

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, November 21, 2000, at 7:00 p.m.

**Present:**

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

**Also Present:**

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Kozakiewicz called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited, led by Brianna Johnson, Supervisor of the Day.

Supervisor Kozakiewicz: "Just so everyone knows, Brianna Johnson is the Supervisor for the Day. Brianna will lead us in the Pledge of Allegiance. Brianna, the flag is right here- and they can't see through all these tall gentlemen. Ready?"

(At this time, the Pledge of Allegiance was recited.)

Supervisor Kozakiewicz: "Now at this point, we're going to take a break. We're going to come down front. We have some recipients from our recent Halloween poster contest and if Brianna and the Town Board members would please join me down below, we'll make those presentations. So, I'm going to ask you to follow us around, okay?"

(At this time, the presentation was made)

Supervisor Kozakiewicz: -- "Board meeting and I know we have a special recognition for the Supervisor of the Day. Before that happens, what I'd like to say is my experience so far with the Supervisor, Brianna, we had a very interesting and fun filled day. We started out at the Water District property on Pulaski. We had a chance to see what Mr. Pendzick does over at the District. I think he owes a lollipop, by the way. Gary, do you have that lollipop? Very good.

Then we came back to Town Hall. We had a chance to see most of the departments in action and I think what I heard, however, is that Brianna liked most the building next door, the police department. Because I know that she spent the most time over there of all the facilities that she visited today.

As if that couldn't be topped, however, and I was really surprised by this, we then went up to the Highway Department and the Deputy Superintendent of the Highway, Ron Caffrey (phonetic), gave us a real nice tour of the facility and got in a payloader and I guess had a chance to take a spin in one of our payloaders. And it was really neat because she was pumping her fist as she was driving around. We'll worry about the liability, but she did a great job. Superintendent Caffrey or Deputy Superintendent Caffrey was behind the wheel with her, so I'm going to hand it over at this point."

Evelyn (inaudible): "Good evening. Mr. Supervisor, Miss Supervisor of the Day, Members of the Town Board, the whole Johnson family and friends and neighbors. My name is Evelyn (inaudible). I'm children's librarian at our beautiful and newly expanded Riverhead Free Library. Our mission is to encourage children to read and learn. We have a big summer reading program which culminates in a big gala affair and at that gala, one person is picked at random to be Supervisor for the Day.

The Supervisor for the Day program was initiated by Supervisor Janoski, continued by Supervisor Stark and Mr. Villella, and continued we're very happy to say by Mr. Kozakiewicz. So we appreciate the support that the Town gives our Riverhead Free Library program.

Now I would like to present the certificate to Brianna. It just says Riverhead Free Library congratulates Brianna Johnson, Supervisor for the Day (inaudible). So thank you. I hope you enjoy this wonderful child like we do at the library."

Supervisor Kozakiewicz: "Before we go back to our regular Board meeting, what I would also like to mention is that Brianna, in order to qualify, read 33 books over the summer."

Evelyn: "She didn't have to read that many."

Supervisor Kozakiewicz: "But, she did. And she did a great job. Just so that we also recognize some of the family members who are here. Mom, Kathy, we spent most of the day with her. Kathy. Father, (inaudible), her brother, Timmy, Allison, her older sister,

and Nanny and Poppy.

And what I also have for Brianna is a copy of today's Town Board Agenda with her name Supervisor of the Day framed and a key to the Town of Riverhead. This is all for (inaudible) Mom and Day, okay?

Now, with that, I will resume our Town Board meeting.

Just a quick, just over the news wire. One of our first place winners, Gregory (inaudible), from Pulaski Street has now arrived. Gregory, great job, Gregory.

Supervisor of the Day Johnson: "If there are no corrections to the meeting minutes, may I have the motion to approve the minutes of the Town Board meeting on October 17<sup>th</sup>?"

Councilman Lull: "Mademoiselle Supervisor, I make that- "

Barbara Grattan: "No, November 8<sup>th</sup>."

Councilman Cardinale: "Seconded."

Councilman Kent: "Except it's November 8<sup>th</sup>."

Supervisor Kozakiewicz: "November 8<sup>th</sup>, okay. Okay. Moved and seconded."

Supervisor of the Day Johnson: "It's been moved and seconded."

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

Supervisor of the Day Johnson: "Will the Town Clerk read the Reports and Applications?"

Barbara Grattan: "Sure, I will."

**REPORTS:**

Sewer Department

Discharge monitoring report  
for October

**APPLICATIONS:**

Parade Permit

Riverhead Lions Club Christmas parade which is on December 3<sup>rd</sup> at 1:00 p.m.

Supervisor of the Day Johnson: Correspondence?"

"And can you please read the

Barbara Grattan: "Sure."

