

It's certainly been my position on this ordinance and others that sometimes we don't have good definitions, it's very difficult to enforce the law if we can't even understand what it says. But stretching it from 75 and 100 feet to 150 feet is not the answer. And you're going to find that you hurt the small homeowner in this town if

you are going to put them through a burdensome process we may be denied.

I know it may be well intentioned; it may have some nice glamor to it. Certainly no one wants to talk about pesticide abuse or ruining wetlands. But this goes a far cry from that. My position, if you're going to talk about this, keep the distance the same and try to talk about one agency that will issue permits, not two.

I also think that if you're going to talk about issues of covering in or grandfathering, just like we had in other ordinances, make it part of the ordinance. Don't stand up here and say we're going to grandfather it. It should be contained in the actual legislation.

I also think you should cover in all pending applications. If I have a client that wants to put a deck on a house or wants to build something on a single and separate lot and he's got an application pending or he's in the process, you should cover him in. This is true also with subdivisions or any other development plan. Because, you know, sometimes we don't think about who it impacts or how it does. We don't intend to do something to hurt somebody but we end up doing it.

The other point is, and I think you've done a good job and it's not a criticism of Mr. Bartunek here, but it's easier to read these amendments if you took the old legislation and underlined the changes and I know this is a substitution in whole but much of the language remains the same. So it's difficult for a member of the public here today if you're just looking at this for the first time to try to figure out what the difference is. When I look at it, it's easy to see 150 feet and jump up and protest but for the average person I think reading the ordinance they'd have a better shot at this if they had a chance to look at the old ordinance with underlining or crossout and deletions and I know you've done that in the past in advertising public hearings.

So I certainly would be opposed to an extra layer of regulation, expanding jurisdiction and would oppose it as it's now written. I, however, may be in favor of much of the other paragraphs. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address pro or con? Jeff Seaman."

Jeff Seaman: "I'm Jeff Seaman, Coastal Environmental

Corporation in East Quogue. I don't have too many comments pro or con with respect to the changes except some suggestions that might be beneficial from a practical standpoint of implementing this or any other final adoption.

Specifically under section 107-6, the application for the permit. It does not require that the applicant show where the wetland boundary is on any of the maps that are being requested and I think that that would be important whether a decision to set that boundary for development 150 feet or 75 feet or some number in between.

It also doesn't require that the applicant show in the field where that boundary is and having flagged a lot of wetlands I think that for enforcement people and reviewing people that might be involved in issuing a permit that equally important to having it shown on a survey map, you need to have this delineated in the field and easily recognized.

Since wetlands are really a component of mixtures of soils and hydrology and wetland plants, typically the DEC and the federal government require that an application include a listing of those three parameters in order to justify where that boundary is set in the field so that all subsequent measurements that might affect development can be justified by someone who is knowledgeable enough to do that work.

And those applications include a written report on the soils, the plants and the hydrology as well as photographs that can make a reviewer in the office- their job a little bit easier in order to determine what these characteristics are and as with any natural resource there are different ratings onto its ecological value. Some wetlands are less significant than others and that might add quite a lot into the judgment on issuing a permit or setting permit conditions.

And then, lastly, I would suggest that if there are any mitigating measures that are going to be perceived as part of the application, you might just as well put that into the legislation as well. Things such as silt barriers, diversion channels, etc. should probably be shown on that map as well."

Councilman Cardinale: "Can I ask you a question? Adopting your expertise to our use, in regard to the distance from the wetland. Is the increase necessarily better or worse? In other words, if 150 is good, does that mean that 250 is better? If 100 is what is set, does

that mean that 150 is better?"

Jeff Seaman: "You're asking the magical question which has been debated by wetland scientists for all of the 15 years that I've been doing it. I've written papers and I've had lots of discussions and I think the easiest answer to give you is it depends and it really depends on the type of the wetland and the type of the development that is being proposed.

I know that in Southampton's debates on changing their local wetland regulations they are now issuing an administrative permit. People that want to build a gazebo, people that want to put a deck on an existing house, although it may fall in to the jurisdictional distance, it's a much easier and less burdensome process. But in some cases, we can be 500 or 600 feet away from a wetland and still have a significant impact depending upon the development. And I've never been one that has been supportive of some specific distance such as 75 or 100 or 200 feet because things in natural resources are seldom respective of that type of distance.

So whether it's 100 feet, if the DEC- my suggestion would be the DEC regulates everything within 100 feet of a freshwater wetland boundary and while they have a jurisdictional limit of 300 feet in tidal areas, their setbacks for structures is typically 75 feet. And therein lies their process and if you want to be at least consistent since an applicant would still if he falls within 100 feet need to apply to the DEC for that wetland, the numbers would be consistent. But I have not reviewed this with those that have assembled it. There may be other reasons locally why these numbers have changed."

Councilman Cardinale: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board either for or against the changes outlined to Chapter 107? I will make a comment. It's been pointed out to me that Section 107-10 which is entitled Continuation of Existing or Prior Conditions would allow any prior structures, dwellings, construction or operations that are existing within the tidal waters, the tidal wetlands, the floodland plains, the freshwater wetlands, etc. to be exempt and permitted to continue. Any new construction, structures, dwellings or operations would not be permitted. So essentially the question of grandfathering is set forth in Section 107-10.

Barbara- Barbara wanted to speak, Peter. Barbara Blass. I'm sorry."

Barbara Blass: "Thank you, Supervisor Kozakiewicz and Members of the Board. Barbara Blass from the Planning Board. I just have two comments on two particular paragraphs which currently exist and are proposed to remain unchanged.

One is in Section 107-5 Subparagraph E, it talks about the Planning Board or the Zoning Board of Appeals as the case may be concur that a portion of any single lot or subdivision within tidal waters, wetlands, floodplain lands, freshwater wetlands, natural drainage systems or other water courses may be used in calculating the area and yard requirements for the zoning use district in which the remainder of the lot or the subdivision is situated. It is currently not the Planning Board's policy nor is it consistent with subdivision regulations to include floodplain or wetlands in that portion of the land that's considered buildable. So we exclude that for yield purposes when considering a subdivision. So you may want to consider that in light of the wording of that paragraph.

And the second comment has to do with Section 107-6 Subparagraph D wherein it requires that all applications for building permits, filed subdivision maps or any development within 150 feet of a boundary of a tidal water wetlands, floodplain lands, etc. should be referred to the CAC. And I suggest that at the point that there is a filed subdivision map, it really does not do the Planning Board much good to have input from the CAC. It would be much more meaningful if we had input from the CAC prior to the approval of a map. So I would suggest that the change in wording from a filed subdivision map to perhaps a proposed subdivision map. This way we would get input when we could use it, not after the approval has already been made.

That's all."

Supervisor Kozakiewicz: "Thank you, Barbara."

Councilman Kent: "What section was that?"

Supervisor Kozakiewicz: "That was 107-6, Subsection D. Peter Danowski."

Peter Danowski: "I guess that poses the problem about whether you'll use this amendment to the code if adopted against those who are in the pipeline for development plans and certainly that will lead to further litigation.

The second point is for ease of application. If you're

consistent on the distances and I know George said that substantially the definitions of wetlands terminology would be the same, it would almost be better if it was exactly the same. It would just seem to me that if you adopted a procedure whereby if the wetlands are going to be agreed to be the same and you are going to force every taxpayer to go to both the State of New York and the Town, that you just copy the application whichever is more intense. If it's a DEC application, just say the CAC application will be a duplicate copy of the DEC application and merely will file those at the same time. Then you've got the same wording, the same distance, the same application happening at the same time.

I think we always are concerned about is it a designated freshwater wetlands or a DEC or CAC wetland. If we can agree that the mapping is the same, which hopefully it is, if we agree on the same terminology, the same distance, then the taxpayer has at least a simpler procedure and yet both the CAC and the DEC take a shot at the applicant.

So I'm saying for ease of application, it just would be so much better to say that the town form, that the town regulation will mirror the DEC and you'll treat the application process on the same form.

I know the DEC within their own regulations have joint applications. We could do sort of a joint application with the town and the DEC. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address- yes, Sandra Mott, please."

Sandra Mott: "Sandra Mott, Riverhead. I'd just like to comment on the fact that I just concluded reading Rachel Carson's Silent Spring and her book is most pertinent involving the need for wetlands and the fact that it's basically a nursery for all types of life, whether it's amphibian or our famous tiger salamander concerns in the neighborhood or fish or bird or whatever. That was written in the 1960's. I think the subject matter is as pertinent today as it was 40 years ago.

You have to consider the food chain. You have to consider the fact that distance is pertinent and the fact that the poisons percolate down. That animals utilize the foods that have been poisoned and are disruptive to their entire life and other life that eats upon them.

As to applications in progress, there are several that I'm particularly interested in and the fact that they wish them to be grandfathered basically protected from these new adjustments. I don't think so. I don't think you'd be making these considerations now to adjust it and expand it if you didn't feel that there was a relevancy as to maintaining more rather than less.

Developers know what they're buying; they see what they're buying and if they don't, what can I say? They should know what they're buying. They should know the laws when they're buying the property and they should know what their plans are and whether or not they pertain to protecting the habitat or not. So I disagree with the gentleman who's representing the developers in the community.

But, again, Rachel Carson's book is quite simple. It's an easy read and I strongly recommend it to everyone on the Board and anyone interested in the particular matter at hand. Thank you."

Councilman Densieski: "Thank you."

Supervisor Kozakiewicz: "Thank you, Sandra. Bill Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. I see the sign here. I'm sorry to say on this matter, I can't do it in five minutes."

Councilman Kent: "This is a public hearing."

Supervisor Kozakiewicz: "This is a public hearing, Bill, but, hopefully we can get through it."

William Kasperovich: "The first map that I saw on wetlands was presented by Councilman Pike and you know how far back that goes, it's almost 10 years. The- at that time did not simplify the designation of the areas and I'm sorry to say that what exists today doesn't give a reasonably simple matter of following through to point out where the lines are. Now, a gentleman is up here talking about and saying in the parameter and in the same breath refers to the line. It's a problem of semantics. A line is defined and specific and only has one dimension. Parameter can be most anything depending on the situation.

In whatever is done, well, first let me ask. This is a public hearing for consideration of changes in the Town Code."

Supervisor Kozakiewicz: "That's correct. To Chapter 107."

William Kasperovich: "Since the Planning Board does not get every site plan that comes into the Town Hall, I- shall I repeat myself?"

Supervisor Kozakiewicz: "I heard you."

William Kasperovich: "I understand that this matter has been discussed by the Town Board, the present Town Board, for sometimes in the past, within the last two years, and nothing has been changed. If the Town Board does not give it to the hands of the Planning Board, the Planning Board doesn't get it. Now, not only is this a slur on the good conscientious people in the Planning Board, it is also improper to have a body working for the people and then close the door on their efforts.

Wetlands, floodplains and drainage. I think it's only in your administration, Mr. Kozakiewicz, that people in the Town Hall have began to know how to spell this word. They have ignored drainage many, many times. Now, if there is any change to the Chapter 107, it should be to define and simplify what we have in print right now. We cannot cow-tow or patronize the developers. Developers come into Riverhead township to make a buck and then they disappear.

Now, we have no obligations to anybody coming in to wanting to develop a project or make any type of development. But this doesn't seem to be the case with our Town Board for many decades. People want the land in Riverhead. People want to build things so they can make a dollar. And all they look for is to get around the regulations which are supposed to take care of our land and our way of life.

What the DEC looks for and considers most important seems to fluctuate to other agencies. What was- they considered 20 years ago they don't consider today. Now, to us in Riverhead this chapter is supposed to take care of us, not them. And this philosophy should be applied to any consideration that's made. Not to make it easier for the developer. Most of the time we should make it harder because we only have so much land to use and we're a small township. So your considerations as I listened to the previous speakers, I can't quite see what they are driving at other than to get their way and the Planning Board should have every site plan that comes in for consideration.

If you want to put Mr. Hanley on the list of people that are elected by the people that live here, fine. But until that is the case, the Town Board should not eliminate or delete any development

that's presented from the Planning Board. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Peter Danowski."

Peter Danowski: "Just one last shot at this, very quickly, and that's- I think Ms. Mott had a good point. If you buy a piece of land and you have the actual knowledge about the existence of legislation that affects your land, you know, you should be stuck with that knowledge."

I think that what would be helpful in ordinances such as this and if you make the revisions, is to have the map that shows all the wetland boundaries, and presumably the town has a freshwater wetlands map, presumably there's a tidal wetlands map, if you took those maps and you've got a mapping department, and you depicted the 150 foot distance, which I don't think you should do for the single family homeowner, because if you do those who own properties near the Sound, the Bay, any wetland inside are going to be subject to jurisdiction I don't think you mean to have them subject to, but draw the line on these maps, produce them, refer to them in the ordinance, and make them available for purchase at the Town Clerk's Office or the Conservation Advisory Council Office.

That way if you buy a lot with a home on it and it's subject to whatever setback you're going to establish, you can see the line, it's been mapped, it's part of the town records, and it's available for each member of the public. Because I think what happens is people don't become aware of any mapping. They aren't easily available. I'm not sure whether demarcation lines are and whether it's the state or the town, sometimes these lines are hard to read. So let's make it fair to every single family homeowner in the town, and if you're going to legislate them and if you're going to put them through the burden of this kind of process, let them be aware of it up front on a map. Thanks."

Supervisor Kozakiewicz: "Anyone else who wishes to speak for or against the proposed changes to Chapter 107? Not seeing any hands, I declare the public hearing closed, the time of 2:57 having arrived."

Public Hearing closed: 2:57 p.m.

Supervisor Kozakiewicz: "At this point, I will once again let

the record reflect that the time is still 2:57 p.m. and ask the Town Clerk to read the affidavit of publishing and posting for our second public hearing."

Public Hearing opened: 2:57 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 7, 2001 at 2:10 p.m. regarding the consideration of a local law to amend Town of Riverhead tax bills by creating a distinct and separate line for the Riverhead Charter School."

Supervisor Kozakiewicz: "All right. Chris stepped out for a moment. Mary Pat, why don't you step up? He said he only needed a second to grab something out of his office, but I don't- I'm going to ask you to just put everything on hold for a second until we have a third Board member so that we can still continue with the conduct of business. We do need three to be a quorum."

While we are at a point at a little bit of a break in the action, we'll make a note that Councilman Jim Lull is away on a previously scheduled vacation. He's with his daughter. And while we are also having a little bit of a break, I'll take a moment to announce that with respect to Wading River, I know we talked about recreational facilities earlier. We expect to have- we have the equipment in for the work to be done at the Wading River beach, it's in, and I'm being told by the Rec Department that, hopefully, those changes and new equipment will be at Wading River beach by the end of the week.

Having eaten up a little bit of the time, sorry to do that to you Mary Pat. Mary Pat Takacs."

Mary Pat Takacs: "That's okay. Hi, good afternoon. I'm here to support the request by the Riverhead Board of Education which was submitted last February, February, 2001, to separate on the tax bill for the Riverhead residents an itemized listing of what it will cost each taxpayer to support the Riverhead Charter School or for that matter any charter school that we would have to fund."

The reason we made this request is a precedent has been set with the library. The library taxes are levied by the school district but the school board has no authority, accountability, or responsibility for the management or expenditure of those taxes. We would like the same application for the Riverhead Charter School.

The mandate to raise the taxes comes from the state against the wishes of the Board of Education, against the wishes of the voters of the Riverhead town. We would very much- also, the Riverhead Charter School is run by a Board of Trustees not by the Board of Education of the Riverhead School District. So we would like the same application that has been made for library taxes to be applied to taxes that will possibly be generated to fund the Charter School so that there would be an additional separate line on the tax bill to inform the taxpayers how much it will cost them to support the Charter School.

This is in line with the STAR legislation intention to bring full disclosure to the taxpayers for how their taxes are spent. Thank you."

Supervisor Kozakiewicz: "Thank you, Mary Pat."

Mary Pat Takacs: "Oh, I do have one more thing. You requested in our planning- not a planning session, work session, a statement from legal counsel that our request- if you fulfill the request that it's legal. And I do have the statement from our legal counsel to the Board of Education that I will submit for your review."

Supervisor Kozakiewicz: "Okay, you'll hand that up to Barbara now and that will be made part of the record with regard to this public hearing. Dave Macknee."

Dave Macknee: "Excuse me. I didn't come here for the Charter School thing but what I'd like to know is when the Charter School sends a child- that when the Riverhead Central School District sends a child to the Charter School, they get \$9,000, the Charter School. It costs \$12,000 something to have a child educated in the regular school. That extra \$3,000 will now according to this not go to subsidize the public school, the Riverhead Central School District. That will now come to the Charter School so they get the \$12,000 just like the other school. Is that true or not?"

Supervisor Kozakiewicz: "That's not my understanding."

Dave Macknee: "Well, then what happened to that three- it costs maybe a thousand dollars that the School District will give to the Charter School. Where is the loss of \$2,000? The Charter School actually subsidizes by \$2,000 the public school and that's a fact. And- "

Supervisor Kozakiewicz: "Well, the purpose of today's hearing,

Mr. Macknee, is the question of whether we should consider a separate line to spell out or segregate out or chunk out if you will what the amount within the budget goes to the Charter School similar to what was done in the past with the Riverhead Free Library. That's the purpose of today's hearing, not to get into a debate or a discussion or inquiry about those other monies. Those things are things that you can ask.

But as far as the public hearing today, what we're really looking to find out is whether the public, the residents, are for the proposal so that there's a spelling out if you will of the amount that's going to be attributable or coincides with what the Charter School will be receiving, or whether you are opposed to the idea of spelling that out on the tax bills that the taxpayers will receive."

Dave Macknee: "Well, I don't know if I'm opposed to it because I don't know what they're doing. I have no idea, do they want to cut this thing away and give the Charter School the whole \$12,000 and not keep the \$3,000 for busing. I have no idea. I couldn't vote on this thing. I don't know how you guys can."

Supervisor Kozakiewicz: "Thank you. George Duffy. I asked George. Rolph, you can be next, okay?"

George Duffy: "Mr. Kozakiewicz and the Town Board. The tax increase each year to the taxpayers in the Riverhead School District is about 9.05% which is that increase 3.62% is the amount allocated to go to the Riverhead Central School District where- "

Supervisor Kozakiewicz: "What is that amount? You said 3.2 but what is that?"

George Duffy: "The increase in taxes, Bob."

Supervisor Kozakiewicz: "Okay."

George Duffy: "And then the difference, the 5.-- it's about 5.43% is the cost to operate the Riverhead Charter School. What we're here to ask is that just as the monies that are collected by the School District for the town library, that money, the taxes that are raised for that purpose for the Charter School, be clearly explained to the people in the town where their tax dollars are going.

We're not here to discuss the merits or lack of merits of the Charter School or where Riverhead Central School District is spending

its money. We're simply here to ask for full disclosure to the taxpayers as to where their tax dollars are going. Thank you."

Supervisor Kozakiewicz: "Thank you, Mr. Duffy. Rolph Kestling, please."

Rolph Kestling: "Rolph Kestling, Wading River. I've been reading a lot about this Charter School business, pro and con. But I just don't understand one thing. It actually isn't going to affect the taxpayer. This is just, I think, well, to think of a better word, a ploy, for the School Board to justify something or other, make us aware. It's not going to cost us a penny more. In fact the way I see it and I understand, the Town is going to save money."

I'll just put it this way, make it simple. I'm in favor-- I am not in favor of putting another line on our tax bill. It's complicated enough trying to figure everything out and here we're just going to get another line on there which really doesn't mean anything to the taxpayer. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak for or against the proposal? Yes, hand in the back."

Jennifer Trabold: "Hello, my name is Jennifer Trabold. I am the business service manager of the Riverhead Charter School. I present today on behalf of the Board of the Riverhead Charter School and the families who have placed their trust in the Riverhead Charter School to educate their children."

There are two primary reasons why the Town Board should decide against the motion to make the Riverhead Charter School a line item in the town of Riverhead tax bill. First, according to Article 56 of the New York State Charter School Legislation, charter schools are to be treated the same as other public schools within the district of residents. No other school in the Riverhead district has its own budget line, Aquebogue, Roanoke, Riley, Phillips, Pulaski Street, the Riverhead Middle School or the Riverhead High School. They do not have separate line items. Will they now be represented with separate line items?

They do not have separate line items because different schools do not provide equal funding to the district and they do not receive the exact same funding. To delineate the funding would undoubtedly lead to arguments over the levels of funding.

We do not feel it is appropriate to start line items for all the schools in the Riverhead District. If the Riverhead Charter School will have its own line, the Town Board will then need to identify budget lines for each of the separate schools in the Town of Riverhead.

The second argument against this motion is to question who will be responsible for projecting the cost of the Charter School for the budget line. Will the cost savings to the school district as evidenced in February 13, 2001 minutes from the Riverhead Central School District's Board of Education be identified in the budget line? And I do have copies of those minutes.

Will taxpayers understand that all students that attend the Riverhead Charter School were formerly from the school district and the school district's own estimates of savings will be \$1,034,497?

On behalf of the Riverhead Charter School we are interested in the best education for all the children of Riverhead. We are not anti-Riverhead Central School District. But there are families who want a choice and a chance and the Riverhead Charter School is there to provide that choice to them. Thank you."

Supervisor Kozakiewicz: "Thank you."

Jennifer Trabold: "And I do have copies of those minutes."

Supervisor Kozakiewicz: "If you would provide that to the Town Clerk so that we could make that part of the record? All right. And while you're stepping up doing that, is there anybody else who would like to- I'm going to let others speak first, Mary Pat. Mr. Haizlip."

Councilman Kent: "What did she say her title was (inaudible)."

Supervisor Kozakiewicz: "Um, Jennifer Trabold, Mr. Kent-Councilman Kent is asking what was your title with the Charter School?"

Jennifer Trabold: "Business Service Manager."

Supervisor Kozakiewicz: "Business Service Manager, okay, thank you. Mr. Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. You know, this goes back, it reminds me when a case was argued by Thurgood Marshall

when they had segregation, separate but equal. What they're trying to argue here is the Charter School is separate but equal. I say the state and the taxpayers have to fund education and a budget is put to us and we have a right to go to the budget meetings and yell about it if we don't like it, whether it does any good or not. The budget that comes down shouldn't be separated and say, oh, so much for Charter School, but the biggest portion for us.

This has been a thorn in the school's side ever since it was adopted and allowed by the state. So I say if Mrs. (inaudible) is right, there shouldn't be another line for Charter School. It should all come under the heading of the Board of Education.

And what they're trying to say when you look at the tax, oh, well, that's not for us, that's for that Charter School there. So let's leave it like it is."

Supervisor Kozakiewicz: "Thank you, Mr. Haizlip. Well, Mary beat you. Okay, Mr. DiPierro."

Nick DiPierro: "Hello. Nick DiPierro from Wading River. Correct me if I'm wrong. This Charter School I understand will take students from other towns, other than Riverhead. Is that correct?"

(Unidentified from the audience): "Only if- can I answer that?"

Supervisor Kozakiewicz: "Well, do you have other questions?"

Nick DiPierro: "It is not exclusively for Riverhead students or Riverhead children. They can come from wherever they chose. They can come from Greenport, they can come from Mattituck, they can come from Wading River, or they can come from Rocky Point. Is that correct?"

Supervisor Kozakiewicz: "We're getting a little bit off of- unless you wanted to come back to the question of whether- hold, hold, hold it, Mr. Macknee."

Nick DiPierro: "Well, the reason why I'm asking this question is we have Riverhead Central School District, we have many different schools in the Riverhead Central School District."

Supervisor Kozakiewicz: "That's correct."

Nick DiPierro: "We have the Middle School, Aquebogue and so

on."

Supervisor Kozakiewicz: "That's right. The elementary schools."

Nick DiPierro: "I don't see any reason to itemize each one of those lines, it's Riverhead Central School District. But if we have a Charter School that can accept students from other areas, other towns, I don't see any reason why it should not be on a separate line. I mean if it's complicated for a tax bill to be read, I mean how many lines are there on a tax bill, 12, 13, maybe 15? What's one more line. I think it should be separated."

Supervisor Kozakiewicz: "Thank you."

Nick DiPierro: "Thank you."

Supervisor Kozakiewicz: "Mary Pat Takacs."

Councilman Kent: "I have a question though."

Supervisor Kozakiewicz: "For?"

Councilman Kent: "For anyone who knows the answer."

Supervisor Kozakiewicz: "All right."

Councilman Kent: "If we're allowed to accept- if the Charter School is allowed to accept students from outside the district, do those districts then pay tuition to the Charter School?"

Mary Pat Takacs: "Yes."

Councilman Kent: "Do they pay the \$9,000 or the \$12,000?"

Mary Pat Takacs: "They pay their own District's rate. Each District has a different rate. That's my understanding. The rate for the Riverhead School District is \$9,141 plus extra costs that we contribute to parochial schools, private schools in Riverhead."

What I wanted to do is clarify some of the comments because I think some of the previous speakers were somewhat confused what the issue is. The issue here is that the Riverhead Board of Education is responsible for the taxes levied and how those taxes are spent in the schools in the Riverhead Central School District- Aquebogue, Phillips,

Middle School. The schools that you know already.

The difference here, a very significant difference, is that the taxes to be raised to support the Charter School will be under the control, oversight, operation, decision-making power of a separate Board of Trustees and that Board of Trustees is accountable to- I'm not sure who- but they're accountable for how the money is spent. They make the decisions, not the Riverhead Board of Education. That is the same as the taxes that are raised to support the library.

So in no way are we asking for separate lines for individual schools, that's ludicrous. What we're looking for, when there is a separate Board of Trustees and there's a separate funding for that- there's a tuition paid by taxpayers for those students, and I could go into more detail but this is not the place. But the issue, the key issue, is accountability and responsibility and that is under the purview of the Charter School Board of Trustees not the Riverhead Board of Education. Thank you."

Supervisor Kozakiewicz: "Yeah, I just want to clarify. I don't think there was a question of whether this would be- whether you would try to itemize or segregate out each and every school. I think the argument was being made you had presented us with an opinion letter from counsel saying this was legally something that could be done. I think the point of Ms. Trabold with her comment was to say that we better take a second look or the alternate look or the opposite look and say that the section of law that put the Charter School in effect bars us from doing this. I think that was the intention of the comment. Okay. As opposed to saying, you know- "

Mary Pat Takacs: "But I think some of the issue that we're asking for consideration for was a little bit muddled along the way and I wanted to be sure that there was clarification. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Kent: "Can I ask a question on that now? So the- is it correct then that the budget- the amount of money paid from the Riverhead Central School District to the Charter School is not set until we know how many children from the Riverhead Central School District attend the Charter School?"