**CORRESPONDENCE:**

Thomas Whelan

Letter of resignation from the Board of Ethics

Christina Aiello, Going Sign Company

regarding the appeal of the decision of the sign permit of Banana Republic

Steve Haizlip

No response to his October 26<sup>th</sup> letter re Chapter 54's

Barbara Grattan: "That concludes Correspondence."

Supervisor of the Day Johnson: Reports?"

"Are there any Committee

Councilman Lull: "At the end of the table you will notice tonight that we have eight resolutions coming from the Personnel Department who had a very busy two weeks."

Supervisor of the Day Johnson: Reports?"

"Are there any Committee

Councilman Kent: "Well, I know, I'd like to make a quick- a brief Committee Report from the Recreation Advisory Committee. I know there are certain people who are interested in the progress of the skate park and the roller rink that we're building at Stotzky Park. The surveys have been completed by our surveyor and they're in the hands of our consulting engineer who is going to be designing the infrastructure for the development at Stotzky Park and that's ongoing. So we should have something back from the engineer, hopefully, by our meeting in December."

Supervisor of the Day Johnson: "Is there any other Committee Reports? Let the record show that the time is 7:19. We have a scheduled public hearing on a special permit for T.S. Haulers."

Public Hearing opened: 7:19 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on November 21, 2000 at 7:10 p.m. regarding the consideration of the special permit petition of T.S. Haulers, Inc. to operate a wholesale business on property located at Route 25, Calverton."

Supervisor of the Day Johnson: "Is there anybody out there that would like to speak on the microphone?"

Peter Danowski: "Yes, Brianna, I will. My name is Pete Danowski. I represent Mr. Edward Partridge and T.S. Haulers, Inc. who have, in fact, filed a special permit application (inaudible) this matter on before this Town Board."

Supervisor Kozakiewicz: "He has to be sworn in, that's right."

Peter Danowski: "I would like to make a few comments. I will be- "

Supervisor Kozakiewicz: "Mr. Danowski, sorry to do this to you. We need to take a brief break and have you sworn."

Peter Danowski: "Even attorneys have to be sworn in?"

Supervisor Kozakiewicz: "Yes. Just to be sure."

Peter Danowski: "You've got it. Who's going to swear me?"

Dawn Thomas: "Mr. Danowski, 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?"

Peter Danowski: "I do."

Councilman Cardinale: "I think that's especially attorneys that should be sworn."

Peter Danowski: "That could be. I recognize we also do jury

duty these days as well.

T.S. Haulers as many of you in the public and this Town Board know, have applied to obtain a mining permit from the New York State Department of Environmental Conservation. Additionally, they have appeared before the Town's Planning Board and Zoning Board of Appeals. Also, the Town has saw fit to initiate litigation, the end result of which was that the Court has denied the Town an injunction on the condition that the applicant here, T.S. Haulers, Inc., file a special permit application under a particular section of the Town's zoning code.

In fact, T.S. Haulers, back in September, 1999, filed an application for a special permit. Thereafter the application was amended on the advice and after consultation with the Town's outside counsel. In particular, a stipulation was entered into on the record which provided that a specific section of the Town zoning code and specific language was to be contained in the special permit application. That, in fact, has been done.

The application, however, is submitted under two specific sections in the Industrial A zoning category. One is non-nuisance industry and one is wholesale business non-nuisance. One of those two sections was per the direction of the Court. This is not an unusual part of the application. If you recite or review the history of this project, you will note that the application to the Zoning Board of Appeals asked for either an interpretation or a variance under those same two subsections and comment in the Zoning Board decision references both of the sections.

That having been said, after the filing of the application, the Planning Board took this matter under a recommendation edict from the Town Board. As you know, the Town Board is mandated to take special permit applications and send them over to the Planning Board and by Town code provision, a recommendation must be made within sixty days of the referral.

Recently, this Town Board I believe received a recommendation from the Planning Board, certainly far beyond the sixty day period. However, that Planning Board resolution and any reports reiterate the fact that certain information was re-supplied to the Planning Board that has previously been supplied to other Town agencies, both including the Town Clerk and the Building Department. I make reference to this because a mining permit application was attached to an excavation application which was previously filed with the Building

Department.

However, I'm asking this Board, as I have the Planning Board and other people that we've appeared before, to take notice of all documents that have been submitted on behalf of my client to this Town. I make mention of that fact because the Planning Board had very recently in making certain findings referenced both the Zoning Board decision and the subsection- one of the two subsections in trying to justify recommendation of denial. At the outset, I would think that this Board would recognize that the Zoning Board decision stands for itself and that the Zoning Board clearly is the only Board to interpret the zoning ordinance.

Secondly, the second issue which the Planning Board wants to recite is the fact that somehow they feel that despite a Court order, a Court order that is certainly recognize by your outside counsel as is referenced in the stipulation, they want to somehow suggest that despite the Court saying that we should file under a certain subsection of the code, the Planning Board wants to say that you should deny it because we submitted it under that subsection of the code.