Mary Pat Takacs: "That's correct."

Councilman Kent: "If we're doing it on a per student basis?"

Mary Pat Takacs: "Yes, that's correct."

Councilman Kent: "So how can we do it as a separate line item, just as a question?"

Mary Pat Takacs: "It would be the \$9,141 times the number of students from the School District is my understanding."

Councilman Kent: "We would know that when, in August, September?"

Mary Pat Takacs: "Well, you have to- the Charter School has not informed the School District how many students will be attending. We don't have information on that yet. But the taxes aren't levied until October so, hopefully, they would know how many students would be in their school and we would know that. We obviously would not raise taxes to fund students from other districts but unlike the perception that's been put out, if students are transferring from a parochial or private school to the Charter School, that is definitely no cost savings and that was one of the things that was discussed at one of our Board meetings. But, we don't- Riverhead School District does not fund students who would attend the Charter School from other school districts."

Councilman Kent: "Okay. Another question."

Mary Pat Takacs: "And we wouldn't raise taxes to do that. And that's- our issue is to try to not levy taxes that we're not going to spend obviously, but we have to budget as if we were spending them. But we have until October to keep that tax levy down and that is our intent."

Councilman Kent: "How were the Board of Trustees elected for the Charter School? Do we know?"

Mary Pat Takacs: "They're appointed, they're not elected."

Councilman Kent: "By whom are they appointed?"

Mary Pat Takacs: "Each other. I don't know."

Supervisor Kozakiewicz: "Mr. Macknee can hopefully answer that request- that question, since we're getting a little afield."

Councilman Kent: "Well, no, this is an important issue because

there was something you raised that stuck in my mind. I mean, I know when we collect separate lines for instance for the Fire Districts, the Fire Commissioners control their own budgets and that's why we show it as a separate line on the budget- on the tax bill because that money goes to them and they control it although the town collects it."

Mary Pat Takacs: "This is exactly the same. This is the same thing."

Councilman Kent: "Now the library trustees, are they elected or are they appointed?"

Mary Pat Takacs: "They're appointed, I believe."

Councilman Cardinale: "That's correct."

Councilman Kent: "They're appointed also."

Supervisor Kozakiewicz: "They're appointed. Okay."

Councilman Kent: "So ultimately they're not- "

Councilman Cardinale: "Well, actually, they're not appointed. They're elected each year but nobody comes."

Supervisor Kozakiewicz: "By whom? By an actual vote at the library?"

Councilman Kent: "No, but they're actually on the ballot, correct?"

Councilman Cardinale: "By the members of the library who are there, usually it's just one."

Supervisor Kozakiewicz: "So it's not to the general public. It's the members of the library. It's the general public, okay."

Councilman Cardinale: "It's the general public who never comes."

Supervisor Kozakiewicz: "We're getting out of hand here."

Councilman Kent: "Well, no, this is an important point because if the- if the Board of Trustees of the Charter School are not answerable to the general public, it's an interesting point as to how

we know how they're spending the money and how much money they are receiving if we don't show it as a separate item on the tax bill."

Mary Pat Takacs: "This- "

Supervisor Kozakiewicz: "Excuse me. These questions, if you wish to- rather than have everybody debate- "

Councilman Kent: "Yes, please come up if you'd like."

Supervisor Kozakiewicz: "-- in the audience."

Mary Pat Takacs: "This is exactly the line that we are trying to inform the public that it is the Riverhead Charter School Board of Trustees responsible and accountable for how the money is spent by them."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "I'm going to give Mr. Macknee an opportunity since that question has come up to explain that and what we're going to do is go back to the question of whether you're for or against the Charter School line. Okay."

Dave Macknee: "They're absolutely right. When we started the Charter School, we appointed the people and I think in the Charter School in the white book as I remember, you had to have elections because you can't use people's taxpayers money without having an open election. I mean that's not right. That's taxation without representation and I fully agree with Pat Takacs, God help me, but I do about that, you know. And she's right on that."

Just one other quick thing because I've got to go pretty soon. The people that come in, their school district pays. Okay? If there's more people that come in to this school, we don't have to build another school now because they're putting- we're not taking any money out of here. There's no raise in taxes because of the Charter School. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak for or against the proposal to create a separate tax line? Yes, hand in the back. Sandra Mott as well."

Michelle Lynch: "Good afternoon. My name is Michelle Lynch, I live in the Town of Riverhead and as a taxpayer I'd like to say I'm in

support of a distinct and separate line for the Riverhead Charter Schools. Just as there is an itemized line for the library, I want to know where my tax dollars are going. I have no problem understanding the lines that come on my tax bill for other areas like the library and I have the privilege to vote for my school board, for the members that are up here now and other positions, but I do not have the privilege to vote for the Trustees for the Charter School. So I would definitely like to see an itemized line on my tax bill. Thank you."

Supervisor Kozakiewicz: "Thank you. Sandra Mott."

Sandra Mott: "Sandra Mott, Riverhead. This is a not for profit organization, am I wrong, the Charter School? How are they defined?"

Supervisor Kozakiewicz: "I think they're a for profit group."

Sandra Mott: "For profit. They still have to be audited, don't they, by an outside auditing company? You don't know?"

Supervisor Kozakiewicz: "I don't know the question."

Councilman Densieski: "The representative- "

Sandra Mott: "You are audited?"

Supervisor Kozakiewicz: "There's a person who is shaking their head, yes, they have to be audited."

Sandra Mott: "Okay. Where does that audit go to for higher review?"

Supervisor Kozakiewicz: "I don't know the answer. Again, the question or the scope of this hearing was to determine whether we should consider a separate tax line- "

Sandra Mott: "Well, we're talking about money."

Supervisor Kozakiewicz: "I know. I know and we're getting into- "

Sandra Mott: "And it's interesting, you know, to know if they are audited by an outside concern, who actually review the audit? Certainly not the Trustees."

Councilman Kent: "I would think at least the New York State

Department of Education."

Supervisor Kozakiewicz: "I would think they'd be at least because they're going to be looking at the operation as well to determine whether it should continue."

Sandra Mott: "Correct. Must be involved."

Councilman Kent: "I don't know. Does the School District also receive the audit since- "

Councilman Densieski: (Inaudible)

Sandra Mott: "Since the monies are from the school budget? Just, you know?"

Dave Macknee: (From the audience - inaudible)

Sandra Mott: "Yes. And- "

Councilman Kent: "Is their Business Manager still here?"

Supervisor Kozakiewicz: "Is the- yes, why don't you ask your questions and we'll have- is it Virginia, all right, Jennifer to come up and ask those questions. But ask- rather than get into a question-answer, question-answer, question-answer, question-answer, ask all your questions that you have. Okay."

Sandra Mott: "Audit, yes. Who reviews the audit other than the Trustees? And that should answer some of the concerns as to what are they doing with our money."

Jennifer Trabold: "The Charter Board is a not for profit organization. It is a- the school is actually being managed by Edison Schools. In order for them to get their Charter they had to have a management company and Edison Schools was the choice from the Charter Board. They do get audited and they're accountable to the State Education Department."

Sandra Mott: "Okay, thank you. Thanks."

Supervisor Kozakiewicz: "George Duffy."

George Duffy: "Just to clarify that. The Board- Riverhead Charter School Board is not for profit. The school itself is not for

profit. The management company, the Edison Corporation which manages the school is a for profit corporation. It is there to make money. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else for- oh boy."

Jennifer Trabold: "Edison Schools is there to provide a world class education for all children."

Supervisor Kozakiewicz: "But it's for profit. For profit. Okay. I don't even know if I want to even ask. I just want to ask if you're for or against it. If there's no further comments, nothing to add, at this point in time, I close the public hearing, the time of 3:24 having arrived."

Public Hearing closed: 3:24 p.m.

Supervisor Kozakiewicz: "The time still- let it still reflect that the time is still 3:24 p.m. and, Barbara, would you read the affidavits of publishing and posting for our third public hearing."

Public Hearing opened: 3:24 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 7, 2001 at 2:15 p.m. regarding the extension to the Riverhead Water District to be known as Extension No. 64, Calverton/Stony Brook Incubator Complex."

Supervisor Kozakiewicz: "Mr. Kelleher, do we need a- "

Dennis Kelleher: "Yeah, give me one second."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Did you skip T.S. Haulers?"

Barbara Grattan: "Yeah, I'm sorry. I'm sorry."

Councilman Kent: "Yes, T.S. Haulers is next."

Barbara Grattan: "I'm sorry."

(Unidentified from the audience): "Actually, the representatives were going to ask if we could switch."

Barbara Grattan: "I have no problem. That's okay."

Councilman Kent: "Yeah, we're okay as far as time goes, so it doesn't matter."

Barbara Grattan: "Yes, time-wise. Is that okay?"

Supervisor Kozakiewicz: "I have no problem with doing that. We'll take that one out of sequence and we'll actually do the fourth- Peter, is that what you want to do? Do you want to do that?"

Peter Danowski: "Yeah, I think Dennis is here for a two minute show and my show may be a little bit longer."

Councilman Kent: "We look forward to your show."

Supervisor Kozakiewicz: "Hearing."

Dennis Kelleher: "Thank you, Peter."

Barbara Grattan: "Actually, I want to do the Calverton- the Incubator and the Sewer?"

Supervisor Kozakiewicz: "Well, the incubator- it's for the incubator for both. There's a water extension hearing and then after that there's a sewer extension hearing."

Barbara Grattan: "There's a sewer. So you do both of them."

Supervisor Kozakiewicz: "Correct. But we need to call that notice on the sewer. But let's do the- just so it's clear. Counsel for T.S. Haulers has been kind enough to since the time of 3:25- or 3:24 had arrived to exceed its time and allow the public hearing that had been noticed for 2:15 p.m. to go forward and that's the affidavit that I think has not yet been read aloud. I think you- I'm not sure if that was the affidavit of publishing and posting that- is that the one you read? Okay."

Barbara Grattan: "That was the Stony Brook Incubator."

Supervisor Kozakiewicz: "Okay, which was for the water extension. Correct?"

Barbara Grattan: "Correct."

Supervisor Kozakiewicz: "Just to make sure. Okay. With that said, Mr. Kelleher, from H2M."

Dennis Kelleher: "Good afternoon. My name is Dennis Kelleher from the engineering firm of H2M. We are the consulting engineers for the Riverhead Water District.

Before I get started, I just want to talk about the map for a second. Most good maps are prepared with the north arrow facing up. However, due to the size of and the shape of the property, the north arrow on this map is to the left. Okay? So if you look at the plan, the blue line all the way to the left is really the water main that's located on Middle Country Road, Route 25. So if you really want to look at it correctly, you've got to turn your head sideways.

The Town Board received a petition to extend the Riverhead Water District to include the proposed project which is on a 50 acre piece of land part of the Calverton Grumman site for a proposed incubator project. Approximately five acres of this land is already within the Riverhead Water District. It's shown on the map- actually the map highlights the 50 acre piece in pink. Just to the left- top left corner, is the five acre piece that is already in the Riverhead Water District.

The boundary of the Riverhead Water District is outlined in yellow.

The project is to include approximately a building of approximately 15,000 square feet which would include laboratories and an administrative area. We estimate the water use of this facility to average approximately 1,150 gallons per day with a peak demand of approximately 4,600 gallons per day. The nearest water main to the proposed project is immediately adjacent to the property on the south side of Route 25, Middle Country Road, as I mentioned before, highlighted in blue.

No additional Riverhead Water District main will need to be installed as part of this project to provide water to this site. The building will be able to obtain its water by tapping into the existing 12 inch water main that's already located out in the street. A single service line will be brought into the property and separated to both domestic and fire sprinkler service.

The line will need to be designed and constructed with the appropriate meter and back flow prevention device to protect the Riverhead Water District services.

The estimated cost of extending the Riverhead Water District to this project only will include the cost of the engineering report that was prepared for this hearing and attendance at this hearing which is estimated at \$3,000. This entire cost will be paid for by the developer. In addition, the cost of the service lines will not go through the Riverhead Water District. This will be paid directly by the developer and it has been estimated at \$22,000.

In addition, the complex will need- be required to pay a key money fee or what's called in the report an infrastructure fee of \$2,500 per single family home equivalent based on a flow equivalent. As I mentioned before, we estimate this project to have a flow of approximately 1,150 gallons per day. That's equivalent to four single family homes. So the key money for this project will be \$10,000. As I mentioned before, there will be no cost to the existing residents of the Riverhead Water District. Thank you."

Supervisor Kozakiewicz: "Thank you, Dennis. Anybody else who would like to be heard with regard to the hearing concerning the extension of the Water District to the Calverton/Stony Brook- yes, Mr. Kasperovich."

William Kasperovich: "Shall we wait for Mr. Kent to return or is he-"

Councilman Densieski: "We have a quorum, Bill."

Supervisor Kozakiewicz: "No, you can go for it, Bill. I'll ask him to review the minutes."

William Kasperovich: "William Kasperovich from Wading River. Can everybody hear me? The enthusiasm is overwhelming. Every time something like this comes up my head spins around, bringing back all the things that I got involved in with the Scavenger Waste system where the people living here were guaranteed that we wouldn't pay a penny for this installation. As late as the last public- the last Town Board meeting, we're still paying. Now on a lesser scale this is very much the same thing. Instead of Southampton we've got Stony Brook. And so H2M who designed the Scavenger Waste system is the same people that are here telling us that it's not going to cost us any money, the taxpayer any money. So frankly I don't believe them."

The way the public notice was put out that all this would be paid for by the State of New York, by a grant from the State of New York, pardon me for putting my thoughts together because I don't want to say the wrong thing in that I don't believe these people when it comes to monies. They talk about a total cost of \$10,000 to be borne by the Riverhead Industrial Development Agency as agent for Stony Brook University and almost \$10,000 would be spent on a back flow prevention installation and so where's the rest of it going to come from? For free?

Now, they talk about a laboratory but a laboratory is an all inclusive word. You can have a laboratory that would demand all this water. If you are going to put in a cooling system with a water cooler, it would take a major portion of this money. So this development by Stony Brook is a wide open situation that could introduce all kinds of facilities, all kinds of experimentation, and there's no way to know how much it's going to cost.

So where are we? We're guessing at something that is not firm, it's not- does not have limits, it does not have extent or manners of involvement requiring water. Now, in today's modern sophisticated installations, water is an acceptable thing and people act like all the water you want in the world they can supply all the water that's needed. But we don't know what's needed.

Consequently making the statement that this won't cost the taxpayer any money is not a definite acceptable firm statement in that the definition of usage is vague and when they talk like they say including the appropriate valves. Appropriate could be most anything and some valves today cost \$10,000 bucks to my surprise in recent times. So if we are going to go along on a guess and we minimize the cost that it's going to be to the taxpayer in the future, I say these numbers should be increased. These numbers should have a margin for the unknown. And this is minimum. This is not a conservative guess.

So I say that this should not be approved unless we have some limits and the amounts being spent to be increased almost double. Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board for or against the proposed Extension, Extension No. 64? Dennis."

Councilman Kent: "I wonder if Dennis has any response."

Dennis Kelleher: "I'd just like to clarify a few things. First, as I stated, I'll just clarify, that the residents of the Riverhead Water District will not have to pay any costs for the extension of this district. I don't know anything else about where the money's coming to build a building. I'm just talking about- I'm looking- I'm representing the Riverhead Water District providing water to the site. If it- our estimate is \$22,000 to run a service into this building. If it comes out to \$30,000 or \$40,000 to install the back flow prevention that was mentioned, it is not the problem of the Riverhead Water District. The developer will have to pick up that cost. The residents of Riverhead Water will not have to pay.

Number two is the question that was raised on the estimated water use. The estimated water use was based on Suffolk County Department of Health standards regulations for a laboratory. They have some standards you're supposed to use based on a square footage and that's where it came from. If for when the system goes on line it uses more water, this building will be metered just like every other home, every other building in the Riverhead Water District and they will pay for the water they use the same exact rate that everybody in the Riverhead Water District pays."

Councilman Densieski: "Dennis, the speaker also mentioned the sewage treatment plant. Isn't it true that for the first time- "

Dennis Kelleher: "The second- excuse me. The second hearing is going to be on sewage treatment."

Councilman Densieski: "Okay. I just have a quick question for you. Isn't it true that as of recently for the first time in Riverhead's history we are meeting the DEC levels for discharge?"

Dennis Kelleher: "That is correct."

Councilman Densieski: "Thank you."

Supervisor Kozakiewicz: "Is there anyone else who would like to speak for or against? Mr. Kasperovich. Since that seems to be it, after that I'll close it. Guys, Mr. Macknee."

William Kasperovich: "William Kasperovich from Wading River. Everything H2M said here just now is to protect their back, to protect themselves and their action and conduct."

Supervisor Kozakiewicz: "Mr. Kasperovich, let's not impute

anybody's character- "

William Kasperovich: "I'm not imputing anybody's character. This is a corporation, H2M."

Supervisor Kozakiewicz: "They are our consultants. They have been the consultants to the Water District and to the Sewer District. They were asked to do an analysis and provide a report. That is what they have done. You- "

William Kasperovich: "And they are telling us they are using other people's criteria. This means it's not their- it's somebody else's judgment."

Supervisor Kozakiewicz: "They are using recognized- I think, may I have a second to respond to that point? You're- the other criteria is criteria that is provided through Suffolk County Department of Health Services standards. They're using the standards as I understand it for that and maybe if I'm wrong on that point, Mr. Kelleher will come up and say that I'm incorrect. But I understand that it's based upon looking at those standards of what typical water usage would be and, therefore, they made a determination based upon the standards provided by the Suffolk County Department of Health Services to determine what the actual daily gallonage flow would be. And that's what they utilized. A recognized agency who, I think, all consultants would look to and rely upon when determining the question of what can I anticipate my water usage to be, whether it's a single family house, a mobile home, a business, or any other type of operation or venture. And I believe and until I'm corrected, if Mr. Kelleher corrects me and tells me that I'm wrong in that statement, then I will certainly take that under advisement. But that's what I believe the reference was to. Is that correct, Dennis?"

Dennis Kelleher: (Inaudible)

Supervisor Kozakiewicz: "Thank you."

William Kasperovich: "Mr. Kozakiewicz, you can't compare residence or residence requirements or residence consumption by this type of installation. This- "

Supervisor Kozakiewicz: "I'm not saying they use residential flows to determine what the amount was. I'm saying- I used that as an example. But what I was saying is that they use the standards and parameters that are provided for by the Suffolk County Department of

Health Services. The example of homes, a mobile home unit, other use, was just an example. That was to just explain a little further but my understanding is and again, Mr. Kelleher shook his head, this is- they went and used those standards to determine what this type of facility would be expected to have as far as its daily gallonage and flows."

William Kasperovich: "But this type of facility, I repeat for the third time, is an unknown factor. This installation is wide open as to the things they could do in order to give them flexibility to bring in different kinds of enterprises, different kinds of businesses, different kinds of facilities. And the Health Department Services cannot judge what will be required or what could be anticipated. They could only tell you what they have done in past installations."

Councilman Kent: "Bill, are you concerned that- "

William Kasperovich: "And in past installations they've been known to backtrack on water prevention because of something that happened a half a mile down the road."

Councilman Kent: "Are you concerned that we won't be able to meet the demand or that the service line is inadequate in size to provide the amount of water necessary? Are one of those two your concerns or both or neither?"

William Kasperovich: "I'm waiting for you to talk money."

Councilman Kent: "Why don't you answer the question? Are you concerned that the Water District- "

William Kasperovich: "I'm concerned- "

Councilman Kent: "Let me speak."

Supervisor Kozakiewicz: "Bill. Mr. Kasperovich, Mr. Kasperovich- "

William Kasperovich: "I'm answering the man."

Councilman Kent: "Okay, go ahead."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "I'm listening. Just like Frasier Crane."

William Kasperovich: "I'm concerned that we are bringing in a situation here where we are being reassured that it won't cost the taxpayer any extra money and this in our history in Riverhead has not been true. Every time we get a grant someplace, somewhere, somehow we have to add money to it from the taxpayer and I'm looking for the fine points of this so that this doesn't happen. They are our consultants, true. But they don't operate from a cathedral. They operate down in Melville as a profit making organization and they look to see that they have something behind them that they can fall back on when their design is inadequate or incomplete or not satisfactory."

Supervisor Kozakiewicz: "So, what you're saying to us is that you would ask us not to approve the extension. Is that what you are--"

William Kasperovich: "As it is presented now."

Supervisor Kozakiewicz: "All right."

William Kasperovich: "As it is presented for the reasons I gave you not to approve it until it's corrected."

Supervisor Kozakiewicz: "All right, Bill, I'd like to continue with others if I could. I understand you are opposed to it as presented. I'd like to allow some others the opportunity to also address us if there's anybody else out there who would like to address this proposed extension either for or against? Anybody else?"

Councilman Kent: "Could I just ask a question?"

Supervisor Kozakiewicz: "Sure."

Councilman Kent: "Of Dennis. Is it my understanding that the Stony Brook Incubator will be paying 100% of whatever the cost is for extending the Water District to this location?"

Dennis Kelleher: "That's correct."

Councilman Kent: "So regardless of what it costs, they are going to pay it?"

Dennis Kelleher: "That is correct. And just to clarify one thing. On this project, H2M is not designing anything. We have not been retained to design the water service coming in, the design. So we're not designing it."

Councilman Kent: "So your job in this project is only to extend- map the extension- "

Dennis Kelleher: "That the Riverhead Water District can provide water to this site."

Councilman Kent: "Map the extension and provide the service line."

Dennis Kelleher: "That is correct."

Councilman Kent: "Now, let me ask a question again. For some reason Mr. Kasperovich, and Dennis, please stay, do you feel that the water line is insufficient to provide the water necessary to the site? Do you think it's too small or inadequate in some way or do you think that the District cannot meet the demand of the water- of the consumption of the water that may occur at this site? Are one of those two your concern or both or neither? Or just financial?"

William Kasperovich: "William Kasperovich again. You just heard the man say that they are not designing anything here. Okay? This means that we are looking to them as consultants to give their judgment over and beyond what is required as minimum by other people and agencies so that the money is there to cover, that we see- we are in- we focus clearly, that we are supplying water to an unknown requirement. There is no design. And we certainly can't run a 12 inch line over there when they only need an eight inch line. But when I picked out the one item which is a very expensive item, it's not proportionate to the numbers they had used. Consequently, I say the review-- and by our consultants on their judgment as whether this is enough money. Does that make any sense to you?"

Supervisor Kozakiewicz: "The- not to belabor the point. I think what we're doing is calling for an extension. You have indicated your reservations why we shouldn't approve it. Not to belabor the point, if there is anybody else who would like to address the Board as to whether the extension should be granted or whether it shouldn't be, I'd like to hear from them, if there's anybody else. If there's not I declare this public hearing closed, the time of 3:50 p.m. having arrived. Thank you."

Public Hearing closed: 3:50 p.m.

Supervisor Kozakiewicz: "And at this point in time, the time still being 3:50, we're going to go to the public hearing that's the sister application or the other water application and ask Barbara to read the affidavit of publishing and posting for that public hearing."

Public Hearing opened: 3:50 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 7, 2001, at 2:15 p.m. regarding the extension to the Calverton Sewer District."

Supervisor Kozakiewicz: "Mr. Russo."

Frank Russo: "Good afternoon. I'm Frank Russo from- also from H2M."

(Unidentified): "Choose your words carefully."

Frank Russo: "I'll try. When the Calverton Sewer District was formed, the basic premise was any new petitioners, people who would like to be hooked up, would make that application. The proposed incubator will generate sewers. They have petitioned for connection. We were retained to determine the cost effective environmental way to make that connection.

We looked at several alternatives. The alternative that made the most amount of sense both financially and environmental was to service the building with a small grinder pump unit and pump it directly south along the eastern border, again- then heading west on the southern border and then connecting directly to the last manhole of the Calverton Sewer District.

The cost for that connection would be \$320,000. That would include the cost of the pump station, a small diameter force main with approximately 5,000 feet, clearing for that force main, and restoration work to both the runway and the local site.

The plant is being funded by a grant from New York State. That's my understanding."

Supervisor Kozakiewicz: "Thank you. Sandra Mott."

Sandra Mott: "Sandra Mott, Riverhead. Has consideration been made since we don't know what's going into this project as to the bio-

hazardous that might be coming out of it and how that is going to be controlled and what kind of additional expense that would be? We have no idea what's going into this incubator."

Supervisor Kozakiewicz: "There has been consideration of that and I'll let Mr. Russo address that issue."

Frank Russo: "Along with the formation of the Calverton Sewer District was the preparation of the sewer use ordinance. That ordinance is in compliance with Suffolk County Department of Health Service standards in terms of hazardous and harmful constituents. So any discharge to the Calverton Sewer District would have to comply with those standards. It would be their responsibility to treat to those standards so that once again it's their problem."

Sandra Mott: "Whose problem?"

Supervisor Kozakiewicz: "The Stony Brook Incubator. In other words, what Mr. Russo is saying, at the time we extended or did the- "

Sandra Mott: "I understood what he said."

Supervisor Kozakiewicz: "Okay. They must comply."

Sandra Mott: "But I want to know- "

Supervisor Kozakiewicz: "They must comply. If they don't, they're in violation of Suffolk County Department of Health standards."

Councilman Kent: "I think her question is about monitoring. Who's going to monitor- "

Sandra Mott: "Yeah, monitoring specifically. Who's going to oversee the?"

Councilman Kent: "-- the outflow."

Sandra Mott: "Because we've got Brookhaven National Lab down the road apiece and we've have the Peconic that's (inaudible) and they were supposed to be overseen as well. So, and this isn't even that far away. This is in a populated area. So who's going to oversee them? And as to not costing any money, we gave 50 acres, correct? The going rate is- "

Supervisor Kozakiewicz: "That's been done already. So that's not part of this hearing."

Sandra Mott: "Yes, I know, but that was two and a half million if you run it at \$50,000 which is what an acre is around here."