So I just highlight those two points in the Planning Board's position as outlined in a resolution of recommendation.

Going beyond that, if we're looking at the gist of what is to be stated, my client is asking this Board to issue a special permit. That has clearly been set forth as an avenue to approach by the Zoning Board decision by the Court's order. One of the suggestions in the Planning Board discussion and in the final resolution, was somehow that in the Industrial A zone, outdoor storage of materials somehow is prohibited. Well, quite frankly, if you look at both the Planning Board and the Town Board and Planning reports over the years, industrial users have been granted permission to use their property and allowed to have outdoor storage.

If you take the concept to the ridiculous, you would say all the industrial zone property on County Road 58 where we have car dealers, would not be allowed to park cars outside their facilities. I don't think anyone is suggesting that is the case.

I will submit tonight part of the public records that are available for this Board or the public to look at, that talk about previous applications filed with the Town. And some of them are clearly right on point and similar to my client's application.

Suffolk Cement Products for one has over the years been issued both a mining permit from the DEC, an excavation permit from the Town's Building Department, renewed many times over and a recent site plan approval from the Town Board. And I mention this and the following development projects not to be critical but actually the reverse. I support each of these people I mentioned. I think the Town should have granted them permission; they should have been granted either special permits or site plan approval. I only ask that you treat T.S. Haulers the same way.

But let's look at the neighborhood around T. S. Haulers. We have high tension wires of LILCO or LIPA to the back of this property. We have vacant land to the east and west and neither owner of those properties oppose this application. We have a business adjacent to the south side. We have the (inaudible) business operation across the street on Route 25. We have little, if any, housing development surrounding this neighborhood. And the property is zoned as is the neighboring property Industrial A.

Let's look at other applicants in the Industrial A zone. And, again, I support the result of what happened with other applicants. Let's go nearby down Edwards Avenue as a neighborhood suggestion. That is the nearest intersection to the east. Look at what is there. There are positives here. We have the Federal Express building. We have Mr. Schulman's golf course. And you will see attached to his environmental assessment form an application that talks about the number of cubic yards of material to be removed from that site.

I endorse the fact that the previous Town Board approved this application for a golf course. And again, I suggest with all the developments I mentioned, take a look at the public record and see if the word non-nuisance industry wasn't made part of a particular application. Again, beyond the golf course, look to the fact there is a lumber yard existing with outdoor storage of materials. Look at another lumber yard that was approved, again, with a site plan with an outdoor storage of materials. Come across the street down at the far end of Edwards and come back. You have the (inaudible) operation, a beautiful industrial building on site. You come back this way. Did Mr. DiLalio get permission, as he should, to store materials, building materials, peat moss and other products outside of his facility? The answer is yes and he should have been granted permission.

Keep coming. If you look at McDowell Electric, if you look at Miller Engineering. These are buildings and structures that were built, that were permitted to operate and have storage on the

facility, whether they're vehicles or whether they are other types of material.

Now let's take a little farther on Route 58 or 25 if you prefer heading back in the Industrial A zone, heading back towards town, toward the car dealerships. Do we have any other Industrial A zoning? Certainly we do. We have it from the race track operation. We can go down Kroemer Avenue. Do we have any non-nuisance industry on Kroemer Avenue? We certainly do. Have there been approvals by the Town Board and Planning Department and Planning Board that involved recommendations? Yes, we do. What are they? Kiddie Academy, we have All County Aggregates, we have the State Materials building, we have (inaudible) Lumber. We have the reverse side of the road where we have an instance of many, many junk cars permitted under the Town code.

So the neighborhood and the zoning category allows industrial uses, allows non-nuisance industry, and allows outdoor storage. That's a fact and that's in the history of your own files. And I would like to today hand up a copy of some of this information. I'd also like to hand up some photographs that just depict some of the sites that I've mentioned and then I would like to not bore the audience but I would like to produce some of our experts who are knowledgeable about the preparation of the original mining permit application and site plan and those experts that might testify about the issues such as traffic or the environmental review of this property. So let me first hand up these particular photographs and a report that recites much of the information.

I've asked the experts not to spend hours at the microphone. I've asked if they could to print up what they'd like to say as part of a report, make it part of the record, but merely give you a thumbnail sketch before we hear from the remainder of the people and the public.

First I would call up Tom Wolpert who is from the firm of Young and Young. He'll explain who he is and he'll just do a brief thumbnail sketch and hand up a report that talks about the original mining permit application and the site detail itself and just briefly touch on engineering points."

Supervisor Kozakiewicz: "Mr. Wolpert, 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?"