Supervisor Kozakiewicz: "Right."

Sandra Mott: "That's two and a half million and now this other money."

Supervisor Kozakiewicz: "Granted. But the question is whether we're doing this extension at any additional cost."

Sandra Mott: "I know that."

Supervisor Kozakiewicz: "All right. And the answer is no."

Sandra Mott: "My concern is to, yeah, well, there's no and then there's the taxpayers who are paying for it down the pike."

Supervisor Kozakiewicz: "You can take that approach but the answer is there is- "

Sandra Mott: "I can take that approach?"

Supervisor Kozakiewicz: "There is no additional taxpayer cost for the extension. It is being paid for, the cost of this extension is being paid for or is intended to be paid for by Stony Brook, the incubator. If they cannot pay for it, they don't go on line."

Sandra Mott: "They are affiliated with the State University of New York."

Supervisor Kozakiewicz: "That's correct."

Sandra Mott: "So who funds the State of New York University system?"

Supervisor Kozakiewicz: "Again, that's, you know, we can get into semantics. Any other- "

Sandra Mott: "What semantics?"

Supervisor Kozakiewicz: "Listen, are you for or against the

proposal, Sandra?"

Sandra Mott: "I would like to know who is going to monitor these people?"

Supervisor Kozakiewicz: "Mr. Russo?"

Frank Russo: "The sewer use ordinance considers that. The Superintendent of the Calverton Sewer District would be monitoring those discharges."

Supervisor Kozakiewicz: "Similar to what we do with the Riverhead Sewer District?"

Frank Russo: "That's correct."

Supervisor Kozakiewicz: "Is that correct?"

Frank Russo: "That's exactly correct. Yes."

Sandra Mott: "So it isn't their problem. It's our problem."

Supervisor Kozakiewicz: "It will be our- "

Sandra Mott: "Responsibility to monitor- "

Supervisor Kozakiewicz: "-- responsibility to monitor and if there's any discharge or any indication that there is something that's been put into the sewer discharge that's not proper, the Superintendent of the Calverton Sewer District would be responsible for identifying the source- "

Sandra Mott: "I just heard him. I heard him- "

Supervisor Kozakiewicz: "I'm just repeating it."

Councilman Kent: "I think- I think I can go to your next, I mean where you are going with this."

Sandra Mott: "Thank you."

Councilman Kent: "Okay. This is a special district so Stony Brook even though it will not be paying property taxes- "

Sandra Mott: "Right."

Councilman Kent: "-- they will be paying special district fees and as part of the Sewer District they will be paying their portion into the sewer district that will fund- that's how we pay the budget for employees. So they will be paying their share. Now their share of money does come from taxes but from another source. But not directly from property taxes and not solely from the people within the town of Riverhead. It's spread out state-wide."

Sandra Mott: "Thanks, Chris. Thank you."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "Ann Miloski."

Ann Miloski: "My name is Ann Miloski, Calverton. And on the Sewer District, are we doing this before the building goes up or has the building been approved already? Is there a site plan for the building?"

Supervisor Kozakiewicz: "This is happening prior to the building going out there. We don't have a site plan review process if you recall."

Ann Miloski: "Right."

Supervisor Kozakiewicz: "The building is being designed but this process is coming in prior to the building being built so that the connections are made so that it can go forward."

Ann Miloski: "But we're definitely doing the building? Has that been finalized? Because suppose we do this and all of a sudden the grant doesn't come through for the building?"

Supervisor Kozakiewicz: "If it does not come through, then the extension has been done for future use but the bottom line is, as you know, the agreement that was made by the town, the prior resolution spelled out what the terms and conditions of that incubator would be--"

Ann Miloski: "Right. Right."

Supervisor Kozakiewicz: "-- there are limits placed upon it and that was clearly spelled out. I think the question is which one comes first. If they're starting to build and they don't have their adequate extensions then they're going to have problems when they get to that point. It does not make- "

Ann Miloski: "Well, what I'm saying is if this is approved and the building, they decide all of a sudden that the grant doesn't come through, the building, who is going to be responsible for- "

Supervisor Kozakiewicz: "The grant is there. I don't think it's a question of the grant coming through. The grant monies in excess of three million are funded, the money is there."

Ann Miloski: "Has it arrived here in Riverhead?"

Supervisor Kozakiewicz: "I don't know the answer to that. I don't know the answer to that."

Ann Miloski: "I don't think so."

Supervisor Kozakiewicz: "But, the- it has been already appropriated. It's already been approved; it's been done at the state level so it's not a question of the grant application needing approval at this point. It's been done."

Ann Miloski: "Okay, well, that's what I'm concerned to make sure that all the "T's" are crossed and the "I's" are dotted."

Supervisor Kozakiewicz: "Thank you."

Ann Miloski: "Before you go ahead with this thing."

Councilman Kent: "And that money is not going to come to Riverhead, by the way."

Supervisor Kozakiewicz: "Right. Any- Bill Kasperovich, I know I saw his hand up before. Thanks, Bill."

William Kasperovich: "William Kasperovich from Wading River. Now where is our other councilman?"

Councilman Densieski: "That's got nothing to do with the public hearing."

Supervisor Kozakiewicz: "Bill, I'm not sure where our other councilman is. We have three to conduct business. I- "

William Kasperovich: "Well, you're Chairing this meeting- "

Supervisor Kozakiewicz: "I am Chairing it and we have three

here to conduct business. We have- "

William Kasperovich: "If you've excused the man, you've excused him. If you have not, you have not."

Supervisor Kozakiewicz: "Well, he doesn't ask me permission to be excluded and- "

William Kasperovich: "Well, he should."

Supervisor Kozakiewicz: "Listen, Bill- "

William Kasperovich: "Come on- "

Councilman Densieski: "That's got nothing to do with the public hearing."

William Kasperovich: (Inaudible)

Supervisor Kozakiewicz: "Mr. Kasperovich, let's move- let's move the public hearing along. I'm sure that the minutes will be reviewed and looked at. We have three to conduct business. Let's move forward."

William Kasperovich: "That is three and two absent makes it a rather weak Town Board."

Councilman Kent: "Well, the rest of us make up for it, we're strong people."

William Kasperovich: "I wish that were true. Not only wish, I pray that it is true. Now, this might be a play on words or semantics but we talk about sewerage, we usually talk about human waste. But, when we talk about waste in general, it is not limited to human waste and it becomes a broad spectrum. If this laboratory- the-- decide to function or get themselves involved with something particular that is not to be received or that will be detrimental to the sewerage treatment plant as is there, this would require an entire separate treatment plant. And as Mrs. Miloski brought up, who is going to monitor this?"

Now, our Superintendents for water and sewerage have been Superintendents of operation. They are not reporting to anybody that's above them in knowledge or capability. And they- their background is limited to what type and manner- what type of waste and

what manner is treated.

I am influenced by the involvement in New Jersey where a small outfit just generated a small amount of waste and didn't pay attention to its treatment or diffusion and it took hell to show that what they were putting in there was lethal, untreated lethal in capital letters in the worst way. Now, somebody above an operating superintendent has got to be involved and report to the Town Board. And not an employee of H2M like we have now in the sewerage treatment. The man that's out there in the field is being paid by H2M who designed the system and what man in his right mind except Kasperovich is going to speak up against his employer?

These- the question of the where is this design of the building, what stage is it in? This is a leading question. Because this would indicate whether they are staying within the budget or not. And it's been my experience the involvements outside the building line itself are of little concern to the building designers. They always take the attitude somebody else will take care of it. And so since we have nobody looking to see what it is that they are- what stage they are in as to what they're going to put on property that we donated to them, we don't know anything.

And what is being feared at this moment is that when this thing comes into operation the same situation will exist. Who is looking to see what they're doing? And the other installations we've had in this township, they refer to the Health Department, they refer to the DEC, they refer to anything. But they themselves feel that they're not obliged to be responsible for what is being passed on here and now.

We donated a valuable piece of land for this project and we're entitled to know every detail so that we can put a stop to it or ask for the money to accommodate it. Right now we're flying blind."

Supervisor Kozakiewicz: "Rolph Kestling. Thank you, Bill."

Rolph Kestling: "Rolph Kestling, Wading River. I'm the last one that's going to try and extend the public meeting because I want to get out of here, too. But I think that the Town Board is acting a little bit too hasty on this just because it's Stony Brook University. You know, anytime anything like this comes up I trust them less than anybody else. This is \$320,000, covered by a grant. First of all, isn't a grant usually accompanied with a matching sum, that's what I understand?"

Councilman Densieski: "Not always."

Rolph Kestling: "Not in this case. All right. But now all this work is being done. Who's coming up with the money originally and are we putting up the money in the hopes of getting it back or there's absolutely no money coming from us?"

Supervisor Kozakiewicz: "As far as the design? As far as the building construction, the way it's being laid out? No."

Rolph Kestling: "This is what I'm worried. I worry some way that the Town of Riverhead is going to get stuck. I mean all of a sudden they'll abandon everything and then you'll have a lawsuit, well, you put it in. I would look- in other words, I'd look over this a little bit more carefully."

Councilman Densieski: "Rolph, to do that you would need a resolution expending those funds and that's not going to happen."

Rolph Kestling: "Okay. But as long as you're covered. Don't- just don't go say oh, well, it's State University. I mean and especially with LaValle, you know, George isn't here. Okay?"

Supervisor Kozakiewicz: "Thank you, Rolph."

Rolph Kestling: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address us for or against this proposal? Not seeing anybody's hand move, I will declare the public hearing closed, the time of 4:10 having arrived."

Public Hearing closed: 4:10 p.m.

Supervisor Kozakiewicz: "Peter, you are ready?"

Peter Danowski: "I'm ready (inaudible)."

Supervisor Kozakiewicz: "We need a minute adjournment. Just a second to let Mr. Kent make a call. All right. Phil's returned, so the time being 4:10 still we will call the affidavit of publishing and posting for the public hearing that was previously posted to begin what time, Barbara?"

Barbara Grattan: "2:10."

Supervisor Kozakiewicz: "2:10. Go ahead, Barbara."

Public Hearing opened: 4:10 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 7, 2001, at 2:10 p.m. regarding the special permit petition of T.S. Haulers, Inc. to operate a wholesale business on property located at Route 25, Calverton."

Peter Danowski: "I don't know if we're waiting for Mr. Kent or not but- "

Councilman Densieski: "We've got a quorum, Pete."

Supervisor Kozakiewicz: "I would say go ahead, start your presentation."

Peter Danowski: "All right. I think- "

Supervisor Kozakiewicz: "Yes, I'm sorry. This is a special permit so we do need you to be sworn in, I almost forgot. Thank you, Barbara."

(Unidentified): "Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Peter Danowski: "I do. My name is Pete Danowski and I have been the attorney for T.S. Haulers for some period of time. In order to try to save some time here today, I'd like to start out with first a procedural point to make part of the record and I would hand up to the Town Clerk's records a letter previously delivered to the Town Attorney.

Procedurally this letter and my comments address the notice that's been put in the newspaper by the Town and it relates to the specific wording of that notice. As this Board knows, I filed a special permit application with the Town seeking a special permit under two specific sections of the town code and they are very specific. I've included them as part of my application when I filed it with the Town Clerk. To highlight it, I'd hand up the pertinent portion which is contained within Section 108-45 paragraphs five and

entitled Wholesale Business Non-Nuisance.

It is true that ultimately there was a court order entered which required a submission under one of these subsections. That did not prohibit, however, a filing under a different subsection. So both of those are on file with the Town Clerk. We ask for a special permit under either of those sections and we would think that the public notice would be contained to list both of those subsections.

I'd also point out that the previous administration sought to abolish sand mining in the town and the application, I think, consistent with the Town's lawsuit and final judgment allowed us to file the application regardless of that legislation. So the special permit application does not appear to be consistent with the town notice.

If you look at the notice that's attached it's part of this hearing requirement, it just talks about wholesale business. That is it. It doesn't talk non-nuisance and specifically it does not add non-nuisance industry. So we take exception to it. We've requested that you refile a notice that corrects this. We don't suggest that you have the power to limit this public hearing as you apparently have done."

Supervisor Kozakiewicz: "I'm going to ask the Town Attorney to put her responding comments on the record so that they are preserved for purposes of this hearing at this point. Dawn, if you would do that just with respect to that question."

Dawn Thomas: "I received Mr. Danowski's letter regarding the--"

Supervisor Kozakiewicz: "You've got to-- they're all going like this, so."

Dawn Thomas: "All right. I did receive Mr. Danowski's letter concerning the problem he alleged with the notice. I reviewed the file. The file contains a court order which directs the Town back in '99 to (inaudible) T.S. Haulers special permit application under town code Section 108-45B(6). The town previously heard its application under 108-45B(5) in 1997. That decision-- that special permit application was denied in 1997 by the Town Board. The decision by the Town Board was not challenged by T.S. Haulers and that time expired. I don't believe the town has an obligation to review the T.S. Haulers' application under 108-45B(5) and rather only required to hear it under 108-45B(6) pursuant to that court order."

Peter Danowski: "All right. We do take exception to that and I recognize the Town Attorney is familiar with the Zoning Board decision in this matter. I know it's been made part of my application and I'll again with highlights noted hand up the first two pages of that Zoning Board decision which talks about the application to the Zoning Board that dealt with both non-nuisance industry and wholesale business non-nuisance.

I believe that if you recall, the Town was apparently taking a position that they would not hear the special permit application and we have- or were forced to go to the Zoning Board to receive a decision from them in this regard.

The next procedural point is I recognized that this Board per direction from the court has apparently now referred this to the County Planning Commission and has received back a recommendation. What is a little disturbing is some of the wording in the recommendation might imply that somehow a variance application to the Zoning Board might be in order. So, therefore, I direct a question of whether the Town had ever forwarded the Zoning Board decision which was made part of this special permit application to the County Planning Commission because logic would sort of suggest that perhaps they didn't see the Zoning Board decision when they rendered their recommendation. If that answer can't be given today, then I would just ask that someone make part of the record and respond back to me saying specifically that the Zoning Board decision did get to the County Planning Commission.

Again, I don't know if that came from the Planning Department. I'm certainly aware the application was forwarded by the Town Clerk. Whether the attachments and enclosures were, I'm not sure.

Having said that, I'll try to save some time here today and I would suggest this would be a fair way to handle matters. We've previously heard testimonies on a special permit public hearing. They are a public record. We've also heard the Zoning Board level with the Planning Board various comments from public supporters and from our environmental consultant and from our engineer and traffic engineer. They are part of the public record.

At this time, rather than call up additional witnesses to repeat themselves, I would ask to incorporate by reference all those public documents, all those letters and documents that are already public records rather than repeat ourselves over and over again."

Supervisor Kozakiewicz: "I would love to do that but I'm sure that there's going to be some people who aren't going to remember everything that was incorporated so I'm hoping that there will be some sort of testimony provided today so questions can be put to the proper parties."

Peter Danowski: "All right. I think then- "

Supervisor Kozakiewicz: "But, I will accept your request that the prior public hearing comments be made part of the record but I think we're still going to need information today that we can respond to, maybe ask some questions in light of the court ruling so that we can have a meaningful public hearing based upon the decision we received back from the court."

Peter Danowski: "I think then I would just- let's have an acknowledgment that the public record that deals with T.S. Haulers will be incorporated by reference regardless of what particular hearing that was and also we will make available Mr. Wolpert and Mr. Seaman for possible inquiry from this Town Board."

I would also just as a matter of highlighting, Mr. Seaman did prepare another redating of the same report in case that needs to be reviewed by anybody here today. I would hand that up today."

Councilman Cardinale: "Pete, I had a question. The initial point you made about what section the application was made under- "

Peter Danowski: "Yes."

Councilman Cardinale: "Was that made- was that same issue a factor in the initial hearing?"

Peter Danowski: "I really can't respond to that. My memory here is that the town's first position is they would not hold a public hearing, period, because they didn't feel that either subsection applied and therefore no public hearing- "

Councilman Cardinale: "What I'm asking, Pete, is- "

Peter Danowski: "Well, I'm trying to- "

Councilman Cardinale: "--did you raise that objection at the first hearing and if you didn't, is it- could you explain why?"

Peter Danowski: "I'm not here to legislate how you write your public notices. You as an attorney certainly know we might both agree let the town make the mistakes and point it out later in court. All I'm saying is, I'm now looking at a public notice. It doesn't say non-nuisance industry. The Town Attorney has apparently explained why she is apparently taking a position and intentionally you're not going to notice this for a public hearing on a special permit application that's made part of my application that's on file with the Town Clerk. So now I know for the first time why the town has not advertised it to include non-nuisance industry. Albeit that I object and think it's wrong.

On the second point, it's wholesale business non-nuisance and when I file an application I'm relatively optimistic from time to time, whether I'm mistaken in that belief or not, and I like it done correctly. It doesn't say wholesale business non-nuisance on the second subsection."

Councilman Cardinale: "I- I understand what you said. My only question was whether it was raised in the first hearing if you recollect, the hearing of just a few months ago."

Peter Danowski: "I don't believe it was stated one way or the other."

Dawn Thomas: "And it wasn't (inaudible)."

Councilman Cardinale: "Okay. Okay, thank you."

Peter Danowski: "The application speaks for itself. With that said, I'm prepared to sit down at this point since we do have the record made regarding the issues that have been testified to previously in reports. I'll wait back to hear from any comments from the public and at the end of the hearing, I'll try to have responses to any comments that are made."

Supervisor Kozakiewicz: "Mr. Macknee."

Dave Macknee: "I don't think that government really does a lot of good things right, you know. You look at your school district, that's a mess. You look- "

Supervisor Kozakiewicz: "I'm sorry, Mr. Macknee, I apologize. This is a special permit, so I do need to have you sworn in. I'm sorry."

Dave Macknee: "Oh, I'm sorry, that's okay."

Supervisor Kozakiewicz: "You got a jump start on me. We were all not paying attention so if I could have you sworn in."

Dave Macknee: "Yeah, I got (inaudible)."

Supervisor Kozakiewicz: "Yeah, okay."

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?"

Dave Macknee: "I do."

Supervisor Kozakiewicz: "All right."

Dave Macknee: "You know, and I don't- I'm not a real- I look at myself and I say what am I doing here this afternoon? You know. I really don't have- except for one thing. What's happening here happened to me 35 years ago. Okay. I went to buy Freeport Auto Wreckers and before I bought that place I went in and I said to the town, do I- can I get papers for this first, you know? Can I get a permit for it? And they said it already has a permit. Okay. So I went back and I bought the place. I walked into the place, the first day, the building inspector came and he said don't get too happy here, son, I was only 24 years old. And he says because we're going to put you out of business in a year. You know. And I said well, nobody ever said that to me before.

So come to find out, about four months later, I didn't think they could, okay, because it had a permit to it and the next thing you know, the Town of Hempstead signs a thing that says no more junkyards. Okay? Which was a foolish thing to do anyhow. You have to have junkyards. Anyhow, then I'll get under my five minutes- "

Councilman Kent: "There's no limit."

Dave Macknee: "-- but what happened is they then wouldn't issue me my permit, you know, and I beat them in court. Okay. Because the Village of Freeport, not the Town of Hempstead, the Village of Freeport, to they passed a law and I beat them again and when I beat them I beat them because I was a non-conforming use. I was there before.

Now, you passed a law and it doesn't make any difference to me, if they want sand mines, they want sand mines. I can understand that. But you have sand mines running here and this man had his DEC and had filed for a permit before. I don't see why he doesn't fall under a non-conforming use. I did and I beat it. And you know something? That's another thing, a quick thing that I'm going to bring up, is that I see a lot of board mistakes here, you know. Now, I made mistakes in business; I made a lot of mistakes and I'll be the first to admit it. But I paid for all my mistakes.

When you fellows make mistakes, I pay for it again because I'm paying taxes. Okay? So now I'm in double jeopardy here no matter what happens, you know. So you make a bad decision, I've got to pay for it, you know. I don't know. I don't think that's right.

But if you can see what the point I'm trying to bring out is that I won and I was there for 30 years and the town hated me. Okay, when I first came in. And the people hated me, everybody hated me. When I went out of there, I- three times I missed Man of the Year because I made a beautiful place and everything else and I had a real, solid good business, no hot parts or anything like that. And the only reason I didn't get Man of the Year is because the Chamber of Commerce didn't like me. But it wasn't a big deal to me, you know? I'm kind of outspoken and, you know, but anyhow that's the way I feel about it and I think, you know, it's OMNI. I guess they're running or something, you know, and they started after- I believe started after that law came through. So OMNI I guess is out according to the way I read what they did with me 35 years ago, OMNI would be out but T.S. would be in because they were a non-conforming use.

Now, I don't know, but I'll tell you one thing, doing business here is like doing business in, you know, I don't want to say the word- I got after Bill already and George Schmelzer isn't here either so, but what happens is I think that this Board or any Board that comes in here had better start treating small businesses a little better. It took me four months to get a permit for a three bedroom bed and breakfast, you know. I mean, you have to look ahead, you have to see what's happening. And I don't think that's happening here. Thank you very much."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak with regard to this hearing on T & S Haulers for or against? Yes? Swear him in."

Dawn Thomas: "State your name for the record, please."

John Tintle: "John Tintle."

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

John Tintle: "I do. Good afternoon, Supervisor and Members of the Board. My name is John Tintle, representing Main Road Associates (phonetic)."

Councilman Kent: "Could you just pull the microphone up? You're a little taller than- "

John Tintle: "Again, my name is John Tintle, representing Main Road Associates, adjoining property owner to TS. I would like to support their application. I'm familiar with their practices and their businesses. TS has been a fine steward of the land that they are on and as an adjoining property owner we fully support their special permit application."

Supervisor Kozakiewicz: "Thank you. Anybody else? Bill- Mr. Kasperovich, do you wish to speak?"

William Kasperovich: "Yes."

Supervisor Kozakiewicz: "Yes, okay."

William Kasperovich: "Before I speak, may I ask you people that are learned in the legal world why an attorney is not required to profess that he will speak the truth?"

Supervisor Kozakiewicz: "Pete- Mr. Danowski was sworn in."

William Kasperovich: "I didn't see him being sworn in."

Supervisor Kozakiewicz: "He was. Yes, he was. Yes, he was."

William Kasperovich: "I apologize. I apologize."

Supervisor Kozakiewicz: "Saying that- "

Councilman Cardinale: "We're especially careful to have the attorneys sworn in, in fact. For obvious reasons."

Supervisor Kozakiewicz: "Dawn, would you have Mr. Kasperovich

sworn in?"

William Kasperovich: "Especially one that was, well, I wouldn't say."

Supervisor Kozakiewicz: "Dawn."

William Kasperovich: "He's a part of this township the same as the air that flows over it."

Supervisor Kozakiewicz: "Mr. Kasperovich, I'm going to have the Town Attorney swear you in, please."

William Kasperovich: "Yes."

Dawn Thomas: "Mr. Kasperovich, do you swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

William Kasperovich: "So help me God, I do. And I wish he would tell me how long I'm going to have to stay here to talk to you people about how to run a town hall."

Supervisor Kozakiewicz: "Well, we're talking about whether this special permit application by T.S. Haulers under 108 Subsection 45 should be approved. So the question of how we run town hall is not what we're asking you to comment on. We're asking you to comment either for or against the special permit application of T.S. Haulers."

William Kasperovich: "Well, in counting the yeas and nays you can count me as the nay. I am opposed. I have nothing factually specific to offer you but I believe Attorney Danowski is giving us a greasy wedge into a loose door. He is reaching for a better position other than this permit. And that- practices and the reputation of people in the- working in the past is that absolutely nothing to do with what is being asked. You are being asked to do something that is not to the advantage of the township. No matter what or how you define the words in the town requirements or the state requirements.

This is still an American government and we do lean on the judges in the courts as to how we should conduct our lives. If you'll come in with unclean hands you should be treated that way and I believe such is the case at this moment."

Supervisor Kozakiewicz: "Thank you. Anybody else who would

like to address the Board? Yes, I'm sorry. Come on up. Sir, I'm going to ask you to remove your hat. Thank you. Okay."

Councilman Kent: "It looks better with- "

Supervisor Kozakiewicz: "And your name, sir?"

R.W. McCabe: "R.W. McCabe, Middle Road, Riverhead, also known as Adventureland."

Supervisor Kozakiewicz: "Okay. I'm going to ask you to have the Town Attorney swear you in."

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

R.W. McCabe: "Yes, ma'am, I do."

Supervisor Kozakiewicz: "Okay."

R.W. McCabe: "Gentlemen, to me this is ridiculous. I've been in the trucking business all my life, having worked for one Northville Industries, of course, you remember them, don't you? Remember when Harold P. Burnstein over assessed and he came to the Town Board and they more or less- not the Board, the Assessors, gave them the raspberry. Well a million dollars later that he got back so, therefore, mistakes can be made.

Now then, the bottom line here is tax. I have something here, if I may, that it costs to put one of those trucks on the road besides the real estate tax. Okay. \$24,000 for the permits, different things like that. HUT, which is Highway Use Tax, that's 55%, \$.55 a mile, whatever. Now then as far as fuel, the man burns 300,000 gallons of fuel a year, that includes \$38,250 sales tax. Then you get into gross receipts, federal excise, 8 and 1/2% as I mentioned before plus that land up there, excuse me, was a farm, nobody's farming on it. And as far as any water table that you're talking about, there was (inaudible) in that water. There's no (inaudible) anymore. Apparently the filtering system hasn't gone.

Now, you can go to either Brookhaven Laboratory or any place like that and ask one of those people about whatever, something like sand mining, something up there that they wanted to do in the first place. But this is not detrimental to any particular environmental

consideration. So, therefore, then people say well, there's a hole in the ground, it's this and that and the other thing. What are they going to do with it? Out west, they're digging holes in the ground to put trees in for what you call climate control, they don't get burned. Greenhouses, there's one out in what is that Southold? The guy dug down, I guess, what is it, 20 or 30 feet, put his two greenhouses in there. So, therefore, there's the answer to what this man is going to do with the place when he's finished. Numerous options.

So I would suggest you gentlemen that you give this consideration. Also, could you give a vote when there's going to be an election in November on this? I mean, you know, next Board might say well we have a different opinion. Well, that's all I have to say at the present time and I'll be back when the race track situation is here because I'm in favor of that, too. Thank you."

Supervisor Kozakiewicz: "Thank you, Mr. McCabe. Anybody else who would like to address the Board either for or against the special permit petition of T.S. Haulers? Barbara Blass. Dawn?"

Dawn Thomas: "Ms. Blass, do you swear that the testimony you are about to give, will be the truth, the whole truth, and nothing but the truth, so help you God?"

Barbara Blass: "I do. Good afternoon, Supervisor Kozakiewicz, Members of the Board, ladies and gentlemen, my name is Barbara Blass and I am the Chairperson of the Riverhead Planning Board.

During the Town Board's last public hearing on this matter, the Planning Board issued a rather detailed report and I would respectfully request that that Planning Board prior reports and resolutions be incorporated into today's record. I would like to review a couple matters, however. I think they are important enough to be repeated.

In 1997, the Planning Board recommended denial of the special permit request to operate a sand mining operation as a non-nuisance industry because it was inconsistent with zoning. That vote was unanimous. In the year 2000, the Planning Board, by a vote of four to one, recommended denial of a special permit request to operate a mining and sand and gravel processing operation as a wholesale business non-nuisance because, among other things, it was and still is in consistent with zoning.

Those recommendations stand as part of today's record and most

recently the Suffolk County Planning Commission voted to disapprove the application because once again it is inconsistent with zoning.

This raises several questions not only at the local level but speaks directly to the issuance of the permit at the state level. And I will explain. How did the applicant describe to the DEC that the mined land use plan related to our local zoning ordinance? When an applicant makes an application for a mining permit, they have to submit a mined land use plan and one of the elements of that plan is called community land use objectives and I'll read from it.

It says in order to help ensure that the mined land use plan and land use objection- objectives are not in conflict with the goals and objectives of the community in which the mine is to be located the plan must describe how the proposed use relates to any officially adopted county and local plans and zoning ordinances. So I would respectfully ask to- for the town to determine what the applicant said in his permitting process in response to that particular aspect of the application.

Secondly, has the DEC been contacted concerning the inability of the applicant to actually comply with the conditions of his mining permit? And I'll explain that one as well. If you read the bottom of the permit, it says by acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with all ECL that's Environmental Conservation Law, all applicable regulations, and the general conditions specified on page two as well as other special conditions.

If you read the conditions on page two of their permit, it says that the permittee, T.S. Haulers, is responsible for obtaining any other permits and approvals, land easements and rights of way that may be required for this project. Well, one of those approvals is a site plan approval. There is no way that this particular application could ever receive a site plan approval from the Town of Riverhead in that as a wholesale- excuse me, as a wholesale business, non-nuisance industry which is what the Zoning Board of Appeals in their interpretation classified this operation, the site plan that they would have to submit would by virtue of the nature of this operation, require outdoor processing and outdoor storage of materials. That is functionally- that is essentially contradictory to the operative definition of wholesale business non-nuisance industry. They would never be able to get a site plan approval under those conditions.

So I submit to you or I ask you if you ever have contacted the

DEC to inform them that the conditions of their permit cannot be met by the applicant and, again, in reading from the permit itself it says that the DEC, the Department reserves the right to modify or suspend or revoke the permit when the scope of the permitted activities exceeded or a violation of any of the conditions of the permit or provisions of the ECL and pertinent regulations is found.

I understand that the Town has been engaged in ongoing litigation. I'm merely suggesting at this point that the DEC should be notified that it is impossible for this applicant to comply with the conditions of their permit and at the very least perhaps they should suspend the permit until the litigation is resolved. I respectfully request that that communication be made.

Has the applicant ever asked for a modification to its land use permit to show the operation of the solid waste management facility at the site? Again, as part of that permitting process you have to provide to the DEC a graphic depiction of the entire operation on the site, the location of the operation, the buildings, etc. Since this applicant has received its permit for a land- for a mining operation, they have also registered with a separate division of the DEC for a solid waste management facility, a C&D processing and recycling facility.

I don't know and perhaps you do whether they have actually contacted the DEC because they would require a modification to the already approved land use plan. They now have a separate business, an operation on lands which were priorly or formerly approved and depicted for a different operation. They need a modification at the very least to their already approved mine land use plan and I'm, again, asking the question if they have gone through that process as well and if not, maybe they should.

By the way, in speaking about this second operation, this solid waste management facility, the C&D processing facility, that also requires a special permit from the Town and we know that this operation has been in existence since 1999 and to my knowledge has never applied for a special permit before this Town Board. No environmental assessment form that was ever submitted by this applicant includes any information about this other business.

The Town Board currently has before it a special permit from another applicant in the Town of Riverhead for a C&D recycling facility which they're entertaining. They're going through the process, they are a requesting a special permit for this, for their

operation. Why was this applicant not required to do the same?

By the way, that operation, that C&D recycling business is also inconsistent with zoning at that site. It's allowed in Industrial B zoning use district. They are in Industrial A. A separate issue.

And I guess finally I would just ask that, again, in questioning if you could or communicate with the DEC as to whether the applicant is in compliance with their reclamation plan. Again, as part of their mine land use plan, they needed to submit a schedule for reclamation and as of this date, I believe approximately 16 acres of that site should have been reclaimed by the applicant and if we could get verification that that is indeed- has taken place, that would be great and if not, again, is that a violation and if so what is the DEC going to do about this and the inability of the applicant to comply with the other conditions of their permit. Thank you."

Supervisor Kozakiewicz: "Thank you. Is there anyone else who would like to address the Board either for or against and, if not, Mr. Danowski, do you wish to come up and respond to some of those comments? Oh, okay, I see a hand, I didn't see it before. Eve Kaplan."

Eve Kaplan: "Eve Kaplan, Riverhead Coordinator North Fork Environmental Council."

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Eve Kaplan: "I do. All right, so here we are, T.S. Haulers take two. And I'd like to say the same thing- I'd like to agree with Pete Danowski on one thing which is that I hope that our previous testimony will also be referenced and included. We have a letter that was submitted by Charles Cetas on behalf of the Council dated November 27 at the previous hearing and so I although I won't pretend I'm Charles and re-read that whole letter which he probably read, I will also give some additional comments.

Let's see. And also I guess you probably heard that our case, the case that was filed against myself and the Calverton Civic Association and my organization was settled yesterday actually in our favor and they ruled that our involvement in this case has not been slander so I guess I can now deliver all the slanderous comments that I didn't deliver last time. No, I'm just kidding."

Councilman Cardinale: "Actually, Eve, it wasn't settled, it was dismissed, was it not by the Court?"

Eve Kaplan: "That's right, it was dismissed and we were awarded court fees and legal fees and we are seeking damages for harassment and intimidation.

But I would like to just sort of summarize the Environmental Council's opposition to this project and thank the Town Board for your previous unanimous vote not to approve the special permit and your previous record of work to comply with the 1998 law prohibiting sand mines in Riverhead.

We believe T.S. Haulers made this current permit petition after the Town Board enacted local law on November 9, 1998 resolution 879, Riverhead Zoning Ordinance. Allowing T.S. Haulers to continue in violation of Riverhead zoning laws would make it very difficult to stop other similar mining companies from starting new operations on other industrially zoned lands.

Riverhead's beautiful landscape could soon become a devastated moonscape. Unlivable for local residents and uninviting for tourists. Riverhead's ground water could also become contaminated by such mining and processing operations. We believe that Riverhead has enough legally established mining operations that pre-existed this local law to ensure a good supply of sand and gravel for the community needs. Therefore, for the good of the community and the environment we believe the Riverhead Town Board should again deny the special permit petition and order T.S. Haulers to immediately cease these illegal operations.

I know that some of the arguments are- that were made in the past, for example, that they've been good citizens, that they supply jobs. I don't think that that really has anything to do with the matter at hand. These are legal issues and environmental issues. It doesn't have anything to do with the type of businessman who may or may not be operating this operation.

And in addition, today T.S. Haulers also went on record saying that they've already mined 47 of the 50 acres on their property and this is all without having ever gotten a permit for these operations. So, I think you should think about the precedent this is setting for Riverhead. If I had a house I tried to build without a permit, I would certainly get stopped. Other businesses operating without permits have gotten stopped. This business has succeeded in mining

almost 50 acres without ever having a permit and he's also gone on the record as saying his reuse plan includes building a raceway on this site. Which is another use that is not compatible with the zoning.

So, for all these reasons we ask that you deny this permit. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak for or against the T.S. Haulers special permit? Yes, Barbara, you are still considered sworn, Barbara."

Barbara Blass: "Okay, thank you. Just in response to something or maybe as a follow up to something that Eve just said. I don't know if there was a representation made that the applicant had has already mined 57 acres. I don't know where- if that is indeed the case because if it is their mining permit says that they have the authority to operate a 46.5 acre sand mine out of the entire 50 plus acre site in which case it would be done, over with, and I'm just asking for clarification if that is indeed the case. Perhaps the applicant or the applicant's representatives has better knowledge of how much of the site has been mined already. Excuse me."

Supervisor Kozakiewicz: "Thank you, Barbara. Ann Miloski."

Ann Miloski: "My name is Ann Miloski, Calverton."

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Ann Miloski: "Right. In my opinion, I'd like to ask one question. They just said that they mined 47 acres. Now- "

Supervisor Kozakiewicz: "Ms. Kaplan said that on behalf of the North Fork Environmental Council- maybe I mis- "

Ann Miloski: "No, Barbara. Barbara Blass said it."

Supervisor Kozakiewicz: "Who said it?"

Ann Miloski: "Barbara Blass just said it."

Supervisor Kozakiewicz: "No, Barbara Blass just repeated what was said by the prior speaker to her. Listen, not to confuse the issue- "

Ann Miloski: "Okay."

Supervisor Kozakiewicz: "Why don't we ask the applicant's attorney to clarify that issue. Or maybe I should ask Eve to clarify."

Ann Miloski: "No, I want to ask him a question anyway. I'd like to ask the attorney when he applied for this special permit for a non-nuisance business, is this just on this particular 50 acres or on the other property that is next door?"

Supervisor Kozakiewicz: "This parcel. This parcel. Is my understanding."

Ann Miloski: "Well, the only thing- "

Supervisor Kozakiewicz: "It identifies the Suffolk County Tax Map parcel number and unless I'm corrected by the Town Attorney, it's one parcel that's been identified, is that correct? Yes, okay."

Ann Miloski: "Okay. The only thing that I really- I know Ed Partridge, he does a wonderful job in the business. He keeps his trucks good and all that, but as far as going for a special permit for a non-nuisance business, I think he has to go for another type of permit because sand mining is certainly a nuisance and all you have to do is ride down between Edwards Avenue and 25A and you'll find out what a nuisance it can be. Thank you."

Supervisor Kozakiewicz: "Thank you, Ms. Miloski."

Eve Kaplan: "I'd like to clarify."

Supervisor Kozakiewicz: "Yes, if you could, as far as the comment."

Eve Kaplan: "The 47 acre figure is something that I heard this morning from Ed Partridge's mouth on WRIV radio while I was listening to the radio."

Supervisor Kozakiewicz: "All right. Is there anybody else who would like to, yes, hand in the back, come on up. While you're stepping forward, I do want to clarify that. Under the state law when we deal with approval of a special use permit or a special permit, we are to do so using the guidelines set forth in our zoning ordinance. In our zoning ordinance which is 108-3 we have a number of conditions

which are the items that we are supposed to examine when we determine whether a special permit should be allowed or not and there is set forth in 108-3 under special permit definitions and then further under subsection E(3) where they spell out four separate and distinct issues that we have to address, and then in doing so we can consider other factors.

The question of whether this particular individual is a good employer; the question of whether or what the tax implications are, I don't believe are the questions we're supposed to be asking. We're supposed to be asking, for example, will the use- the use will not prevent or substantially impair either the reasonable and ordinary use or the reasonable and ordinary development of other properties in the neighborhood. And it goes on. But I just want to make it clear that we are guided by what our statute sets forth as far as the parameters for when we look at the special permit. And that's what we're limited in looking at. So just saying that, I'm going to let the speaker be heard. Have the Town Attorney swear the speaker in."

Scott Setuck: "Scott Setuck."

Dawn Thomas: "Mr. Setuck, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Scott Setuck: "Yes. I just have a couple questions for the Town Board. When you consider these applications, do you look at the big picture of what's going on around the area and compare them to other things?"

Supervisor Kozakiewicz: "We have to look at whether it's going to result in a-- let me use the wording just so you understand what our parameters are- whether the hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or town. So, I guess to answer your question, yes, we have to look at it but we have to look at it with those specific points in mind.

We also have to look at it and this is another subsection, the health, safety, welfare, comfort, convenience, and order of the town will not be adversely affected by the authorized use. So, again, yes, we have to look at it from a town-wide perspective but with those specific items of consideration and review.

Another section says such use will be in harmony with and promote

the general purposes and intent of this chapter. So, again, yes- "

Councilman Kent: "Meaning the zoning ordinance."

Supervisor Kozakiewicz: "Meaning the zoning ordinance. So, yes, the answer is we do need to do that, but, again, because of these particular identified factors which are spelled out in our zoning ordinance in Chapter 108, our look is more defined and limited based on those specific parameters that we need to address."

Scott Setuck: "Because me, as a taxpayer, I look- I drive down Route 25, going to Calverton. I look to my right, I see a big hill of sand, a beautiful landscaped front area with a picket fence. I go another quarter mile up the road, I see dump trucks, earth movers, oil drums leaking all over the place. I wonder why there's no slanderous terms about (inaudible) Materials, aka Calverton Industries in the paper. You take Eddie Partridge and T.S. Haulers all over the paper."

Supervisor Kozakiewicz: "Well, let me just respond to that."

Councilman Kent: "Slanderous."

Supervisor Kozakiewicz: "Both of them have been involved in extremely long and detailed litigation. Because you may not be reading as much about the Calverton Industries application does not mean that there has not been a fierce fight to shut that down as well. I think we spent nearly \$300,000 in litigation fees in a three year period of time to shut that operation down. So that's something that you should not presume that there is some mistreatment or disparate treatment going on here."

Scott Setuck: "But what I'm stating is that I read the paper every week, several of them every Wednesday and Thursday, and I look at what's in there. There's nothing about Calverton Industries. I mean you're giving a guy whose trying to do everything by the guidelines and I hear the comments, can you please hold them? And all you're doing is giving him a tough time. The man has done everything by the book, by the way he has been told to by the Town Board. He has been since the last members of the Board before you guys, has made a political football as I call it. And you guys have just picked it up and run with it. I think it's time you come to a decision."

Supervisor Kozakiewicz: "That's the reason why we're having this hearing. There was a court decision that indicated that we needed to refer it back to the Suffolk County Planning Commission."

It's been done. In order to make sure that we follow the proper process after that Suffolk County Planning Commission referral and recommendation, that's the reason why we're having this public hearing, to hear from people as to whether- why we should approve it or why we shouldn't approve it."

Scott Setuck: "I mean I think you should. I mean it does a lot of good for the community. He puts a lot of tax dollars back into the community. He helped with the Grumman F-14 situation. I just don't see where it's a losing proposition."

Supervisor Kozakiewicz: "Understand-- "

Scott Setuck: "Thank you."

Supervisor Kozakiewicz: "-- your comments and, of course, we're going to have to take everything under consideration. Gentleman to the right."

Bob Moss: "Bob Moss, Calverton."

Dawn Thomas: "Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Bob Moss: "Yes, I do. I only have one question. He's got a beautiful front, you can't see nothing. Is he in the water table or isn't he in the water table? That's all I'm interested in. I don't care about the trucks, the business. If he's doing something that you can't see, has the town ever inspected it to see if he's in the drinking water table? That's all I- that's the only question I've got."

Councilman Kent: "Jeff Seaman actually might be able to- "

Supervisor Kozakiewicz: "Jeff, can you respond to that? I know that- "

Councilman Cardinale: "I think the question is whether the town- "

Supervisor Kozakiewicz: "Well, we've been out there and I- we were but I don't remember how long ago it's been since we've been out there. It's been a while- "

Councilman Cardinale: "Not during your administration."

Supervisor Kozakiewicz: "No, we have been out there during my administration."

Councilman Cardinale: "Have you done an inspection?"

Supervisor Kozakiewicz: "Yes."

Councilman Cardinale: "And what was the result?"

Supervisor Kozakiewicz: "They weren't in the ground water at that time."

Councilman Cardinale: "And do you remember when it was?"

Supervisor Kozakiewicz: "No, I don't remember the date. No. Anybody else who would like to address us? Mr. Danowski, do you wish to address any of the comments and questions posed by any of the speakers?"

Peter Danowski: "I'd be remiss if I didn't mention I had gotten a phone call from Jean Pearlless (phonetic), she's one of the neighbors. She could not make the meeting and left a message with me that she does not oppose this application. I think it is important to talk about those people who are the neighbors most immediately impacted. You've heard from Mr. Tintle. You've heard now through me from Mrs. Pearlless.

As far as the- Mrs. Blass' comments as a Planning Board Chairlady, I have to take exception to the two comments. One is that non-nuisance industry which is one of the applications that was filed, the same application but worded under two subsections, clearly does not prohibit outdoor storage. The Town Board knows that. The Planning Board knows it.

Secondly, if you're going to prohibit all industrial users from outdoor storage in the Calverton area and all those in the Industrial A zone, then apply it uniformly and prohibit everybody. I don't think you have; I don't you will.

What is the definition of outdoor storage? Do you have one? Do you want to look? The answer is no. The judge with your counsel, Adam Grossman at the time, entered into a stipulation on behalf of the town. Read the stipulation as to the order that was entered. It

talked very specifically about the very activity that Ed Partridge has on site and that stipulation, resulting in an order, allowed an application to be filed. I don't think you can take the position that we're not going to allow sand to be mined on site. What are you going to say as we dig out some sand and load it on the truck, we've temporarily stored it? Is it stored for 10 seconds? What are you really talking about when you say outdoor storage is prohibited? I don't know.

As far as the DEC is concerned, my understanding is they've issued two distinct permits. They're part of the record already from the previous hearing. They're in compliance. There's been no notices of violation that I know of since the last time we testified. There certainly was a reclamation that was proposed. It was passed as part of the permit process. We are certainly going to comply with the reclamation project as proposed. If anything else happens at a later time, I don't care what anyone says. If it's a use that's allowed in the town, we'll apply for that use if that's what we choose to do and it's permitted to have happen.

All I'm saying is this hearing should have been on two specific subsections and either would be consistent with the judge's order. That's all I have to say."

Supervisor Kozakiewicz: "Since you've raised the question about being consistent with other uses, I know that in the prior hearing going back some time, you identified a number of particular properties and I'd like to just maybe explore some of those. Riverhead Raceway, I think, was one of them and that was a pre-existing non-conforming use.

Peter Danowski: "I don't want to- I don't want to be the expert- "

Councilman Kent: "Going through that entire list, can you identify- are there other industries located in that area that were approved as a non-nuisance industry that store materials outdoor? Because that's really the only concern, that had an approval as a non-nuisance industry."

Peter Danowski: "Well, I think you can look on Kroemer Avenue and look at the sites there. I think you can go through the- it's not- it's not really the point because I think what you're saying to me if I may hear the Planning Board recommendations correctly, that the point is you cannot store in the Industrial A zone materials."

Supervisor Kozakiewicz: "No, no."

Councilman Kent: "No."

Peter Danowski: "If you're taking- "

Councilman Kent: "It has to do with non-nuisance industry."

Supervisor Kozakiewicz: "There's certain uses that identify specific storage- for example, Port Lumber which I think was one of them that was mentioned, is a use that specifically called out lumberyard, that's under 108-45B(12) and that lumberyard use does spell as a permitted outdoor storage of building materials only. So there is a distinction. I don't think we're taking a position that outdoor storage is wholly prohibited in the Industrial zone but that picking up where Chris has tired to fine tune or maybe narrow the scope of the question, it's not permitted as part and parcel of that non-nuisance industry definition. I think that's the distinction."

Peter Danowski: "I think you meant to say wholesale business non-nuisance but that's the point. He has the right to apply for a non-nuisance industry special permit. He has applied for it. There is no prohibition on outdoor storage under that subsection. Period. End of sentence."

Supervisor Kozakiewicz: "That's B(6)."

Peter Danowski: "I even think you renumbered them at one point."

Supervisor Kozakiewicz: "Maybe B(5)."

Peter Danowski: "It is B(5) and (6)."

Councilman Kent: "You're talking wholesale business non-nuisance, right?"

Peter Danowski: "I'm talking non-nuisance industry."

Councilman Kent: "Something different."

Peter Danowski: "Is one section that we have applied for."

Councilman Kent: "Right. It's 108- "

Peter Danowski: "The second one is non-nuisance industry. And I'm trying to understand the conversation which Chris started which I think is well, we're going to allow outdoor storage throughout Industrial A but if you happen to apply for wholesale business non-nuisance we won't let you do wholesale outdoor storage. Is that your position?"

Councilman Kent: "Well, you're going for a special permit."

Peter Danowski: "That's correct."

Councilman Kent: "So there's different criteria. Under B(6) wholesale business non-nuisance which is a defined term which says it does not include any open storage yard or outdoor processing of materials, is what it says."

Peter Danowski: "I understand that."

Councilman Kent: "It is a defined term."

Peter Danowski: "Okay. And storage is defined?"

Councilman Kent: "Well, it says open storage yard or outdoor processing of materials. And you keep saying outdoor- you are using it a little differently."

Peter Danowski: "Well, I'm referring to other announcements and pieces of paper. But all I'm suggesting to you is there's a special permit application under two subsections. One of it doesn't prohibit it, the second is a question of interpretation for you and I'm referring you back to the judge's order by stipulation of the town. And I'm saying read the wording in that order which- "

Supervisor Kozakiewicz: "Well, that order will be made a part of the hearing record which you're talking about the language that was written in at the bottom which talks about the application being made pursuant to 108-45B(6). Is that correct?"

Peter Danowski: "That's correct. And all I'm saying is if you want to take the narrow scope which we object to and say you only can apply under wholesale business non-nuisance. We won't let you apply under non-nuisance industry because we don't want you to apply there because it's permitted. Well, okay, you want us to be limited. We object. Let's get onto the next issue. Look at the judge's order. Are you suggesting me a judge who enters an order by stipulation of

the Town Attorney, all right, that talks about sand and gravel mining, that he's not allowed to excavate? You agreed to let us file the application. You are going to suggest- you're going to go back to that judge and say oh, by the way, judge, we did agree, we entered into an order. We think, you know, somehow, we read the definition differently."

Supervisor Kozakiewicz: "I think there's two questions here. The question is what was the judge trying to ask us to do when he ordered this special permit application he made. Was he trying to narrow the scope of the application? Was the prior denial in 1997 under 108-45B(5) for the non-nuisance industry one that was final, one that was not challenged and, therefore, one that you do not or we do not have to entertain as an application? These are questions that we're going to have to address. I think it's a question- "

Peter Danowski: "You know, if you deny that application on the basis that you were of an opinion that it wasn't allowed or did you go through and read through and actually do a finding as required under a special permit provision on that prior one?"

Supervisor Kozakiewicz: "It wasn't challenged though that one."

Peter Danowski: "I just suggest you better read the record when you issued any decision denying a special permit. Getting back to Chris' point, all I'm suggesting is you through your counsel entered into a stipulation and order that said file an application. It described the activity. You can't now say, well, I'm reading that code and we're going to deny the special permit because we don't think it's allowed. The judge told us-- directed you and my client to submit the application- "

Supervisor Kozakiewicz: "But I don't think he told us- I don't think he was telling us we had to approve it."

Peter Danowski: "So you're suggesting- "

Supervisor Kozakiewicz: "I mean if he would have said that it needed to be approved, his decision would have directed its approval. Correct?"

Councilman Kent: "Right."

Peter Danowski: "You're suggesting- "

Supervisor Kozakiewicz: "The question is if he wanted us to approve it under 108-45B(6), his order would have directed us to approve it under those terms. Yes or no?"

Councilman Kent: "We were directed to consider it under that section, not to approve it under that section."

Peter Danowski: "Okay, and let me- "

Councilman Kent: "That's what I believe the order said."

Peter Danowski: "Let me just ask the question back of Mr. Kent."

Councilman Kent: "Okay."

Peter Danowski: "Are you suggesting to me that you as one member of this Board will not vote yes because you think the definition of wholesale business non-nuisance prohibits the granting of the special permit?"

Councilman Kent: "I don't think I have to answer that question, one. Two, it does clearly state, if you would like me to read it into the record, I will do so, any industry which is not detrimental to the environment in which it is located by reason of the emission of noise, smoke, odor, dust, dirt, gas, glare, heat, liquid, fire, hazards, industrial waste, transportation and traffic, and which does not include any open storage yard or the outdoor processing of materials. Those are all the criteria that we can use. We can pick any one of them and we can deny a special permit. At least on any one of those findings or all of those findings."

Peter Danowski: "And I know you're aware because it's part of the record that will be considered in this petition of both the Zoning Board decision and the DEC negative declaration and you can read both the negative dec which talked about the first part of that paragraph and you can see that the verbiage is exactly the same. So I think you (inaudible) of your last consideration. Thank you."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "Okay. Thank you. Anybody else who would like to comment? If not, I'm going to declare the public hearing closed, the time of 5:10 having arrived."

Public Hearing closed: 5:10 p.m.

Supervisor Kozakiewicz: "Let the time still reflect that it's 5:10 p.m. Barbara, would you read the affidavit of publishing and posting for our next public hearing?"

Public Hearing opened: 5:10 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 7, 2001 at 2:30 p.m. regarding the purchase of development rights of agricultural lands owned by Benny Gatz."

Supervisor Kozakiewicz: "Hi."

Sue Gruen: "Hi, Supervisor Kozakiewicz and Members of the Board. I have the original- "

Supervisor Kozakiewicz: "I was expecting Hoot Sherman first, but I will follow up with Hoot. Could you identify yourself?"

Sue Gruen: "Yes. Sue Gruen, from Smith, Finkelstein and Lundberg, Isler and Yakaboski."

Councilman Kent: "Could you just pull that microphone as close as you can to your mouth?"

Sue Gruen: "Okay. Representing the Gatz application. I have here the original- do you want these original affidavits now?"

Barbara Grattan: "Yes."

Sue Gruen: "Okay."

Barbara Grattan: "Thank you."

Sue Gruen: "I wanted to clarify on the acreage that's being considered, the Gatz are planning of pulling a few of the acres out on the 35 acre parcel. They're going to be pulling approximately three acres out so the sale of development rights would be on 32 acres and on the 19 and a half acre parcel, they're pulling out five acres so that that would involve a sale of 14 and a half acres."

This as I suspect you know, is a county acquisition with the town and the town is a small portion of- "

Supervisor Kozakiewicz: "The reason we're holding the public hearing is because there is a contribution, yes. We're aware of that and I'll have Mr. Hoot Sherman explain that in a little further detail."

Sue Gruen: "Okay."

Supervisor Kozakiewicz: "Okay?"

Sue Gruen: "That was all I had."

Supervisor Kozakiewicz: "Thank you. Mr. Sherman. Do you have a-- do you want me to put that on the easel?"

Hoot Sherman: "No. I have affidavits of posting and mailing (inaudible). Do it so your guys can see it?"

Supervisor Kozakiewicz: "Well, and the public as well. I want them to, hopefully, they can see this. It's not real, real large but maybe you can give us some details as to where the property is located."

Hoot Sherman: "My name is Hoot Sherman. I'm Director of Programming for the Peconic Land Trust and what we're talking today is the sale of development rights on two parcels that belong to Mr. Gatz. They are south of Sound Avenue, west of Church Lane, I guess, and east of Manor Lane. The two parcels together are about 55 acres and as the lady just said, Mr. Gatz is going to hold out three acres on this parcel here which is right behind his house and a couple acres on this parcel, would be three acres- "

Supervisor Kozakiewicz: "Are we going to get this on tape?"

Barbara Grattan: "This isn't going to be on tape."

Supervisor Kozakiewicz: "Hoot, I don't think we're going to get it in. So I guess you'll have to do it that way."

Hoot Sherman: "Mr. Gatz is going to hold out three acres on his larger piece which is right behind his house for three future building lots. He's then going to hold out off of Peacock Lane three acres for three building lots and I believe there is going to be some- given to

the cemetery or sold to the cemetery.

As you can see in this area, the green represents areas that have already had the development rights sold on them so this whole assemblage between Manor and Church has most of the development rights sold. These two parcels are the parcels that Mr. Gatz is selling the development rights on. In addition to that, this parcel down here is an 11 acre parcel which the county is currently doing an appraisal on - for the owner of that is going to sell the development rights. So that will help to fill in this assemblage. And this piece here belongs to a school district which we've talked to them and there's no plans for them to do any development on that.

The total of the 47 acres Mr. Gatz is selling the development rights at \$15,000 an acre. The town's portion is \$1,000 an acre and the county's portion is \$14,000 an acre so the town is picking up that whole 47 acres for \$47,000. There has been an appraisal done on it and the appraisal justifies the price so it appraises at \$15,000 or more.

So we're recommending that we go ahead and secure the development rights over both of those pieces of land. And I'll answer any questions."

Supervisor Kozakiewicz: "Just to make clear, I think when you described it you may have said that it was- did he say west of Church? It's actually east of Church."

Hoot Sherman: "East of Church and west of Manor."

Supervisor Kozakiewicz: "Okay, good. Just to make sure that was clear. Because I think when you pointed it out and described it on the map it was easy enough to figure out as long as that was north, but- "

Hoot Sherman: "Yes, our arrow goes north."

Supervisor Kozakiewicz: "Okay. Good. All right. Any questions. All right. If not, anybody else who would like to address the Board either for or against this proposed acquisition of development rights from Mr. Benny Gatz? Not seeing anybody's hand move, declare the public hearing closed at the time of 5:16 p.m."

Public Hearing closed: 5:16 p.m.

Supervisor Kozakiewicz: "5:16 p.m. still being here, Barbara, please do the last public hearing notice."

Public Hearing opened: 5:16 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 7, 2001, at 2:40 p.m. regarding the consideration of a local law to amend Chapter 101 of the Town Code, Section 101-4 One Way Streets.

I have a letter here from Elizabeth Strebels, 85 East Main Street, July 31, 2001. Town Clerk Barbara Grattan, Riverhead, Attention Riverhead Town Board Members.

Unfortunately I am not able to make the August 7th Town Board meeting. I understand that there is a resolution being considered to make the roadway between the Riverhead Grill and West Marine a one-way street going into the parking lot and to enlarge the width of the sidewalks on both sides to five or six feet.

I have owned the adjacent property at 85 East Main Street since 1984. At that time, I put the Town of Riverhead on notice that the sidewalks were narrow and dangerously uneven. Furthermore, pulling out into traffic on Main Street is difficult when there is a van or other large vehicle to the east of this throughway.

I would like the Riverhead Town Board to know that I am in favor of making this particular roadway a one-way street going into the parking lot and then widening the sidewalks on both sides.

Sincerely, Elizabeth Strebels, Property Owner, 85 East Main Street."

Supervisor Kozakiewicz: "Thank you, Barbara. The letter sort of explains what the public hearing is about. We're looking to designate the area between West Marine and the Riverhead Grill a one-way that would run from north to south and as part of that designation to a one-way, making the curbing, the sidewalks along each side adequate to allow pedestrian traffic to go north and south.

Anybody who would like to comment with respect to this proposed change to the code in order to designate that area a one-way street? Not seeing anybody move, I declare the public hearing closed, the time of 5:18 p.m."

Public Hearing closed: 5:18 p.m.

Supervisor Kozakiewicz: "I need to take a five minute- 10 minute break. If we could adjourn and then go into the public comment portion. Thank you."

Meeting adjourned: 5:18 p.m.

Meeting reconvened: 5:36 p.m.

Supervisor Kozakiewicz: "Let the record reflect that the time of 5:36 has arrived and we will resume. This is open comment period. The five minute rule is in effect. The first card I have, Mr. Haizlip, Steve Haizlip. Is he outside?"

Councilman Kent: "I saw him by the back door over there."

Supervisor Kozakiewicz: "All right. Why don't I go to Rolph Kestling? Then we'll come back to Mr. Haizlip."

Rolph Kestling: "Rolph Kestling, Wading River. This time I may take my five minutes and if any little bit over- let's see, first. A little funny story happened. Friday, about three- well, it's been in the newspaper that Cablevision is going to have town meetings on 4:00 every Friday."

Councilman Kent: "On 71."

Supervisor Kozakiewicz: "On Channel 71, correct."

Rolph Kestling: "On Channel 70. Well we couldn't get Channel 70- "

Supervisor Kozakiewicz: "71."

Barbara Grattan: "71."

Rolph Kestling: "71? All right. Was it 70 or- "

Supervisor Kozakiewicz: "71."

Rolph Kestling: "I keep getting- I always get mixed up. But I turned it on- my wife turned it on- it's only scrambling. So I waited a few minutes later and I turned it on and sure there was a town meeting from Wading River was on but it was the last part. They were just about getting into the resolutions. Everything else before that was missing. Now we watched it until about 5:00- 5:00 it goes off and we get a blue screen for a half an hour, meanwhile we turned something else on. Well at about 5:30 we turned it on and there was something else on. The meeting was over. Oh yeah, I forgot. This is the interesting part."

Supervisor Kozakiewicz: "You're probably going to- there's- I happened to be up the other night and was going through channels and what I saw on 71 disturbed me a great deal and I had a drag down scream out fight with Cablevision that they've got to get all other pay per view off of that station."

Rolph Kestling: "And I called up Cablevision the office and I told them at that time, this was before we seen it, I can't get this channel on. Well, she says you need a converter. And it turns out they want to charge me \$2.93 a month for a converter on that. And I said but Zabby said no, she said it's free- "

Supervisor Kozakiewicz: "No. There's not supposed to be any fee."

Rolph Kestling: "But she insisted that was the way it was. I said, look, the town meeting is Tuesday and I'm going to get up here and I'm going to scream about it."

Supervisor Kozakiewicz: "You need a converter for 88. If you otherwise would have received Channel- "

Rolph Kestling: Forget about- "

Supervisor Kozakiewicz: "-- if you would have otherwise received Channel 70, I am told you would not need a converter to watch the Town Board meetings on Channel 71. Unless you have a TV that's not cable ready."

Rolph Kestling: "Well mine is practically new."

Supervisor Kozakiewicz: "Excuse me."

Supervisor Kozakiewicz: "Okay. That was the first one. So I just want to tell you what Cablevision is doing."

Councilman Cardinale: "Rolph, you understand that you can get the converter for free?"

Rolph Kestling: "That's- "

Supervisor Kozakiewicz: "That's right."

Rolph Kestling: "-- when I spoke to the woman, she insisted that it wasn't so. You had to pay for it."

Councilman Cardinale: "They lie."

Supervisor Kozakiewicz: "No. If you couldn't get 71 and watch the Town Board meetings without a converter because your TV is not cable ready, you are entitled to the converter free."

Rolph Kestling: "Okay. Now the next thing. On the wall where you have those plans for what they show up in here and I picked it up. I was looking at it. The compass reading. It's very important to have compass readings. I pointed it out to Mr. Pendzick and this one here instead of north, they had north down heading towards the floor. When you look at a map, the north has got to be up. I think it should be- and sometimes there's plans up there, there are no compass readings on them. It's very hard to orient yourself. So I think it should be a requirement that any plan up there must have a compass reading. Okay, we got rid of two of them.

Now I want to get to this one right here. 824."

Councilman Densieski: "What's your question about that, Rolph?"

Rolph Kestling: "The question is that the house that's boarded up, it's been boarded up for a couple years. It's not an old, old house but it's been boarded up for a long time so I want to know if that's the one."

Supervisor Kozakiewicz: "This is on 19th Street. It's been- "

Rolph Kestling: "On 19th Street."

Supervisor Kozakiewicz: "-- I think the owner may have passed away, the parents. Is that the one you're talking about?"

Rolph Kestling: "I don't know. All I know it's been boarded up for years."

Supervisor Kozakiewicz: "I think that is the one, yes, Rolph."

Rolph Kestling: "What is this capital improvement?"

Supervisor Kozakiewicz: "What this is, is we through Chapter 90 identify parcels that need to be cleaned up. There's accumulations of debris. The grass- "

Rolph Kestling: "Yeah, that's- right."

Supervisor Kozakiewicz: "-- is overgrown and this is one of the ones that we had identified. We had previously issued a or passed a resolution which identified this property as one that needed to be cleaned up under that Chapter and this is establishing a budget so that the work can be done in order to clean it up."

Rolph Kestling: "Okay. That's what I thought it was. Just for my information. How do you go about getting a 96 on somebody's property?"

Supervisor Kozakiewicz: "You call the Code Enforcement or the Building Department, identify the parcel. They go out. They try to contact the owner, the try to contact the broker if there's a broker involved. If there is no success in getting compliance from either the broker or the owner the matter is brought to our attention and then we place it on the agenda for resolution to be acted on."

Rolph Kestling: "There's a lot of places like that especially in Wildwood Acres."

Councilman Densieski: "Rolph, you can just- Rolph, you can just call your Councilman and ask him to look into it."

Rolph Kestling: "What shall I call him?"

Councilman Densieski: "Anything you want."

Rolph Kestling: "Now, this just came up. The Learning Center, you know, on West Main Street. The one the town I think gave them a \$50,000 present."

Supervisor Kozakiewicz: "Science Center."

Councilman Densieski: "The Science Center."

Rolph Kestling: "What's doing with that? Don't see anything. It's just sitting there, renting out the second floor and I don't see any activity."

Supervisor Kozakiewicz: "I agree. I don't think we have had a firm response from them as far as a date that they will be committing to opening up the Science Center. I can't tell you. I'll have to get back to you on where we stand. I believe their time period has expired to get the operation going and that this is something that we can enforce. I think we may have what, a second position on this or a third position behind others as far as this building? Yes."

Councilman Cardinale: "Yes."

Rolph Kestling: "Phil, did you get your check back, your money? You said you sent them a check. You didn't vote for the \$50,000 or you said I'll send them a check."

Councilman Cardinale: "Yeah, I didn't get my check back and I didn't-- but I also didn't get the request so they didn't give me the \$50,000 or the \$100 back."

Rolph Kestling: "Okay, thank you."

Supervisor Kozakiewicz: "Thank you, Rolph. Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. In the Reports on open bids, there's two sounds like housing or condominium developments there. Now why would they be open bids for housing or condominiums because they don't look like it would be town owned property or something here and I thought we was out of real estate."

Councilman Kent: "These are water extensions."

Steve Haizlip: "Well, thanks, Ken, now it's clear. Oh boy."

Councilman Densieski: "Thanks, Ken."

Councilman Kent: "No problem, Haiz."

Steve Haizlip: "I want to speak about this Cablevision dilemma. I'm reading in the paper about some Kilroy (phonetic) woman- "

Supervisor Kozakiewicz: "Gilroy."

Steve Haizlip: "Gilroy."

Supervisor Kozakiewicz: "Kilroy, Gilroy, okay."

Steve Haizlip: "Sounds like an army guy that was running around 57 years ago and now- you know, while I was on one side of the world trying to get freedom and justice and Col. Tivet (phonetic) as of yesterday was on the other side trying to get freedom and justice and right to speak and open government and freedom of information. It don't seem that his efforts or mine have done any good. Now he's this Kilroy woman and Mr. Powers, they're acting as a Gestapo in this Cablevision.

Now, they go along and they cite federal law, state law, public service, but they don't give a law number, section or title or subsection. They are using that as a way of trying to fool the public. They could schedule 70 which they have been doing all these years at 7:00 and keep it on and let the people of the Riverhead township be happy. Now- "

Supervisor Kozakiewicz: "They have been advised just of that. Yesterday I met with Mrs. Gilroy and explained to her that the time slot was totally unacceptable and furthermore what I saw on the television when I couldn't sleep one evening was even more objectionable."

Councilman Densieski: "Then he really couldn't sleep."

Supervisor Kozakiewicz: "I wanted to pick up the phone at that time and call, I was so annoyed."

Steve Haizlip: "No, this is getting to be ridiculous."

Supervisor Kozakiewicz: "I agree."

Steve Haizlip: "Channel 88 and then they blank it off and then they show some- a showgirl running around- "

Supervisor Kozakiewicz: "I'm not trying to be comical here."

Steve Haizlip: "-- you know, and then they come on 70 and they show a little piece like Rolph said and they're gone and- "

Councilman Cardinale: "A little piece of what?"

Councilman Kent: "A little piece?"

Councilman Densieski: "That's 88."

Steve Haizlip: "A little piece of action of the Town Board- "

Councilman Cardinale: "A little piece of action, okay."

Steve Haizlip: "Yeah. You know, now we've been trying- when they come up here they said that they were going to come in here and allow the senior citizen the discount. I know I have reiterated that so many times. Now, the latest I hear they're only going to give it to certain class of senior citizen that's in that 25,900. What about all them years that people spent for it and then they never gave it and then they tried to use the federal deregulation as an out? You appointed a committeeman there to look into this for us and fight for but from what I understand and the way I see it, you've got him so discouraged and broke his spirit the man just can't go at it because every time he goes at it or try to do something, somebody else is telling him don't pay no attention. I mean, look, we elected all of you people up here to fight for us. Let's get this Cablevision thing squared away and get Channel 70 back into schedule so we can see it at night."

Supervisor Kozakiewicz: "71. 70 is full."

Steve Haizlip: "Oh yeah, that's a good thing you brought up. 71. I think Mr. (inaudible) said the other day we were getting it early. If I remember, I think I heard Zabby up here many, many moons ago saying that we were going to get it but it dragged and dragged and dragged and now they're making out like oh, we just got it. You're going to get it a month early."

Councilman Cardinale: "That's true. We were promised it September 15, 2000. That was when they initially said it was going to be in place but it never got there."

Steve Haizlip: "You're right, Phil. I've got it right here, May, 2000."

Councilman Cardinale: "Yes, May was when they gave us the letter. We gave them the letter and they responded."

Steve Haizlip: "All right. My last comment. I know Mr. Kent has seen this as well as I because he lives in the community. You know, we spent thousands and billions of dollars on a sump problem in Calverton. You go and the retaining water that receives the water and sheds it off down into the ground has fell down and collapsed. Now, our engineer that you hired for that, is he on a performance bond or did he get his money and run and he could care less and it's your problem now?"

Supervisor Kozakiewicz: "This is the- "

Councilman Kent: "This is the drainage at the corner of Riley and Edwards."

Supervisor Kozakiewicz: "-- drainage at Riley and Edwards?"

Steve Haizlip: "Yeah, right."

Councilman Kent: "Didn't we- I think we designed that in house actually. I'll find out."

Supervisor Kozakiewicz: "Yeah, we'll have to look at the file as to who designed that. I think that's probably outside any performance bond period so there would probably in all likelihood not be a performance bond, Mr. Haizlip. We'll look at it. We'll get back to you. Okay? Chris will make notes. Thank you."

Councilman Cardinale: "Steve, in regard to your Cablevision comments, I wanted to make some remarks. The- I think Bob since he's taken over directly the negotiation has learned and is learning how frustrating it can be to deal with these people. I have called them from this seat bully, predator, and most recently, that they lie a lot. And I'm not withdrawing any of that."

Steve Haizlip: "Yeah, like that rug."

Councilman Cardinale: "Yeah. I have- I have- intend to discuss with the Board at the next week's work session on Thursday, I put down today but I hadn't had the opportunity to give it to the Board, a statement of what I believe to be the best policy to deal with Cablevision is. And I want to read it into the record because it is succinct."

Whereas, Cablevision has breached and continues to breach- and this is the resolution I'm going to offer the Board and they'll work

on and clean up the language on it. I think we'll get agreement on it at the next work session.

Whereas, Cablevision has breached and continues to breach the current franchise agreement with the Town of Riverhead by refusing to give certain senior citizens the discount to which they're entitled, by refusing to place in operation a full time second PEG, which means Public Educational Governmental channel, Channel 71, to which the town is entitled by imposing arbitrary and improper rules and regulations, restricting community access to public airways and to studio facilities

Whereas, Cablevision has improperly classified Town Board meetings produced by the Town and filmed with the assistance of Cablevision staff as local origination programming belonging to Cablevision rather than PEG programming belonging to the people all in contravention of the existing agreement.

Whereas, Cablevision has failed to make financial accountings to the Town as required in contravention of the existing franchise agreement.

Whereas, Cablevision has reduced the Town to a four hour, 4:00 p.m. to 8:00 p.m. segment, three and a half hours for an abbreviated Town Board meeting and another half hour for the Supervisor's show on what should be 168 hour PEG channel in contravention of the existing franchise agreement.

Whereas, Cablevision has usurped for its own use and profit the other 164 hours available on Channel 71 in contravention of the existing franchise agreement.

Whereas, Cablevision has utilized the usurped time on the PEG channel 71 to subject Riverhead viewers to pornographic advertising in contravention of the existing franchise agreement; and

Whereas, Cablevision on Channel 71 has cut off the Riverhead PEG Public Educational and Governmental viewing public from all Town Board meetings and other broadcasts of neighboring east end towns, Southold and Southampton notably, despite the fact that the existing franchise agreement calls for Channel 71 to be a shared station with such east end towns, again in contravention of the existing franchise agreement.

Be it resolved, the Town Board directs the Supervisor to give immediate notice to Cablevision demanding that it cease all violations

of the existing franchise agreement as set forth here.

Resolved, that the Town Board directs the Supervisor to immediately suspend all negotiations with Cablevision in regard to a new franchise agreement until Cablevision corrects the breaches set forth herein in regard to the current franchise agreement.

And finally, Resolved, that the Town Board directs the Supervisor in the event Cablevision fails to bring itself into compliance with the current franchise agreement within 15 days, to commence appropriate legal action to protect the rights of Riverhead residents under the current franchise agreement.

That is the policy I am going to advance and I believe Bob agrees with it and I believe the rest of the Board will with minor language changes be able to present a resolution or something like this for the August 21st meeting. And the Board has just heard this for the first time. I didn't want to present it but I'm sure they'll discuss it at the next meeting. And I think we'll get agreement on essentially that policy."

Steve Haizlip: "Thanks, Phil."

Councilman Cardinale: "Okay."

Supervisor Kozakiewicz: "I don't want to get into a debate on some of the issues because obviously some of the franchise agreement is recited in the resolution. The question of what the second channel is, how much time we're entitled to, are issues that we need to explore as far as that franchise agreement is concerned. There is, of course, the PSC regulation which would entitled us to a second educational and government channel for 24 full hours seven days a week- "

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "And that's something we should enforce."

Councilman Cardinale: "In addition to the PEG station, yes. We could get both, I believe."

Steve Haizlip: "I just want to leave with one comment. Bob, in October of '99- 2000- '99- '99, you've been in 2000-2001. It was October '99, meet the candidate night in Wading River School. At that

time, someone mentioned that you wasn't going to be your own man, that you was going to be beholding to guys like (inaudible) and (inaudible) turned out to be- "

Supervisor Kozakiewicz: "Appolaro (phonetic)."

Steve Haizlip: "-- a barrel of fishhooks. You said you were going to be your own man. Be your own man in this Cablevision negotiations and get us citizens of this town our viewing of the Town Board meeting which we pay a high monthly fee for and not let them Gestapo us around."

Supervisor Kozakiewicz: "Sandra Mott."

Sandra Mott: "Sandra Mott, Riverhead. Can you tell me whether or not the location or possible relocation of the animal shelter to the water district property on Osborne has been decided one way or the other?"

Supervisor Kozakiewicz: "It has not been decided one way or the other."

Sandra Mott: "Do you think it's going to be decided one way or the other in the near future?"

Supervisor Kozakiewicz: "I- we haven't brought it to the table. If you wish us to bring it to the table and make that decision, we can do that. If the Board agrees, we'll get the information from Gary Pendzick and see whether we've been able to get the access issues squared."

Sandra Mott: "Okay. Because it's only a small triangular piece and it could either be condemned or bought or perhaps donated to the town and given a tax break. It's not much of an obstacle to proceed with this process. That's good. So if we could proceed."

Supervisor Kozakiewicz: "If the Board is of the mind to do that, sure."

Sandra Mott: "Well, obviously. But it would be a nice thing."

Supervisor Kozakiewicz: "Okay."

Sandra Mott: "Um, cost effective as well. If that location is not acceptable, um, I was going past, um, the property opposite of Ed

Densieski's, a little bit further down where they used to make the reindeer that was supposed to be the indoor pitch and putt, whatever that was."

Supervisor Kozakiewicz: "Right."

Sandra Mott: "I see that there is signage up there that it's for sale again. I was just talking in the hall prior to the meeting hours ago that ironically that that location at one time was the town pound. And that piece of property- "

Councilman Densieski: "It was also the State Trooper Barracks many years ago."

Sandra Mott: "Right. That's what I was told as well. But the location, if the one at the water district was not acceptable, perhaps you could pursue that particular property since it already has- "

Councilman Densieski: "I know that's in the millions, Sandra. I don't think that's- "

Sandra Mott: "Millions?"

Councilman Densieski: "A million- 1.7 or something. It's a lot of money."

Sandra Mott: "Well, it's already up, you know, and with donations and so on perhaps it could be, you know, done. You could consider that as an opportunity other than building from scratch, pardon the pun."

Councilman Densieski: "I don't think that one's a real alternative to be honest with you."

Sandra Mott: "Well, then it would be nice if we knew of another alternative because there aren't any in the town since I did the research four years ago on town property. The only place would be the water district property that Gary and Mark brought to my attention and to your attention. So, anyhow, if you could proceed with that, that would be very nice."

In addition to that, I cannot find those no abandonment signs on Sound Avenue, unless I'm going in the wrong direction. Can you tell me specifically where the signs are- "

Supervisor Kozakiewicz: "I know I was traveling westbound the other day and I say it. It's on either a speed limit sign as you come in from Southold Town into Riverhead. It's- "

Sandra Mott: "From Southold into Riverhead?"

Supervisor Kozakiewicz: "Right. From Southold Town into Riverhead it's on the north side of the road- "

Sandra Mott: "Okay."

Supervisor Kozakiewicz: "-- and it-- clearly and conspicuously I think it's before you get to the LILCO or Hallockville properties."

Sandra Mott: "Before LILCO and Hallock- "

Supervisor Kozakiewicz: "Yup."

Sandra Mott: "Okay. Because I haven't been able to find it. But then I haven't been going west, I've been going east and I didn't see anything- "

Supervisor Kozakiewicz: "It would have been going west. It would have been westbound traffic."

Sandra Mott: "Okay. Do you know whether or not any of the signs were accepted by the State to be- "

Supervisor Kozakiewicz: "We haven't heard back from DOT or DPW."

Sandra Mott: "Okay. Because that would be helpful since we're running into that time of the year again.

Um, any more information as to the people who are interested in opening a separate cattery? The group that met with you, that I was told by Joey was going to meet with you?"

Supervisor Kozakiewicz: "Nothing at this time, no."

Sandra Mott: "There's no information? Okay. Um, I have a safety concern. I was walking along the Peconic, I saw your little carvings Ed, they're very nice. I also saw a cat carving which I appreciated. And I don't know if that just happened or with your efforts was decided upon, but there was a very nice carving of a cat

along the Peconic River. But the safety concern I had is that- do you know that children swim in that river, unattended? There were no adults. Little children were swimming in that filthy, dirty, rotten river with no police around telling them no, nobody from Atlantis telling them no."

Supervisor Kozakiewicz: "No."

Sandra Mott: "Well, they're there."

Supervisor Kozakiewicz: "I've never- "

Councilman Densieski: "Where were the parents?"

Sandra Mott: "I have no idea. But there were no parents in sight. Little children, older children swimming in that river. I think you need to either have a police patrol walk around in the area, signage put up, fencing put up. I mean you're asking for a real- "

Supervisor Kozakiewicz: "Where specifically are you talking about?"

Sandra Mott: "Right before you enter the boating- boat docking for Atlantis, along the river, behind, I guess it would be the Salvation Army and then I don't know what- "

Councilman Densieski: "The Little Guppy?"

Sandra Mott: "Guppy thing."

Supervisor Kozakiewicz: "Right in the rear of the- "

Sandra Mott: "Right in the rear in that river. And it was- exactly, your reaction was the same as mine and I had company with me, so- "

Councilman Kent: "We should put up signs, no swimming."

Sandra Mott: "You know you need to put up something up there before some tragedy happens and as my father said, God forbid a little one gets stuck in the mud and the muck and they can't bring themselves up. Because they were going under, not only swimming. Clothing scattered all over the place, you know, I mean, so, I just happened to be there. So if someone could do something about that."

In regard to your moratorium meeting that I couldn't attend. I was picking up family at the airport. I really hope you're going to consider doing that. I think that's an important crucial approach to protecting what there is left of the town's open space, woodlands and other areas of beauty. If you do that, that would be a very important thing, not only for now but in the future.

I'm grateful that the Suffolk Theater didn't make the cut. I don't know what you're going to do with it now but maybe selling it to the men who operate the Atlantis wouldn't be such a bad idea since they had- "

Supervisor Kozakiewicz: "They had given us a letter indicating they weren't interested in buying it."

Sandra Mott: "Oh, well, I'm glad that the townpeople were not interested in buying it either. As to cleaning up particular areas, if someone could again, I've asked this three times now about the Riverhead Center property. The fencing is falling down, there's trash and debris all over it. I know that they're not moving ahead with their development at this stage of the game but they could at least keep their property clean. And in addition, across the street, I think it was called Tracks (phonetic), is that the proper name or the former- "

Supervisor Kozakiewicz: "Trucks."

Sandra Mott: "Trucks, whatever it was."

Supervisor Kozakiewicz: "That one we have passed a resolution for a Chapter 96 to clean it up- "

Sandra Mott: "Terrific."

Supervisor Kozakiewicz: "-- we have tried to get contractors to give us quotes to go in there and do that because that one is going to be an extensive project- "

Sandra Mott: "It's a large area."

Superviosr Kozakiewicz: "-- there's a lot of work that's involved with that one."

Sandra Mott: "Yes, it's a large area."

Supervisor Kozakiewicz: "I just spoke to Buildings and Grounds or the Engineering Department with that and they're working to try and get somebody who can give us a bid and then go out there and do that work. And then that will be charged back to that property tax owner's bill."

Sandra Mott: "Does the Suffolk County Prisons and so on have workfare type situations where the- I mean they do go out and pick up the litter during election time I always notice. They're out there--"

Supervisor Kozakiewicz: "I think they do it on county roads."

Sandra Mott: "On county property only?"

Supervisor Kozakiewicz: "Right."

Sandra Mott: "Oh, okay. Well, maybe our local police department can coordinate with the prisoners we have who haven't done anything really bad to clean up the property."

Supervisor Kozakiewicz: "We do have a community service component-- "

Sandra Mott: "Oh, good."

Supervisor Kozakiewicz: "-- in the town and that's something that we can look at as far as various areas where there is litter strewn to see if we can use them for that."

Sandra Mott: "Okay. That would be a good idea. And, also there's cars and trucks are still at the intersection of Mill and 58 and I don't know if they're- the property owners' trucks or not but they're also brand new cars and trucks from Ford that are on the south side of Mill and 58. But on the north side there are two LI Ice trucks that have been there and for well, since I asked three times ago, and as to the Science Center, I remember a while ago, Mr. Lull said that they only got \$10,000 out of us and not 50. But nonetheless, you know- "

Councilman Kent: "No. What he said is that \$10,000- of the \$50,000, \$10,000 was used to pay us back money they owed us prior, I believe."

Sandra Mott: "Oh, they borrowed monies from us- "

Supervisor Kozakiewicz: "It was \$10,000 given to them previous- "

Sandra Mott: "To pay us back money that they owed us."

Councilman Kent: "Right."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "So the net to them was \$40,000."

Sandra Mott: "I'm looking for a little something like that. That sounds pretty good. Whatever, if you'd go after these people. He's a developer, isn't he? Where's the \$50,000? We can put it towards the animal shelter. I'll work the number down yet on that."

What else? Before the deer routine begins again this fall, I have the number of the guy who coordinates for the Fire Island facility, the National Park Service. I know that you worked on that last year, Ed. I don't know if you are still active. His name is Steve Finn, 654-3362. He's called the Deer Ranger. Steve Finn F-I-N-N, 654-3362. So before we go out there with our shotguns again maybe we could do the- "

Supervisor Kozakiewicz: "No, there were no shotguns."

Councilman Densieski: "There were no shotguns."

Sandra Mott: "Whatever you're killing them with. I don't care, it's still killing."

Supervisor Kozakiewicz: "Just to make that clear."

Sandra Mott: "Whatever- if we could do the birth control process, he's the guy to contact."

Supervisor Kozakiewicz: "Sandra, 654-3362?"

Sandra Mott: "Yes, 654-3362. He's the ranger affiliated with the National Park Service at the Fire Island National Seashore."

Supervisor Kozakiewicz: "Okay."

Sandra Mott: "And I know that I talked to you, Bob, about the peace officers being approved to give summonses which I said was a

very good idea. And including the peace officers, you meant the animal control people?"

Supervisor Kozakiewicz: "Correct."

Sandra Mott: "I think that's terribly important but, again, I'm going to put on record I hope you're not going to provide them with weapons. You have enough police officers to accommodate any need."

Supervisor Kozakiewicz: "Thank you."

Sandra Mott: "Okay."

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

Sandra Mott: "I was going to say I read Ricky's thank you in regard to Riverhead Building Supply for their donation of materials and BOCES for the new puppy and nursing mother's boxes. I think that's very nice except for the fact that we still have no facility for cats and that's why I asked about the status with the groups that came to you. Please proceed accordingly because it's a crucial and dire need and it's repetitive every year and with cats it can be like four times a year. And we have no facilities. We still don't have a no kill facility; we're still not in a new location. So, when do you think that resolution might be kicked up to make a decision on the water district property?"

Supervisor Kozakiewicz: "Sandra, if I can get Gary to come in, we'll try to address it at the next meeting or so."

Sandra Mott: "That would be wonderful."

Supervisor Kozakiewicz: "Okay, thank you."

Sandra Mott: "Okay, thanks very much."

Supervisor Kozakiewicz: "Vasso Patrikis."

Vasso Patrikis: "I have- this is about Cablevision again, Okay?"

Councilman Densieski: "Would you note the time, please, sir?"

Supervisor Kozakiewicz: "So noted."

Vasso Patrikis: "So, please don't interrupt me so I can utilize all my five minutes. Whatever you have to say, you can say it after I finish. All right? I see you didn't observe the five minutes for the rest of them so if I have an extra minute, you give it to me.

All right, did you all read this package that was given to all of you, letters and information about the franchise agreement and other letters from you from Cablevision? It's very informative because I think you should all take advantage of Zabby because she knows a lot of things and instead of working against her, work with her. So if you all read all this information that was given to you, you should all your negotiations with Cablevision you should put first in your mind, the people.

Cablevision did not give their promises and that's bad business and you know, when Phil was- undercut to take care of the negotiations, it will be the 9th of August, the year 2000, he could have had gotten that Channel 71 24 hours a day but I guess Bob, you and you all settled with Channel 71 for four hours for only, between four and eight, once a week, and I'm ashamed to say that 71 as you said before, it's worse than Channel 88 because it shows nudity. We need Channel 71 to be a 24 hour a day channel and you have to work and try to get that. All right.

Now, the Board meeting as I said before it was aired last Friday and now it will continue this Friday. You have it this way- you're losing the train of thought- you cannot follow what's happening and it's like a soap opera. Watch it next week. I would advise you not to sign any contract with Cablevision until all the resolutions that Phil proposed, you take a good look at that and try to make all the agreements that you are supposed to make with Cablevision.

I have a letter here that was sent to you, July 24, year 2000, that says that we would have Channel 71 as a public access channel a year ago. Now, besides having the public access channel, according to Laws 5954 we are entitled to a third channel, governmental and education, even a fourth channel. So, try to make a decision; try to get what we need to have. We need to have those channels. It's important.

If we have an educational channel, you know how important it will be for the children of the Town of Riverhead, Southold, Mattituck to show all the programs, graduations, games, everything else. If they see themselves on television, you don't know how many of those children you inspire to be something one day or choose some kind of a

title, I mean like to be in politics or whatever it is. You have future leaders of our country and I think it's important that we should get all those four channels. Don't settle just for Channel 71, then fight for another channel that we're entitled to get according to the franchise. They are in violation of their franchise agreement and you know that."

Councilman Cardinale: "Thank you, Vasso. I don't think you can overstate the importance of public access to freedom of speech and to the community and I point out as you did that in other communities there are four and five stations, public- educational, governmental, public access, and combinations thereof and I am hopeful that we can get them here too."

Vasso Patrikis: "The other thing that I wanted to mention is about the- "

Supervisor Kozakiewicz: "You had another card- I'm sorry, you had another card for Resolution 819 you wished to comment."

Vasso Patrikis: "Yes."

Supervisor Kozakiewicz: "All right."

Vasso Patrikis: "I will mention one thing about the money that Cablevision owes us for the past six years. We were supposed to get the senior discount six years ago. Now that money shouldn't go to the town, it should go directly to the people that paid that extra money and that's very important. The town has nothing to do with it. You don't get the money. The people get it. That discount will help a lot of people pay the Cablevision bill for a year or two because that's how much money they owe us. Because it was \$24.00 when it started years ago and then it went to \$29.00. Now it's up to \$36.00. Okay? The discount that everybody will get will pay them for quite a bit of time for future Cablevision. So you should fight for us to get a refund whoever is entitled to get it."

Supervisor Kozakiewicz: "Thank you."

Vasso Patrikis: "Whoever is entitled to get it, should get it."

Supervisor Kozakiewicz: "Thank you. Now, you want to- "

Vasso Patrikis: "As far as that resolution is concerned, I want to know a little more about it."

Supervisor Kozakiewicz: "It's an expansion of a prior use to establish an automobile repair shop and it's an approval of a site plan, it's a permitted use. We have site plan review. It's subject to DEC granting an approval to the property."

Vasso Patrikis: "Well, I think we should have a little more information about it."

Supervisor Kozakiewicz: "Such as?"

Councilman Densieski: "What more information are you looking for?"

Supervisor Kozakiewicz: "Such as, Mrs. Patrikis?"

Vasso Patrikis: "I mean, I don't know- "

Councilman Densieski: "You know exactly what it is. Now, why don't you say what's on your mind, Mrs. Patrikis?"

Supervisor Kozakiewicz: "Yeah, you know it's Mr. Densieski's operation."

Councilman Densieski: "Yes, you do."

Supervisor Kozakiewicz: "Why don't we just bring it out."

Councilman Densieski: "So what questions would you like answered because I would gladly- "

Supervisor Kozakiewicz: "Mr. Densieski, Mr. Densieski."

Vasso Patrikis: "Well, excuse me, don't raise your voice- "

Supervisor Kozakiewicz: "What are you- "

Councilman Densieski: "I'm not raising my voice."

Vasso Patrikis: "You are raising your voice and you won't raise your voice."

Supervisor Kozakiewicz: "Wait, hold it. Stop. What questions do you have that are different in- "

Vasso Patrikis: "Be cool. All right?"

Supervisor Kozakiewicz: "Hold it. What questions do you have that are different and distinct from any other site plan that we are taking up?"

Vasso Patrikis: "Well, I mean all these resolutions that you have here, they have so little information. I think you should have a separate piece of paper besides all those papers- "

Supervisor Kozakiewicz: "There is a file."

Vasso Patrikis: "There is a file- "

Supervisor Kozakiewicz: "That's on hand in the Town Clerk's Office- "

Vasso Patrikis: "-- that has too many pages to read and you have to simplify everything a little less."

Supervisor Kozakiewicz: "This is an action that the Town Board is taking. I'm trying to find out what is distinct and so outlandish or so different with this application that you are making an issue out of it. That's my question."

Vasso Patrikis: "I'm not. I just want to know a little more about it. That's all."

Supervisor Kozakiewicz: "Well, as I told you, it's an existing use. You know what the use is. You've been by it. The individual who's involved who won't be able to vote on it is asking to expand his business to provide for the ability to do more work on that site. It's subject to a DEC approval and the site plan is on file. You can go to the Town Clerk's Office if you have a question on what was being asked for and review the site plan. There was a variance obtained from the Zoning Board of Appeals, an application made about two years ago top the DEC which, I understand, is forthcoming."

Councilman Densieski: "No, it's here."

Supervisor Kozakiewicz: "The DEC approval is here."

Vasso Patrikis: "See, you got all uptight for nothing."

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

Councilman Densieski: "Yeah, for nothing."

Vasso Patrikis: "For nothing."

Supervisor Kozakiewicz: "Okay, thank you."

Vasso Patrikis: "All right. Thank you."

Supervisor Kozakiewicz: "Dave Macknee is gone. Eve Kaplan."

Eve Kaplan: "I have two issues I wanted to ask you about. One is I have some comments on Mid Road Properties I just wanted to- "

Supervisor Kozakiewicz: "The Mid Road is tabled. That's the resolution that was tabled."

Eve Kaplan: "Right."

Supervisor Kozakiewicz: "Yeah, so that's not going to be taken up today. Okay."

Eve Kaplan: "I understand that but I wasn't here when it was discussed at the last meeting so I just wanted to remind you- "

Supervisor Kozakiewicz: "It was at the July 17th meeting was when it was last on."

Eve Kaplan: "Okay, I was there, sorry."

Supervisor Kozakiewicz: "Right."

Eve Kaplan: "I didn't- "

Supervisor Kozakiewicz: "I thought you were there, okay."

Eve Kaplan: "Thank you for reminding me. I just wanted to remind the Board of some comments that the North Fork Environmental Council made on-at a hearing September of last year and some of the concerns that we had about this change of zone application which as it says actually on the second page of this letter, essentially the retirement community overlay zone which they are applying for- the Riverhead Zoning Ordinance says explicitly that it is intended to be applied only within the boundaries of Riverhead Hamlet and this property is outside of Riverhead Hamlet so this zone change would not only undermine some of these recommendations in planning, but also set the precedent which might allow this kind of dense zoning changes to take place all over Riverhead Town.

Second thing, is I have a question about Resolution No. 817- 817. I want to find out what had been done in the last- recently- couple of weeks- "

Supervisor Kozakiewicz: "As far as discussions with the fire districts?"

Eve Kaplan: "Discussions, right."

Supervisor Kozakiewicz: "There were meetings with those- I had meetings with them to discuss the alternate sites. We talked about three or four, one being- the possible site being offered by Mid Road Properties, the second one being the (inaudible) pit that was on Young's Avenue, a third being the Calverton property which was discussed, and for the reasons set forth in those discussions, the fire district and I think we will discuss that in the resolution, did not see those as feasible alternative sites. That was what was discussed with them.

Last Thursday at work session the fire district was here. They came in to meet with the Board and they offered improvements to the site so that the training facility that's being proposed will have buffering on two of its sides so that individuals traveling north of the burn building and traveling southerly on Northville Turnpike would not see the building. It would be buffered in further. They proposed in the site plan to tuck it behind the existing county recharge area."

Eve Kaplan: "Right. Well, as you know there has been significant opposition to siting this facility in this location. We submitted over 100 petition signatures and many letters requesting that alternative sites be looked into and I think that this- I don't think that there has been significant- enough time basically for there to be- I think that there is still the potential to look into alternative sites.

I was told as recently as last week by the assistant supervisor that there was a potential for discussions with regional fire departments?"

Supervisor Kozakiewicz: "By Mr. Lull? The Deputy Supervisor."

Eve Kaplan: "No. With Joey McClellan."

Supervisor Kozakiewicz: "That's Executive Assistant."

Eve Kaplan: "Executive Assistant. Um, that there was the potential for fire departments in this region to join together to look into the potential for developing some kind of regional service facility just like they have in Yaphank that services western Suffolk and that would be really a state of the art facility that could be used by all the different fire departments which are interested in using this burn building. Because this is not just a burn building for Riverhead, I think that's clear. This is really for a lot of other fire departments out here that want this kind of facility. So I think that with more time if this resolution could be tabled for a month, that could be looked into.

Also, another benefit of tabling it today, is to add wording- essentially this resolution is basically the same as- this approves basically the same thing that came in before you ever asked for public comment. And to do that I think is extremely unfair to all the people who have (inaudible) in on their concerns on this issue including two of the property owners adjacent to the site who are directly impacted. And they have written letters to the town, they have gone on record.

So although this does say that it's just the burn building and it doesn't talk about phase 2 and phase 3, it certainly doesn't prohibit phase 2 or phase 3 and obviously there's been no opposition to a substation, but phase 3, the tract, should be specifically covenanted that that will not be built in this location because it's not an appropriate use, it undermines planning, undermines land values in this area and it undermines the money that the town has spent on agricultural preservation in this area. It undermines the quality of life in Riverhead's basically largest agricultural vista, that whole area and for all these reasons I think that it's worth tabling this resolution to keep working on the language and make sure that this facility turns out to be minimally impacting this area. Thank you."

Supervisor Kozakiewicz: "Thank you. Zabby. That's it for the cards and then we'll go to people who wish to speak and then we'll take up the resolutions promptly thereafter. It has been a long meeting."

Zabby: "Okay. I want to thank everybody that spoke on Cablevision because this is a community effort here and thanks for mentioning my name, but I couldn't do anything without the community behind me. And I want to thank Ann Miloski, she's not here now she was here previously, but on the work session, the previous work session, when Ed Densieski wanted to get rid of me yet a fifth time, she spoke up for me and said, hey, without Zabby, we wouldn't have had

that Channel 71 such as it is.

And, so, now I have two franchise agreements here. This is the one- and Phil understands this but I don't think Bob understands it yet. I have the 17 year old agreement here versus the new one that Bob will sign next month which I will make public to all reporters because I understand now that Cablevision has a copy of it and we now have the right as the public to know what Bob is planning to sign next month."

Supervisor Kozakiewicz: "Zabby, Zabby you are addressing the Board?"

Zabby: "Ah, yes, sorry about that. Yes, let me address the Board now. Because in there, too, by the way, you can see what they are giving to senior citizens which is diddly squat, that Bob will settle for next month and it's not in the seniors best interests.

I'm going to give you some facts about this Channel 71 situation. There were two Channel 71's negotiated. Right now we have the one that was negotiated by Bob Kozakiewicz, not the one that was negotiated by Phil Cardinale a year ago. The channel that was negotiated by Phil Cardinale was due to us in the year 2000, 11 months ago, and it's 11 months late. The one that we have now with the pornography is the one that Supervisor Kozakiewicz negotiated for and we only have four hours out of 168 of that channel and we have as opposed to the one Cardinale negotiated for which was a 24 hour channel.

Now, this one that we have, 71, it was announced in Suffolk Life that it came one month early. Oh, yes, that's because Bob is going to sign the contract next month with Cablevision and he negotiated for a freebie that everybody has upon the signing of a contract, a new one by state law. So he settled for a freebie and only 2% of it to boot. When we have the right to 100% of it.

So and then we have abbreviated Town Board meetings with everything else that's abbreviated on the channel. It still has pornography. He still hasn't clarified the problem.

Now, I have other facts here, too. Here I am the advisor of this town- "

Supervisor Kozakiewicz: "For public access."

Zabby: "For public access television and matters related so that the people can see it. That's why I'm interested in the seniors getting their discount because I want more seniors, I want people to see the government. I want the government held accountable.

And, so, it took me a year and a half before I could get a meeting with Bob Kozakiewicz. Joey took me off the February, 2000, that's 2000 not this past February but 14- 18 months ago almost, Joey took me off the February, 2000 work session agenda after I was cut short in January of 2000 right after Bob became elected because Bob was behind in the schedule and Bob promised I could come back the next- that next month in February- "

Supervisor Kozakiewicz: "Zabby, how many times have you met me- "

Zabby: "But I didn't get- don't interrupt me."

Supervisor Kozakiewicz: "Hold on. Hold on."

Zabby: "No. I want my five minutes like you gave Vasso. Then you can make your comment later. But I- "

Supervisor Kozakiewicz: "You have one more minute, one more minute."

Zabby: "But I didn't get back to report that there was sexual harassment going on in 1999 at Cablevision studios which Zabby helped clean up."

Supervisor Kozakiewicz: "What does that have to do with me?"

Zabby: "Which Zabby helped clean up. Now, I'm telling you- "

Supervisor Kozakiewicz: "1999, okay."

Zabby: "-- let me go on here, Phil Cardinale- I asked Bob, why isn't he working with Phil Cardinale and Bob says he- I can't work with him because he delivers wisecracks. Well, he can't work with Cardinale because he uses wisecracks? Hey, the other day I was at Phil Cardinale's house, he said he didn't really want to know but how was I? Do you think that stopped me? No. If I had a penny for every wisecrack I've taken from Cardinale, I'd be a rich woman. But did that stop me? No. Cardinale realized a long time ago that Zabby is persistent, unstoppable, and he called me unassailable, he called me.

And you know, that man supports women. He empowered me. He gave me a copy of this franchise agreement. No one else told me that you had called. I've been waiting for a call back from your office for 11 days since I gave that stuff so I had- "

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

Zabby: "-- the sense to know Cardinale was a good man who was an- who has an undeveloped sense of humor. And uses it to communicate in a kind and soft way rather than coming out with the truth of his feelings because he doesn't want to hurt feelings. But, Bob, got his feelings hurt and he doesn't want to work with Cardinale to the detriment of the people."

Supervisor Kozakiewicz: "I don't know where you come up with this. Zabby, I've asked you to sum up."

Zabby: "His feelings were hurt. You told me your feelings were hurt. So you can't work with Cardinale. I say you can't be a leader- "

Supervisor Kozakiewicz: "Zabby, please sum up. Zabby, please sum up."

Zabby: "-- resign, Bob, resign. And I am here to get another woman to replace you. And I want to make an announcement. Either it will be Judy Pitsiokis or Ann Morrow."

Supervisor Kozakiewicz: "All right."

Zabby: "And I hope people vote September 11th and vote you out because you have not given me any respect."

Supervisor Kozakiewicz: "All right, Zabby, your time is up. Your time is up."

Zabby: "And I deserve respect."

Supervisor Kozakiewicz: "Your time is up. First and foremost you have had-"

Zabby: "We are going to get women power here. We are going to get women here on this Board of 100% full of men."

Supervisor Kozakiewicz: "Let me respond because there's been a lot of comments made which- and I find it comical that when you're in front of the camera you criticize me and on July 20th as I was preparing for a meeting to go west the Town Clerk happened to be in the room and you were signing nothing but the praises over the phone. You were."

Zabby: "You bet. I tried to work with you but you don't trust me. You- "

Supervisor Kozakiewicz: "You were. Hold it. Hold it. I didn't stop you. Zabby, Zabby, let me speak, please."

Zabby: "-- political football and that I was trying- "

Supervisor Kozakiewicz: "Officer, please escort this speaker out of the room, thank you. Then I will respond."

Zabby: "Good, thank you."

Supervisor Kozakiewicz: "First and foremost, I have made appointments with you, Zabby, as you're being left out of the room and have, in fact, met with you.

Secondly, there have been many incidents where I have made myself available. I have had this person follow me, leave messages on my window of my car, trail me around the Town of Riverhead, track me around the Town of Riverhead, call me at home at all times of day and night, call me at all times of day and night at the town offices. So let me just make that clear. I have tried to work with Ms.-- I'm trying to remember what her true name is, it's not Zabby. Her true name is Elizabeth Chamberlain who does not reside in the Town of Riverhead and I did look at the public access rules. Because she doesn't live in the Town of Riverhead she would not be authorized to do public access except for the fact that she's sponsored to do so in the Town of Riverhead.

Furthermore, I looked at the contract, Section 26 Paragraph 2 which talks about the second section specifies that it would be available from 9:00 p.m. to- from 5:00 p.m. to 9:00 p.m. I don't want a four hour station. I think we should have a 24 hour - 7 station and I have told that to Cablevision and I'm still going to ask Cablevision to do the right thing.

With that said, anybody else who wishes to speak. Mr.

Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. Sorry that Mr. Lull is not here. In addition to the Town Board as a whole I'll particularly address this to Councilman Cardinale where he had seconded a resolution 709 approving- approves amended site plan of Little Bay Shopping Center. To this day--"

Supervisor Kozakiewicz: "It's there, Bill. Based upon our meeting, I did file up, the plan's on file in the Town Clerk's Office, that final plan, it is there."

William Kasperovich: "The plan that is on file is not marked, it's got three initials on it, one looks like it starts with a "K", the other with a "D", the third one can't even guess at and that's it. There are no markings on it.

Now, the third page of resolution 709 sentence 15, the prior issuance- that prior to the issuance of a building permit the property owners shall provide to the satisfaction of the Town Attorney an irrevocable offer of dedication to the Town of Riverhead a 10 foot wide strip located along the property border with Wading River Manorville Road and be it further etc., etc.

I was guessing that that was the marking that might have been on the approved drawing because this sentence does not include whether it's the total length of the property or any particular section in that- there's a driveway involved and a change of elevation from the curb to the building site appreciable enough to make a difference if anything is there going to be done.

Now, this on the resolution with this added print which doesn't have any markings and no- doesn't indicate any initials by Mr. Lull or Mr. Cardinale. This print is distributed to 8 or 9 different department heads and yet not a revised drawing."

Councilman Cardinale: "I think you made a good point, Bill. I think we could be a lot more careful with the way we- we might want to fully sign these plans and also date so that they'll be on file. You've made this point before and I think you're right. I don't remember the specific one- "

William Kasperovich: "Right. But I'm expecting some action to be taken on this."

Councilman Cardinale: "Well, I would expect that what we would do is sign fully rather than with initials each of the plans we approve and date the date we put it on."

Supervisor Kozakiewicz: "I have a suggestion. We have a stamp for each Councilman."

Councilman Cardinale: "Good."

Supervisor Kozakiewicz: "We'll put the stamp on the map and have the Councilman initial or sign above it. That way there will be no confusion as to who that Councilman was who executed his signature or his initials to the plan. And have a date so that will be done. We've heard you and I think that's a simple and quick solution."

Councilman Cardinale: "Sounds like a good plan."

William Kasperovich: "All right, now, here we're looking for a irrevocable dedication on a 10 foot wide strip and I don't think that's the correct meaning. Whether it's 10 foot from the curb line or 10 foot from the property line into the property or out of the property, I somehow don't see the into the property because of the change of elevation when you come to the building. That used to be a driveup window when the bank was located at that end of the building. You used to be able to drive in- a drive in window there. So that has a raised elevation from directly east and I don't think the Town wants this for the full length of the property because the corner involves other things besides the state and- "

Supervisor Kozakiewicz: "I think the idea was that if there should be a need for future expansion or turn lane we wanted to be able to have an offer of dedication such that we could do that in the future when the need arises. While there may be change in the topo of contour, the idea was to at least to reserve that right for future expansion and that was the idea behind that language."

William Kasperovich: "But it doesn't describe the 10 foot- because it doesn't say from where to where. If you involve the corner, it's one thing; if you involve the driveway, it's another thing, and then the change of elevation when we come to the building line."

Supervisor Kozakiewicz: "Okay."

William Kasperovich: "Now- "

Supervisor Kozakiewicz: "So we may- we'll take a look at it, the language, and we'll look at the plans to see whether it needs to be clarified."

William Kasperovich: "What have you done about the privet hedge being on the road property that obstructs a decent view when using the driveway."

Supervisor Kozakiewicz: "I haven't done anything at this point, Bill. I passed it along; I'll follow up to see if they've taken any action. I passed it along to the appropriate parties. I'll be honest, I haven't asked the question whether it's been done or not. I will pass it along again."

William Kasperovich: "Well, the privet hedge hasn't been touched, I can tell you that."

Supervisor Kozakiewicz: "I will pass it along."

William Kasperovich: "I was there this morning."

Supervisor Kozakiewicz: "I will pass it along."

William Kasperovich: "But you know, you should know, as an attorney- "

Supervisor Kozakiewicz: "Bill, I understand, I understand the concern, as I've indicated- "

William Kasperovich: "-- if anything happens between now and the time something is done, you people will be parties to the act of any accident. The driveway on Wading River Manorville Road in that section is aggressive and becoming more so every day and if we have an accident there, you people will be a party to it because that property is on- those privet hedges are on Riverhead property. I don't have to survey it to know because it's right up to the curb line. And both site plans indicate the property line is I don't know whether it's true to scale- "

Supervisor Kozakiewicz: "Bill, I have somebody else who is standing behind you who wishes to speak and you've been up about seven and a half to eight minutes. Do you wish to sum up, please?"

William Kasperovich: "To sum up what do you people want me to do to get you off your duffs to do something? What do you want, blood

to be poured on the street before I scoop it up and bring it to your office? Come on."

Supervisor Kozakiewicz: "Thank you, Bill. Mr. Shulman."

Councilman Cardinale: "Bob, would it be possible for us to bring Zabby back for a change of pace at least?"

Bill Shulman: "My name is Bill Shulman. My claim to fame is that I'm married to the owner of Calverton Links and there is a resolution and I was lucky that it was the second resolution- "

Supervisor Kozakiewicz: "Was."

Bill Shulman: "And I came here at 3:00- "

Supervisor Kozakiewicz: "Almost five hours ago."

Bill Shulman: "And we have an outing tomorrow from the Suffolk County National Bank with 144 golfers and 170 people- "

Supervisor Kozakiewicz: "And you're sitting on pins and needles."

Bill Shulman: "You've got it. You've got it. And I'm not going to talk about Cablevision. Or about privet hedges. What I wanted to say is this."

Supervisor Kozakiewicz: "You know what?"

Bill Shulman: "What?"

Supervisor Kozakiewicz: "I think if you stop there, you might get the votes."

Bill Shulman: "Well, let me say one other thing, Bob. I think that you should have an administrative change made in the order in which you take up your different areas because if I would have been heard three, four hours ago, there would have been maybe about 100 people here and instead there's just a handful because what I wanted to say is we have added a tremendous improvement to the community by putting up a 10,000 foot clubhouse which goes with a beautiful golf course and what I wanted to say was- "

Supervisor Kozakiewicz: "And you are saying it."

Bill Shulman: "No. I'm saying one more thing. I'm not even going to use five minutes. What I wanted to say was that the members of the Town Board especially the Supervisor and that the people in the departments that had any input into what I do were cooperative, helpful, and gave me the courage because I just passed my 84th birthday and I need more courage- "

Supervisor Kozakiewicz: "Good for you."

Bill Shulman: "Okay. But I want you to know and I want these people to know. And I think that a couple of good words you people are entitled to. But you did a good job, the people helped me, and we got our temporary because we needed the approval of the Board, we got it, we started to operate, we were able to get a temporary liquor permit, and I want to congratulate you people on what you did for your town, and what you did specifically for Calverton Links."

Supervisor Kozakiewicz: "And kudos to you for what you've done for us. Thank you."

Bill Shulman: "Thank you very much."

Councilman Densieski: "Best of luck, Mr. Shulman."

Bill Shulman: "Thank you."

Supervisor Kozakiewicz: "Mr. Sid Bail."

Sid Bail: "Sid Bail, Wading River Civic Association. I have a question about Resolution 820 about the Wading River professional building. On the site plan or the plan outside, this was discussed briefly at the work session, it shows a- there's two points you can enter the center, one is on North Country Road. And on the plan that's shown, it shows right turn exit only and then if you- "

Supervisor Kozakiewicz: "On 25A?"

Sid Bail: "Onto North Country Road."

Supervisor Kozakiewicz: "Okay."

Sid Bail: "Okay. But if you look, it also indicates, and this is the wording, optional control access promises to the residents. Okay. And I had a brief discussion with Councilman Kent and Councilman Lull Thursday, it was early before Councilman Densieski was

there, and I said that the residents in the area if they had their wishes, etc. and they talked with Mr. Tsunis about this, about having only the 25A ingress and egress and there's a little bit of a history. This goes back to the Hamlet Study, John (inaudible) pointed it out at a ZBA hearing how the residents basically were under the assumption that, you know, this would be- there wouldn't be access on North Country Road.

Now, my concern is what is it going to be? It says optional controlled access promised."

Supervisor Kozakiewicz: "Rick, would you come up and address that? I know that this issue came up in a very generic discussion with the resolutions. My understanding is the prior site plans have depicted this layout the same way. This is an amendment where we're taking two buildings and combining for one for the Kiddie Academy."

Richard Hanley: "Correct."

Supervisor Kozakiewicz: "So the access that we're describing off of North Wading River Road, I don't know if you heard all of Sid's- North Country Road, I'm sorry, he's discussing a right turn only and then optional controlled access- "

Richard Hanley: "Where is that language from?"

Supervisor Kozakiewicz: "That's from the site plan."

Richard Hanley: "Optional controlled- "

Supervisor Kozakiewicz: "-- access for locals."

Richard Hanley: "That was meant to be a right hand turn only exit and entrance so there's no left hand turn traffic movement out of that."

Supervisor Kozakiewicz: "Okay."

Richard Hanley: "From the site. Now, it's important to note that this- as you said, Bob, this is an amendment to a site plan that has been approved already. When Raynor's office and the Planning Department went through this in terms of the number of stalls- "

Supervisor Kozakiewicz: "Well, that was going to be my next question. The movements have been analyzed under the prior

approvals?"

Richard Hanley: "Yes."

Supervisor Kozakiewicz: "The movement that's shown onto North Country is the same as the prior site plan approvals or is it different?"

Richard Hanley: "Yes. It's the same access point. There's no change."

Supervisor Kozakiewicz: "All right."

Richard Hanley: "The only change that's occurring here is that the two buildings are being merged into one for a particular use, which is a day care center. I can tell you that when we went through this the first time given the square footage of the buildings, the number of movements we expected- these are professional offices. This is probably one of the more intense uses in terms of parking and traffic movements of any use within our code and we have held the position that we believe that this site should have two access points. That's it."

Supervisor Kozakiewicz: "Thank you. In your- that's the position based upon the study done by Mr. Raynor and based upon your review of it as Planning Director. Thank you."

Sid Bail: "So, Rick, if you could clarify, what is the indication- "

Richard Hanley: "Let me look at it, okay?"

Sid Bail: "Yes."

Supervisor Kozakiewicz: "All right. Then we'll have Mr. Odell Evans come up. I see him standing as well."

Odell Evans: "Odell Evans. I have one question or one comment rather on Resolution 817. I read the newspaper from Southampton either last week or the week before and they're breaking ground for a burn building. To me Riverhead could share their burn building in the future rather than build one in both towns."

Supervisor Kozakiewicz: "Riverhead's aware of it."

Odell Evans: "Okay."

Supervisor Kozakiewicz: "The Riverhead fire department was aware of it and they feel there's still a need which we've talked about with them and which was disclosed at that July 5th hearing."

Odell Evans: "All right."

Supervisor Kozakiewicz: "All right. I don't know if I wait for Mr. Bail or we take up resolutions. Okay, let's take up the resolutions. If he wants to come back because we passed over him, we will. Resolutions."

Resolution #817

Councilman Densieski: "Approves site plan of Riverhead Fire District training facility. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Densieski: "Wait a minute. I'm on the wrong resolution. I'm sorry. Aren't I?"

Supervisor Kozakiewicz: "The right one."

Councilman Cardinale: "Chris, did you have a motion on this or do you want me to make the motion?"

Councilman Kent: "Yeah, I would just move that we table this resolution. I'd like to discuss it some more with the Fire Commissioners and possibly discuss covenants with them as far as future development of the site."

Councilman Cardinale: "Second the motion to table."

Supervisor Kozakiewicz: "Moved and seconded to table. Vote please on that motion."

The Vote: "Densieski."

Councilman Densieski: "I'm going to vote no to table and I think Chris' points should have been probably talked about at the work session. I talked to the nearest landowner who I think is a real good citizen and a good businessman and he said that in his opinion he could live with the burn building there. I'm looking for my notes."

The Supervisor has met with the Fire District. They did, in my opinion, an excellent job of screening the burn building and this does not include the competition course that was initially brought forward before the Board, and this does not include the fire house. This just includes the burn building behind the sump and I think we've had this here for a long time and I don't think it's right to table this so I'm going to vote no."

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

Councilman Cardinale: "I believe we should table it regardless of how we vote on this and ultimately and for this reason. The reasons that Chris indicated and also these.

At the work session yesterday, I made the following notes. That there had to be certain amendments to this which all of us I think agree to. One was to amend the caption which has been done. The other was to make clear that what Ed just said is clear from the resolution. That this is limited to the training facility and excludes or does not address in any way the amphitheater and the strip to be used for fire engines to run upon and also they do some routines with hoses, etc. in training.

That is not in here. There is nothing about limiting this that I see."

Supervisor Kozakiewicz: "Second page. Whereas a copy of the site plan has been marked and it goes that limits the planned construction to a fire training- "

Councilman Cardinale: "Maybe that's because I- "

Supervisor Kozakiewicz: "-- only and which does not- "

Councilman Cardinale: "Can I take a look at yours, Ed? Because I only have one page."

Supervisor Kozakiewicz: "-- and which does not request permission to construct a firehouse or a training track."

Councilman Cardinale: "Okay, well, that's good. Then that is clarified. The second thing that I was concerned about is that the balance- this is the third thing- was the balance test be recited which to a certain extent is recited here and the fourth thing is probably the most important, I quote from- and I'm really trying to

convince somebody to help us, Chris and I table here, which I guess is Bob, the language from the Town Attorney is the following in her memo.

The Town is required to apply a balance of public interest tests in determining whether the fire district is subject to the town's site plan and zoning requirements. We do not anywhere mention the zoning requirement in this motion which I had understood, my notes said that we would do that by determining by the balancing test the answer to the Town Attorney's question. The town is required to determine whether the fire district is subject to the town's site plan and zoning requirements.

Now, we're saying in this that they're subject to the site plan requirements but we are implicitly stating or else we shouldn't be doing this that they are not under the balancing test for this facility, they are not subject to the zoning requirements. And we give no justification for that critical question in this resolution. And for that reason essentially I believe it should be tabled.

We have to have a resolution that says if this is our intention that this particular facility because of the weighing and the balancing of the eight criteria is not subject to zoning. Therefore, whether we like it or not, they have a right to do that- to have that training facility there. And there's nowhere in this, that statement. We do say that the site plan applies and it seems rather odd that if the site plan applies why doesn't the zoning? So I believe that we have to deal with that issue a lot more carefully than we have here regardless of where we come out on the issue. For that reason, I ask that it be tabled."

Barbara Grattan: "So that's a yes?"

Councilman Cardinale: "Yes, to table."

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

Councilman Kent: "What we have now before us is something different than what originally was before us. They're now proposing development in phases and I think unless we put some language regarding covenants on future development, we're going to end up with the full development that they originally proposed but bringing brought in at different times.

We then get into some arguments regarding segmentation which I- because I think we should be considering the impact under SEQRA upon

the scenic vista which is one of the sections that we can examine when we do an impact analysis. So if we don't look at the entire proposed construction on the site and rather we do it in bits and pieces, we're going to be facing segmentation arguments, I believe, from the environmental community and I think we should be looking at this either limiting future development with some type of covenants or analyzing the entire proposed development on the site.

So I think we can clear that up. They're looking to not go forward with the track or to do some kind of limited development on the site. We need some type of amended drawing or least an amended conceptual plan for the site. So I think I'm going to table this, have them come back in. I know they're not going to be happy with this but I think we need to know if they're planning to do a full development or not and I don't want it to be done in a segmented fashion. I want it to be done all at once so we review the entire plan or limit them on their future development. So either one way or the other, but not like this. So I'm going to vote yes to table."

Barbara Grattan: "Supervisor?"

Supervisor Kozakiewicz: "I'm going to vote no to table. As spelled out in the prior comments from Councilman Kent and Councilman Cardinale, this was the subject of discussion at yesterday morning's review of resolutions. And during that discussion one of the things that was asked was that we discuss this or at least reference and go through a findings if you will with respect to the eight step balancing test which was the cases that had been provided to us by the opinion from the Town Attorney.

My recollection, although I didn't make notes, was that the Town Attorney indicated that based upon the balancing test we could decide that site plan does apply yet the zoning regulations do not.

Further, with respect to the question of future uses, my recollection as well was that each and every time should they come back with a firehouse or a substation or the training track, the same balancing- eight step balancing test would need to be applied and, in fact, the Town Board would be free to find that at particular point in time that based upon the case of Matter of County of Monroe in Nanuet First Engine, we could say that zoning is applied and the interests being served by the proposed construction are not such that we should come to a conclusion that zoning does not apply.

I agree with Phil that by approving this if the Board does do so,

there is an assumption, an inherent assumption, that we did the balance test. While it clearly states that the site plan requirements apply, by approving it there is the inherent statement that only the site plan requirements apply based upon the findings that are spelled out in the next paragraph. Therefore, for that reason, I vote no to table."

Barbara Grattan: "Okay, the resolution is not tabled. What do we do, go on? Okay, Resolution 818, Councilman Kent."

Supervisor Kozakiewicz: "No, we have to- that was to not table it. We still have to vote on 817."

Councilman Cardinale: "We have to- we have to have a second."

Supervisor Kozakiewicz: "Right. And there's not a second."

Councilman Densieski: "Was it moved?"

Supervisor Kozakiewicz: "It was moved by you."

Councilman Kent: "Moved by you and then I put in a motion- "

Barbara Grattan: "It was moved by who?"

Councilman Kent: "It was moved by Ed."

Barbara Grattan: "Okay. Originally. But there's no second."

Councilman Cardinale: "While we're waiting for a second or not to have a second, I want to point out one thing I think we all agree on. I- the covenant issue is something that could be discussed but people could feel differently about. Can someone point out- "

Supervisor Kozakiewicz: "More discussion at this point?"

Councilman Cardinale: "Yes. Discussion as to whether or not I want to second. This is relevant, too. Can anyone point out in this resolution as it appears before us, where it indicates in a Resolve clause or anywhere else, that the zoning does not apply to the fire district and the balancing that was done to come to that conclusion? Because that would be the guts of any resolution passed and it's absolutely lacking. I think it was just an oversight in the preparation of this resolution."

We talk about the balancing in regard to the site plan. We do not mention zoning. And I feel that if we pass it, it will be faulty and that's, you know. The fact is that a proper resolution I might well vote yes on, but this is not it. That's what I'm- "

Supervisor Kozakiewicz: "Saying all-- the fourth Whereas clause talks about applying the test and then it sets forth the determinations from the Town Board."

Councilman Cardinale: "Yeah, but- "

Supervisor Kozakiewicz: "In fact, it points out that there is a legitimate government interest."

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "That we heard from the fire district as to the specifics, that there is again a great public interest to be served by permitting this construction- "

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "There are no viable alternatives (inaudible) set forth at the top-"

Councilman Cardinale: "I guess what I'm saying, Bob, is you're right about all of that. But everything in this speaks to site plan, nothing speaks to the central issue of zoning. See, whenever this controversial issue has been around for a while and I think the honest solution to this is we do not have the right to tell them they can't do it there because we do not have the right to impose zoning on the fire district balancing the eight test.

If that's the key determination we've made, it should be in here someplace and it isn't."

Supervisor Kozakiewicz: "Well, if we were to change the third Whereas to state that as determined that the applicant must comply with the site plan requirements only for this application, that would be something that would spell it out. Furthermore, we need to strike the word not that's in the parens because the initial assumption is that the town regulations do apply."

Councilman Cardinale: "Right. And we also- "

Councilman Kent: "The regulations do apply, right?"

Supervisor Kozakiewicz: "I think that's the initial balance--"

Councilman Cardinale: "That's interesting. I was hoping it was correct as stated. If it's- if they do apply, then we have to justify- we have to have a resolution clause in my judgment which states that Resolved that the zoning does not- that upon consideration of the balancing test the- as the Town Attorney posed the question for us, that the in the balance of interest test, the fire district is not subject to the zoning requirements. If that's our conclusion, we've got to state it and we really better back it up because we're going to annoy a lot of people in the environmental community. And there's nothing in here that backs it up. There's nothing in here that says that- why the zoning does not apply or why they're not subject to zoning. Maybe- and if they're not, we've got to say so and we've got to say why we've concluded that. So I really- that's why I'm not prepared to second it."

Supervisor Kozakiewicz: "You're taking the position that all of the discussion in the fourth Whereas clause doesn't meet the standard?"

Councilman Cardinale: "No. No. I'm saying that it might but it relates only to the site plan which is the only thing that this whole resolution relates to is site plan approval of Riverhead Fire District training facility. I'm not even commenting on the adequacy of the balancing; I'm just saying that they never applied it to the zoning question. That's my concern.

And this, of course, is not- it is not beyond belief that we would get sued on something like this so we better do it right."

Supervisor Kozakiewicz: "What you're suggesting is an amendment to the resolution then which would basically be a Whereas the Town Board has based upon the balancing test set forth above, we would put a new Whereas on page two- "

Councilman Cardinale: "You'd need a new Whereas, you'd need a new balance- balancing that relates to zoning. You might even need a new resolution that relates only to zoning. Because there's two issues before us."

Supervisor Kozakiewicz: "Well, these are the eight elements which are spelled out in the Whereas clause. So, they are spelled

out. I don't believe we need a new eight element test to be spelled out because that fourth Whereas does just that."

Councilman Cardinale: "Well, here's my suggestion. We might, Bob, and here's why. Because on the Whereas clause- on the eight elements as relates to site planning, our conclusion is yes it applies and for these reasons. That's what we're saying, site planning applies. But on our conclusion in Zoning we're saying apparently, no, it doesn't. So we've got to have two separate resolutions, one justifying the no that zoning doesn't apply, and one justifying the yes, the site plan requirements do apply. And if we do it right and we get three votes for something, we may actually avoid another lawsuit."

Councilman Kent: "Well, the only finding as far as zoning states that we've determined that the local regulations would prohibit the activity."

Councilman Cardinale: "Yeah, right."

Councilman Kent: "Because the land is currently zoned Agricultural A."

Councilman Cardinale: "So with that determination, and no balancing test and no- leading to a conclusion that zoning does not apply to the fire district in this instance, we're toast for a lawsuit. So, that's why- that's why all of you out there in fireman land, I'm not trying to alienate you, trust me. Nor am I trying to alienate the environmental community. On the other hand, I don't want to approve anything that will be immediately unsuccessfully defended. If we're going to do it, we've got to do it logically and that requires two separate resolutions.

And also we've got to be convincing."

Councilman Densieski: "So there's no second then."

Supervisor Kozakiewicz: "There's no second."

Councilman Kent: "So the resolution just sits."

Barbara Grattan: "I don't think that ever happened before."

Supervisor Kozakiewicz: "818."

Resolution #818

Councilman Kent: "I think the rest of them we're going to move through- "

Supervisor Kozakiewicz: "I hope so."

Councilman Kent: "Approves amended site plan of Calverton Links golf course. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Either Bill- the applicant expired while waiting the last five hours or grew increasingly optimistic and left. I will vote yes for this amended site plan."

Barbara Grattan: "Kozakiewicz."

Supervisor Kozakiewicz: "No, no."

Barbara Grattan: "Oh, Kent, I'm sorry."

Councilman Kent: "I'll vote yes."

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

Resolution #819

Councilman Cardinale: "819- "

Supervisor Kozakiewicz: "Excuse me, Vasso. We're trying to conclude business. No, we are trying to conclude business. We are trying to get through the resolutions, please."

Councilman Kent: "Yeah, you're not supposed to be up here."

Supervisor Kozakiewicz: "819."

Barbara Grattan: "819, Councilman Cardinale."

Councilman Cardinale: "819, approves the amended site plan of Dynamic Radiator owned by dynamic Densieski, one of our own Councilmen."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, abstain; Cardinale."

Councilman Cardinale: "I would ordinarily not miss this opportunity to harass a fellow Councilman by voting no or table or something but I want to tell you that the DEC did it better than I could ever imagine doing it by holding up this site plan for two years. So we're going to grant mercy on Eddie here and approve it tonight."

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

Resolution #820

Councilman Kent: "I'm going to move and second and then we'll have some discussion because I don't think we ever got back to Mr. Bail. Approves the amended site plan of Wading River professional buildings. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Supervisor Kozakiewicz: "Well, before that, we need discussion."

Councilman Densieski: "Discussion."

Barbara Grattan: "Okay."

Councilman Densieski: "Did Sid make it- oh, there he is."

Supervisor Kozakiewicz: "First and foremost there needs to be an amendment. The name on the resolution should have an "S", it's TS so wherever the name appears it should have an "S" between the "T" and

the "U".

Councilman Densieski: "Sid, you weren't in the room when we took up resolutions but we did reserve the right for you to get back up and speak about it if you'd like, because you had left."

Supervisor Kozakiewicz: "Do you wish to do that on that issue?"

Sid Bail: "Maybe Rick is going to- "

Supervisor Kozakiewicz: "Go ahead, Rick."

Richard Hanley: "Yeah, I inspected the map that's hanging on the wall and, in fact, it shows something that did not appear on the original map added by the applicant which probably resulted from some promise made at a ZBA meeting. However, it shows, quote, optional control access to that driveway to North Wading River Road which appears to be a gate. Now, at whose option, I'm not sure. If it's your option, I would recommend that you not opt to do that. However, it's on the plan and it's not mentioned in my resolution that I wrote because I missed it."

Supervisor Kozakiewicz: "So what we should do is add a condition that the optional access is not approved or something to that effect."

Richard Hanley: "Yes, that would be one way to do it."

Supervisor Kozakiewicz: "Okay."

Richard Hanley: "So that have to appear as a condition."

Councilman Cardinale: "Is the optional access on which road?"

Richard Hanley: "North Wading River Road. It's the northerly access point."

Councilman Kent: "North Country."

Richard Hanley: "North Country."

Councilman Cardinale: "North Country. And if I'm following this which is highly unlikely at this time, the community has some objection to access off of North Country."

Richard Hanley: "Certain members of the community."

Councilman Cardinale: "Right, certain members, and what are we saying in this addition, that we want only limited access off of North Country?"

Richard Hanley: "We're approving a site plan that shows- the way I wrote this, was a site plan approval which approved access to North Country. Upon further inspection of this drawing, the applicant when he revised it to merge the two buildings into one, showed a new notation on the map."

Councilman Cardinale: "Which is limited access which means- "

Richard Hanley: "Showed optional conditional access."

Councilman Cardinale: "Which means right hand turn only."

Richard Hanley: "No. Which means a gate across the access point. Like a closing it off."

Councilman Kent: "No, I think Rick you approved right hand, exiting only right hand turn, but coming in it can be right or left hand turn coming in."

Richard Hanley: "Yes. But he's shown a gate which I don't know what that means. Does that mean that it's closed sometimes, it's closed all the time, it's closed when people don't want- I mean, it's not something- "

Councilman Cardinale: "Do you think that we should table this to determine what exactly we're doing?"

Richard Hanley: "I don't think there's any rush on this one that I'm aware of."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "Well, if we were to let me just ask the question, if we were to in the first Resolve on the second page where it says the site plan elevations submitted are- be and are hereby approved by the Town Board of the Town of Riverhead with exception of the proposed- "

Richard Hanley: "Optional conditional- I'll get you the exact

language."

Supervisor Kozakiewicz: "Except that, yeah, except that the optional conditional access shown on said site plan elevation is hereby expressly not a permitted or not allowed or not authorized or not approved."

Richard Hanley: "I think that would make it pretty clear to all concerned as to what the attitude of the Board is, yes."

Councilman Cardinale: "Nice going, Sid."

Supervisor Kozakiewicz: "Well, what's the Board's desire? I mean that's an easy way- "

Councilman Cardinale: "He clarified it against your interests. Come back any time- "

Councilman Kent: "No, I don't think the community would want a gate either, though, would you? That's even worse."

Supervisor Kozakiewicz: "All right, so, does the Board want to take it up with an amendment to- "

Councilman Kent: "I would move to table the resolution so we could maybe just draft it properly, since there's no rush. I've seen that they're already under construction under the prior site plan."

Supervisor Kozakiewicz: "Motion to table."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Motion and second to table."

The Vote: "Densieski."

Councilman Densieski: "No. I'd just like to make the amendment and get it over with."

Councilman Cardinale: "Are we going to do this again?"

Councilman Kent: "We are going to vote to table- "

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

Councilman Cardinale: "I think I'll vote to table it so I know what I'm doing which will be a change of pace."

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

Councilman Kent: "Yes, so we can get it squared away in a more rational than five hours into a meeting, in a more rational way."

Supervisor Kozakiewicz: "I really would like to do one instead of tabling them all tonight."

Councilman Cardinale: "Let's table the entire packet."

Supervisor Kozakiewicz: "We've been here for over five hours and we might as well table them all. I mean, I think that if we expressly put that language in that first Resolve on the second page, it will clearly spell out the fact that it's not on the access point. And rather than- "

Councilman Kent: "No, it's going to be an allowed access point. It won't be a gate."

Councilman Densieski: "Right- "

Supervisor Kozakiewicz: "It will not be-- I mean that gate would not be permitted."

Councilman Kent: "Right, but there will be an access point."

Councilman Cardinale: "Here's my theory, Bob. If the developer's happy, the community's happy, who are we to stand in their way? Why don't we just- "

Supervisor Kozakiewicz: "We're standing in their way by tabling it."

Councilman Cardinale: "I know, but by what you're doing, you're saying that a possible compromise between the developer and the community is specifically disallowed by this Board. I don't see the purpose of that."

Supervisor Kozakiewicz: "But what you're suggesting is this could possibly be amenable- that this may be amenable to this- "

Councilman Cardinale: "Yeah, if the community is happy--"

Councilman Kent: "I think we should let the community and Mr. Tsunis meet. I think Rick's point has been clear that he thinks there should be access because- "

Supervisor Kozakiewicz: "Yes, let's go. Yes, yes, yes, yes, yes, yes."

Barbara Grattan: "Yes, to table."

Supervisor Kozakiewicz: "Go to Resolution No. 821."

Barbara Grattan: "Okay, Resolution is tabled."

Resolution #821 to 826

Supervisor Kozakiewicz: "And I would ask if we could take these up as a block?"

Councilman Kent: "Yes."

Barbara Grattan: "Councilman Densieski, as a block, please."

Councilman Densieski: "Yeah, I move that 821 to 826 they are all Chapter 96, 406 Fishel Avenue, 350 Hamilton Avenue, 54 Millbrook Lane, 64 19th Street in Wading River, 654 Northville Turnpike, 897 Pond View Road moved at once. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded as a block."

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

Resolution #827

Councilman Kent: "Do you want to do all the budget adjustments together. No, we can't, I don't think so. Town of Riverhead, let me see, this is a PAL fund budget adjustment, \$1,800 for softball and baseball umpires. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #828

Councilman Densieski: "Hallowville ISTECA capital project budget adjustment for \$12,176. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "Hold on just one second, yeah, okay."

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

Resolution #829

Councilman Kent: "This is a general fund budget adjustment. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #830

Councilman Densieski: "831 accepts--"

Supervisor Kozakiewicz: "830."

Councilman Kent: "830 is the Meadows at Aquebogue."

Councilman Densieski: "Jumping the gun. I don't have 830, sorry."

Councilman Cardinale: "The Meadows at Aquebogue water extension capital project budget adjustment, moved by Ed Densieski, seconded by me, Phil Cardinale."

Supervisor Kozakiewicz: "Phil is seconding it?"

Councilman Cardinale: "Yes."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #831

Councilman Densieski: "Accepts resignation of Edward McCarthy. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded. There's one change. The- Now, Therefore, Be It Resolved, should be effective July 27th as opposed to July 17th."

Councilman Kent: "Effective July 27th. He worked in the Engineer's Office."

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

Resolution #832

Councilman Cardinale: "Before I move this motion, I was thinking, Bob, since we only have like four people left after five and a half hours, can we bring Zabby back now? No, okay."

Reclassification of a town employee. Seconded. First it- I'll move it. I'm moving it, I'm sorry."

Councilman Densieski: "And I'll second it."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I have reservations about this because I want to make clear that I believe that Laura Lenox is one of the best employees we have. However this specifically says Be It Resolved that the Town Board approve Laura be classified as a civil service account clerk typist in a high group in step effective in August and that would- the Town Board reserves the right to make a future appointment

to the CSEA exempt position of secretary of the Town Attorney which she presently holds, which tells me that this means we'll have an extra job in Town Hall. One, she's be a civil servant making about the same salary and then we'll still have somebody else who will come in be the exempt position which is a political position she can appoint. I don't want to do that so I'm going to vote no."

Councilman Kent: "Yeah, I don't really want to add a second position either."

Councilman Densieski: "We're not adding a second position."

Supervisor Kozakiewicz: "I believe the intent was to keep it in accord with the CSEA collective bargaining agreement which describes that position as an exempt position and there's no desire at this point in time to do that."

Councilman Cardinale: "We specifically reserve the right to make a future appointment to the exempt position."

Supervisor Kozakiewicz: "I think that's so that's in accord with the CSEA collective bargaining agreement which spells out that position as an exempt position and not one that's covered under the CSEA collective bargaining agreement- it's in the recognition clause."

Councilman Cardinale: "What would happen if we didn't do it? We might lose the position and have one less employee?"

(Unidentified): "I think you'd run contrary to the CSEA contract--"

Supervisor Kozakiewicz: "Yeah, we can't change the collective bargaining agreement which is (inaudible) an exempt position."

Councilman Kent: "The collective bargaining agreement is expired."

Supervisor Kozakiewicz: "It continues until there's a new one negotiated. Anyway- "

Councilman Kent: "I don't understand why we would have- why they would be concerned if we kept an exempt position or not because all they're concerned about is union positions and they've expressed it several times. They didn't like the fact that we created- we changed positions to exempt positions."

Councilman Cardinale: "Immediate point."

Councilman Kent: "We did it in the Clerk's office and we it in the Tax Receiver's Office. They actually filed a grievance."

Supervisor Kozakiewicz: "Vote."

Councilman Kent: "If we strike that language, I can vote yes on this resolution."

Supervisor Kozakiewicz: "So what you are looking to do is strike from and down to- "

Councilman Kent: "Yeah, the last two lines of the first Resolve clause."

(Unidentified): "The only thing that I would say is it weakens your point in future negotiations-- that you have this- now you have this bird in hand, an exempt position from CSEA. It weakens your point because (inaudible) bargaining point."

Councilman Kent: "Are we keeping this exempt position alive because if we want to get rid of the account clerk typist position that we're creating by this resolution we can go back to the (inaudible) position, is that the idea?"

Supervisor Kozakiewicz: "Yeah."

Councilman Densieski: "There's not going to be anything budgeted for the position either."

Supervisor Kozakiewicz: "Yeah, I think that's the idea."

Councilman Cardinale: "I'm going to hold my--"

Councilman Densieski: "Yes or no?"

Councilman Cardinale: "-- vote because I'm completely confused now."

Councilman Densieski: "You already voted."

Supervisor Kozakiewicz: "You said no."

Councilman Cardinale: "Yeah, I said no."

Councilman Kent: "I think I'm confused by this, too. You're saying that in the future if we want to get rid of the account clerk typist position which is a union position, is Jack here by the way?"

Supervisor Kozakiewicz: "I think he went home, too."

Councilman Kent: "We do have the CSEA union representative in the back. I'm going to move that we table this resolution. I want a clarification of that point because I don't want to make the wrong move."

Councilman Cardinale: "Just abstain, Chris."

Councilman Kent: "If I abstain, the vote goes down so I'll abstain and you can re-present it."

Supervisor Kozakiewicz: "I vote yes and then we'll- "

Councilman Kent: "Okay. So we'll take it up- "

Councilman Cardinale: "Thank you for that- the enormous power of four up here. That's why we have five usually."

Resolution #833

Councilman Kent: "This rescinds a Resolution 782 and authorizes the Town Clerk to publish and post help wanted ads for the positions of homemaker and senior citizen aide in the senior citizen's department. And you have the- okay, so I'll move this resolution."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Densieski: "A little discussion. I'm sorry to do this guys. Is there a vacancy there? Was a vacancy created? I'm not aware of one if there was. Does anybody know?"

Supervisor Kozakiewicz: "I believe there was. I don't remember the name of the person- "

Councilman Kent: "Somebody resigned from the homemaker position."

Supervisor Kozakiewicz: "Right. And I can't remember who the person was and it doesn't identify it in the want ad but it was to fill a position."

Councilman Kent: "This just really allows us to publish and post an advertisement."

Councilman Densieski: "Okay. I'll second that. That's fine."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #834

Councilman Densieski: "Authorizes the Town Clerk to publish and post a help wanted ad for a bus driver. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Sorry to do this buy more discussion. Which department is this for? Is this for seniors? Okay, is this because of the new buses?"

Councilman Cardinale: "Didn't we get a memo on this?"

Supervisor Kozakiewicz: "I believe we may not need it- "

Councilman Kent: "Yeah, we did. Judy sent us a memo on these positions, believe it or not."

Councilman Densieski: "Okay. So we'll post and publish. Yes."

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

Councilman Cardinale: "It is my understanding that Judy Doll does not want this bus driver and since she is the department head, who am I to argue with her? So, I think I'll abstain."

Barbara Grattan: "Okay. We've got a problem here, too. Somebody has got to amend this resolution because it says the August 9th issue of the News Review- "

Councilman Kent: "Right. I was going to ask you if you had

already put this in."

Supervisor Kozakiewicz: "August 16th."

Barbara Grattan: "I can't put it in the August 9th."

Supervisor Kozakiewicz: "August 16th. Too late now."

Councilman Kent: "And I'm going to vote yes to advertise it so we can all decide whether to fill it or not later."

Barbara Grattan: "I need it (inaudible)."

Supervisor Kozakiewicz: "Also, yes. With that amendment. Thank you."

Barbara Grattan: "All right. So Cardinale is abstaining. Kent."

Councilman Kent: " I voted yes to advertise the position."

Barbara Grattan: "Okay."

Supervisor Kozakiewicz: "Yes as well from me."

Barbara Grattan: "The resolution is adopted."

Resolution #835

Councilman Kent: "Appoints maintenance mechanic II in the Department of Street Lighting. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Undoubtedly a necessary position recommended by personnel. Yes."

The Vote (Cont't): "Kent."

Councilman Kent: "Yes, let me give you just a brief little story on this. Real quick. Sometimes when you advertise and you

attract these people come in for interviews you actually find good people, and these two that we're appointing today were both excellent- they both are going to be excellent employees. They both have electrical background and we lost our other maintenance mechanics in Street Lighting because they got jobs that paid more than we pay, a lot more. I think one was more than \$15,000 more, so and we found good people to fill the positions so I'm voting yes."

Councilman Densieski: "Great, that's a story and you're sticking to it."

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

Resolution #836

Councilman Densieski: "Appoints maintenance mechanic II in the Department of Street Lighting and that person is Michael Commins. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #837

Councilman Densieski: "Ratifies appointment of Patrick T. Lynch to a lifeguard to the Riverhead Recreation Department. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #838

Councilman Kent: "This appoints John Seus as a park attendant II to the Riverhead Recreation Department. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #839

Councilman Densieski: "Appoints Chris Borsella for a park attendant II to the Riverhead Recreation Department. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #840

Councilman Kent: "Authorizes the Town Clerk to advertise for bids for a new- I guess we're not buying used vehicles- for a new four ton diesel fired asphalt reclaimer storage unit. Oh no, it's a storage unit. So moved. What is that?"

Councilman Densieski: "It's a repaver, resurfacers."

Councilman Kent: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Barbara Grattan: "Cardinale, second that."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #841

Councilman Densieski: "Authorization to republish a re-bid for the pollution prevention. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #842

Councilman Kent: "This is an authorization to publish a bid for additions and alterations to mechanics' maintenance facility at the municipal garage. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #843

Councilman Densieski: "Awards bid for coffee snack truck service, the Epcal property. So moved."

Councilman Kent: "I'll second it for Ed's friend."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'll vote yes for my friend."

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

Councilman Cardinale: "Yes, this is like a success story. This all started off two years ago- or was it- two years, trying to give Ed a hard time and we managed to tweak about \$25,000 or \$30,000 worth of income over the last two years out of this coffee truck. I don't know how much coffee this guy could sell but he's paying \$12,100 a year for the right to do it. So go get your coffee at Epcal. I vote yes."

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

Councilman Kent: "We all know the real reason and I vote yes."

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

adopted."

Resolution #844

Councilman Kent: "This awards a bid for meat. So moved."

Councilman Cardinale: "Discussion, please. I'm kidding."

Supervisor Kozakiewicz: "My God. My heart just fell out of my chest."

Councilman Densieski: "Pork patties are too much."

Councilman Kent: "Yeah, where is Sal- "

Supervisor Kozakiewicz: "Is it seconded?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #845

Councilman Kent: "Mr. Haizlip is not here but this will- we already had that, the meeting started at 2:00. You thought we were this- the meeting started at 2:00 today."

Supervisor Kozakiewicz: "Sorry, the public comment was passed today."

Barbara Grattan: "We've been here since 2:00."

Councilman Cardinale: "Which one did you want to comment on?"

(Unidentified): "Well, the bid for meat."

Councilman Cardinale: "You're kidding?"

Supervisor Kozakiewicz: "It's gone. It's gone."

(Unidentified): "What is it?"

Councilman Kent: "We buy meat, we buy meat for the nutrition center."

Supervisor Kozakiewicz: "For the nutrition senior citizen center. Why don't we have the discussion after we conclude. We'll stick around and talk to you about it. Let's get through the rest of the agenda because we've been here since 2:00 as pointed out. Thank you. 845."

Councilman Kent: "Yeah, this- I'm sorry to see that Steve Haizlip has left because this used to be one of his favorite things. Awards a bid on traffic paint. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded. And the date of the adoption should be changed to reflect August 7, 2001 which is on the Resolution 845."

Barbara Grattan: "Instead of July 23rd?"

Councilman Kent: "Adopted August 7th. No, instead of August 1st."

Barbara Grattan: "Oh, okay."

Supervisor Kozakiewicz: "All right."

Councilman Kent: "And it's 2001, not 2000."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "Somebody recycled. That's okay, recycling's good."

Supervisor Kozakiewicz: "Recycling's good. All right. Has this been moved and seconded?"

Councilman Kent: "I moved it."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "This is for awarding the bid for the dump truck?"

Supervisor Kozakiewicz: "No, traffic paint."

Councilman Kent: "Traffic paint."

Councilman Cardinale: "Oh, we're still on traffic paint. Okay. Yes, I'll vote yes for the traffic paint."

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

Resolution #846

Councilman Kent: "This awards the bid for a 4WD dump truck. So moved."

Councilman Densieski: "Second. Oh, I'm sorry, Phil."

Supervisor Kozakiewicz: "Moved and seconded. You jumped the gun there."

Councilman Cardinale: "Seconded."

The Vote: "Densieski."

Councilman Densieski: "This is for the highway department. Yes."

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

Councilman Cardinale: "I'm going to vote yes but I'd like to just a question. How do we pay for this? Do we just take it out of the budget or do we bond for this?"

Councilman Densieski: "Well, it wasn't bonded for so- "

Councilman Cardinale: "So we just took it out of petty cash, the 38 grand."

Councilman Densieski: "Highway department budget."

Councilman Cardinale: "They must have a lot of petty cash down there. I vote yes."

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

Resolution #847

Councilman Kent: "This awards the bid for the Meadows at Aquebogue for the installation of water mains and appurtenances. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #848

Councilman Cardinale: "Authorizes the attendance of two police officers at the Trexpo Enforcement Technology Training Conference in Washington, DC, August 20, 21 and 22. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #849

Councilman Densieski: "Authorizes the Supervisor to request the State, New York State, for a speed zone change. And that's on Middle Road which is now like a freeway from 45 miles an hour to 30 miles an hour. And I'd be happy to move that."

Councilman Kent: "And I'll second it. But I do think we should change that to New York State."

Councilman Densieski: "Yeah, good idea."

Supervisor Kozakiewicz: "Right, request New York State, okay. With that change, vote please."

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

Resolution #850 and #851

Councilman Cardinale: "Authorizes the town to remove- "

Councilman Kent: "Do all of these at once, there's a whole bunch."

Councilman Cardinale: "Yes, 850, 851- two of them both all of them, each of them authorizes the Town of Riverhead to remove rubbish debris and the cutting of grass and weeds from property pursuant to the code. The first property is located at 120 Fishel Avenue. The second property is located at 343 Maple Avenue. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #852

Councilman Kent: "This authorizes the Riverhead fire department to conduct its 14th annual invitational motorized drill and this will be at the property on Route 58. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #853

Councilman Densieski: "Approves the application of Robert Ginsberg North Fork Classic Horse Show at Calverton Enterprise Park. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes, I'm happy to welcome North Fork Classic to Calverton. Yes."

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

Councilman Cardinale: "Yes, I'm happy to welcome them, too, but this is his permit, right?"

Supervisor Kozakiewicz: "This is his- "

Councilman Densieski: "Application."

Councilman Cardinale: "Yeah, I'd be happier if he was paying more rent as I indicated the last time around but I'm still happy, so I vote yes."

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

Resolution #854

Councilman Cardinale: "854 approves the application- "

Councilman Kent: "Before we do this, there was a memo from- "

Councilman Cardinale: "Yeah, I've got it here."

Councilman Kent: "-- the fire marshal that cut them back to August 31st. The original discussions I had with this church, they contacted me, I was the lucky one. They told me they were going to go August 26th through the 28th. And they're doing it on our property so I don't know what date we want to put as the ending date but I think we could start off by approving them through the 28th and if they're unhappy with that they can always come back. We have another meeting on the 21st, so- "

Supervisor Kozakiewicz: "I- that was their original request, is that correct?"

Councilman Kent: "That's correct."

Supervisor Kozakiewicz: "That they made through you so we would- the application- the first Whereas should stay the same because

that's what their application is for. What we would change is the Now, Therefore, Be It Resolved- "

Councilman Kent: "Right. That it would be approved August 26th through August 28th. It's in the first Resolve clause."

Councilman Densieski: "I believe this was on town property last year in the municipal parking lot. Is that correct?"

Supervisor Kozakiewicz: "There was a prior application a couple weeks back."

Councilman Kent: "No. July 14th."

Supervisor Kozakiewicz: "Right."

Councilman Densieski: "Of last year."

Councilman Kent: "They brought their- no, this year. They brought their own showmobile and they did a little three hour thing without incident."

Barbara Grattan: "You're going from August 26th to August 28th."

Councilman Densieski: "I hope without incident."

Supervisor Kozakiewicz: "Right. With that change, the amendment, vote please."

Councilman Densieski: "It hasn't been moved yet."

Supervisor Kozakiewicz: "Oh it hasn't been moved. I'm sorry."

Councilman Kent: "I just amended it."

Supervisor Kozakiewicz: "Oh, okay. That's right, we need to move it and second it. Phil's on there to move it."

Councilman Cardinale: "I'll move it."

Councilman Kent: "And I'll second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Well, having alienated most other interest groups in the town, I can't resist the opportunity to alienate Jesus, the Lord as well. I do have reservations here. My reservations stem from the fact that we're doing again what we do best which is renting public property without rent. We do that on an annual basis on the houses on Main Street across the street from the Suffolk Theater and we do that on the other street. What do they call that property- the east lawn property or that nice house on the opposite side of the street down towards the tracks. And we do that at Epcal.

I don't believe we should rent public property without rent. This is as I learned in discussion yesterday at the work session, our property. It's the property that we're reclaiming at Railroad Avenue and I don't see any rent in this and even though I love the Lord as well, I think all people who come before the town should be treated equally and should be paying rent for public facilities so I vote no."

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

Councilman Kent: "This is a religious corporation. It's explicitly exempted under Chapter 90 of our town code."

Councilman Cardinale: "From what? Exempted from what?"

Councilman Kent: "From having to pay the fee associated with doing a Chapter 90."

Councilman Cardinale: "I know. But we want rent, not a fee."

Councilman Kent: "Well, we always grant these on town- just about grant all these on town property for this type of use so I don't see- "

Councilman Cardinale: "We've been doing this for three and a half years?"

Councilman Kent: "Yes."

Councilman Cardinale: "Gee, this is terrible."

Councilman Kent: "For other types of things. They have them in the back parking lot, East End Arts Council, another one of your favorite groups that sets up a tent in the back parking lot behind Sewzeys or we've had it for a number of things."

Councilman Cardinale: "And they just get the property for free?"

Supervisor Kozakiewicz: "We're in the middle of a vote."

Councilman Cardinale: "Oh, I'm sorry."

Councilman Kent: "Country Fair. SO I will vote yes. And so we've only limited it to three days."

Supervisor Kozakiewicz: "Yes."

Barbara Grattan: "Resolution is adopted."

Resolution #855

Councilman Kent: "Approves application of Timothy Hill Children's Ranch. Now on this one, they're doing it on their own property for a country western day and fall festival for September 8, 2001. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakeiwicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I'm going to vote yes on this but if I get this right then, if I want to apply for a big tent on town property, I could do it, too, and I don't have to pay?"

Councilman Kent: "No you would have to pay. Are you a religious organization?"

Supervisor Kozakiewicz: "Are you a religious organization?"

Councilman Cardinale: "Only if you're a religious organization."

Supervisor Kozakiewicz: "We're already past that one, let's vote on- "

Councilman Cardinale: "All right. I'll vote yes."

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

resolution is adopted."

Resolution #856

Councilman Densieski: "Approves temporary sign permit of General Vision. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #857

Councilman Cardinale: "Approves- are we going to do this again? We're going to approve the temporary sign permit of Tumi Kipling banner. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Tumi Kipling? What is that?"

Councilman Kent: "That will be at Tanger."

Supervisor Kozakiewicz: "That is."

Councilman Cardinale: "It's a store?"

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "I would imagine."

Councilman Cardinale: "Tumi Kipling is a store?"

Councilman Densieski: "Trust me, Phil. You don't shop there."

Councilman Cardinale: "Yes. I vote yes. Let them come. Tumi Kipling."

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

Barbara Grattan: "I don't have 858."

Councilman Kent: "859."

Barbara Grattan: "Oh, oh, she made a mistake. I've got 859 but this is going to become 858."

Supervisor Kozakiewicz: "Oh, no, 858 is not in here. It's Escada warehouse sale, should have been temporary sign permit for Escada."

Councilman Kent: "Oh, for Escada. They've already got their sign up, by the way I say it, the banner."

Councilman Cardinale: "Let's approve it."

Councilman Kent: "I'll move it."

Barbara Grattan: "It could have been a resolution we were waiting for."

Councilman Densieski: "It's a temporary sign, I'll second it."

Councilman Kent: "It's a temporary banner sign for Escada warehouse sale at Tanger and so moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "All right, so that's Ed- "

Supervisor Kozakiewicz: "That's 858 and that's for temporary-
Councilman Densieski and seconded by Cardinale."

Barbara Grattan: "And we've got four yeses."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "This is one of those important votes.
Yes."

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

Resolution #859

Councilman Densieski: "Authorizes the release of a performance bond for Dr. Judy Emanuele. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #860

Councilman Cardinale: "860 accepts the assignment of certificates of deposit (2 of them) and the performance bond of Darren Development Crescent on the Sound at Wading River, New York. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "As is my custom, I will abstain because I believe our statute presently requires a letter of credit rather than a bond."

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

Councilman Kent: "I'll vote yes."

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

Resolution #861

Councilman Densieski: "Approves application of Doc's Tavern to have a barbeque. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #862

Barbara Grattan: "862, I don't have either."

Councilman Kent: "This is a- oh no, we don't have 862."

Barbara Grattan: "You don't have 862?"

Councilman Densieski: "No."

Barbara Grattan: "Do we have 862 on the agenda?"

Councilman Kent: "Let's see if we have it on the agenda."

Supervisor Kozakiewicz: "Yes. It's the for scheduling a public hearing pursuant to Article 12 of New York State Law- "

Councilman Kent: "No, that's 863."

Councilman Densieski: "No, 862."

Supervisor Kozakiewicz: "862."

Councilman Kent: "Oh, it's 862 on the agenda but 863 on the resolution."

Supervisor Kozakiewicz: "Right. It should have been 862."

Barbara Grattan: "Okay, so this is going to be 862."

Councilman Cardinale: "I move it. Densieski seconds it. Anything else you'd like from me at this point?"

Supervisor Kozakiewicz: "Densieski seconds it?"

Councilman Densieski: "Yes, sure."

Supervisor Kozakiewicz: "Okay."

The Vote: "Cardinale."

Councilman Cardinale: "This is fun the way we go from Densieski, Cardinale, Cardinale, Densieski and we never know what order. Yes. I vote yes."

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

Resolution #863

Councilman Densieski: "Authorizes the town engineer to proceed with relocation of a donated building. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "This is a building that's been donated by Saddle Lakes Development on Middle Road to the town. They're asking that we use it in conjunction with our senior program. The town engineer has recommended that we take the building which is somewhere around 150,000 in value, it's being donated, and this is to authorize the town engineer to proceed with the relocation of that building. So yes."

Barbara Grattan: "That resolution is adopted."

Councilman Kent: "We haven't determined a permanent site yet though, have we?"

Supervisor Kozakiewicz: "No, no, but I think we're looking at--"

Councilman Kent: "I know. We're looking at that one property."

Supervisor Kozakiewicz: "Right."

Resolution #864

Councilman Densieski: "I don't have 864."

Councilman Kent: "Yeah, this is Stotzky Park children, all children's playground."

Supervisor Kozakiewicz: "This is a change order."

Councilman Cardinale: "It says 865 on it."

Supervisor Kozakiewicz: "It should be 864."

Councilman Kent: "Yeah, but it's supposed to be 864."

Councilman Cardinale: "Okay."

Councilman Densieski: "So you want me to read the one that's 864."

Supervisor Kozakiewicz: "That's right. It's 864."

Councilman Densieski: "Authorizes the Supervisor to execute a change order, No. 1, Stotzky Park all children's playground improvements and this change order does not increase or affect the amount of money that was budgeted for this project. Actually as a matter of fact, there will be a surplus, so- "

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #865

Barbara Grattan: "Pay bills."

Supervisor Kozakiewicz: "Motion?"

Councilman Kent: "So moved."

Councilman Cardinale: "Yeah, seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Barbara Grattan: "Bills are paid."

Councilman Cardinale: "Before concluding, are we having anything else?"

Barbara Grattan: "Good night."

Supervisor Kozakiewicz: "No."

Councilman Cardinale: "Before motioning to resign or- I don't mean resign, although- to retire, or to adjourn, I would like a moment of silence for Zabby and now I make a motion to adjourn."

Supervisor Kozakiewicz: "Second. Meeting adjourned."

(Unidentified): "Am I not allowed to say something?"

Supervisor Kozakiewicz: "Meeting adjourned."

Meeting adjourned: 7:42 p.m.

*Barbara Grattan
Town Clerk*