Thomas Wolpert: "I do. Good evening, Mr. Supervisor and members of the Town Board. My name is Thomas Wolpert and I am an engineer with the firm Young & Young, land surveyors and civil engineers with offices located at 400 Ostrander Avenue, Riverhead. I'm also a licensed professional engineer in the State of New York.

Having worked on many projects in the Town of Riverhead, I am quite familiar with the special permit submission requirements of Section 108-3 of the Town Code.

The site plan prepared by us dated May 7, 1996 and submitted to the Town on July 29, 1996, did, in fact, show the location of all proposed landscaping and other improvements including all buildings, structures, road and drainage designs, and contours as required under Section 108-3.

I am also familiar with the requirements of Environmental Conservation Law Article 23, Title 27, also known as the Mined Land Reclamation Law which essentially states that a mining permit is required for all excavations that involve the removal of 1,000 tons or more of a mineral during 12 consecutive months.

On July 31, 1996, we submitted a mining permit application to the New York State Department of Environmental Conservation for review. This application package consisted of a mining permit application form, an organizational report, an excavation plan, a reclamation plan, a long environmental assessment form, a structural archeological assessment form and a written report describing the proposed mining operation and the land reclamation method.

The proposed mining schedule called for the excavation of 200,000 cubic yards of sand and gravel each year for the first three years, with a total of 2,800,000 cubic yards of sand and gravel to be excavated over a 15 year period.

On August 6, still in 1996, the DEC responded to our application with an indication that the project would be reviewed under SEQRA, that they had coordinated with the Town of Riverhead to establish a lead agency for the project, and that it was DEC policy to assume lead agency status for mined land reclamation projects.

On October 28, 1996, the DEC issued a negative declaration for the project, that is to excavate 2,800,000 cubic yards of sand and

gravel from a 56.8 acre site over a 15 year period.

On March 14, 1997, the mining permit application was deemed complete and we were advised by the DEC to publish the notice of complete application in the newspaper for public comment. This notice did appear in the March 25, 1997 edition of Newsday.

And, lastly, on February 23, 1998, the DEC issued a mine land reclamation permit to T.S. Haulers to construct and operate a 46.5 acre sand mine.

I thank you for this opportunity to offer this testimony in support of this application and I will hand up a written affidavit."

Supervisor Kozakiewicz: "Thank you. Is there anybody else you'd like to have present testimony on behalf of this application, Mr. Danowski?"

Peter Danowski: "I'll leave the best looking for last. We'll call on Jeff Seeman next."

Supervisor Kozakiewicz: "Dawn, if you would have the witness or the individual sworn?"

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?"

Jeff Seeman: "Yes, I do. Madam Supervisor, Mr. Supervisor, Members of the Town Board. My name is Jeffrey L. Seeman and I'm a consultant for Coastal Environmental Corporation, 42 Lewis Road, East Quogue, New York. I'm acting this evening on behalf of T.S. Haulers as their environmental consultant.

My background includes a BS in Earth & Space Science, a Masters in Environmental Technology. I attended the US Bureau of Mines Technical School of Mines in Beckley, West Virginia and I'm familiar with a variety of land mine and land mine techniques including surface and subsurface mining.

I have inspected the file for this application and have found that it is in complete compliance with the New York State DEC's Article 23, Title 27 Mined Land Reclamation, that the site does not contain any wetlands. It originally, according to the file investigation, had contained approximately eight acres of woodlands.

There are no dunes; there are no special species, there are no special species of concern or habitats and subsequently appears to be an application that was suitable for this piece of land.

The primary control methods for mining operations in New York are stipulated in the DEC's permit. There were two conditions that were attached to the T.S. Haulers permit. The first was that mining would be permitted on 46.5 acres of a 56.8 acre site which they are in compliance with. The second condition was that no putrescible household, toxic, hazardous or liquid waste and no demolition debris shall be brought on and or stored on the site without appropriate approvals by the Department of Environmental Conservation. They are also in compliance with this second condition.

I've interviewed personally with Robert Yager (phonetic). He is the monitor for the New York State DEC to oversee the conditions of the permits at T.S. Haulers. They've had no violations on record and they are in compliance with their permit conditions and he had felt that the applicant has kept and maintained this mine in accordance with good practice (inaudible). Thank you."

Supervisor Kozakiewicz: "Thank you, Mr. Seeman."

Regina Marengo: "My name is Regina Marengo."

Supervisor Kozakiewicz: "Okay. Okay. Before you do so, we're going to ask that you be sworn."

Dawn Thomas: "Spell your name for the Clerk."

Regina Marengo: "Marengo, M-A-R-E-N-G-O."

Barbara Grattan: "First name?"

Regina Marengo: "Regina. R-E-G-I-N-A."

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?"

Regina Marengo: "I do. Okay, my name is Regina Gallagher Marengo. I'm President of Ensign Engineering. We are a consultant engineer firm specializing in (inaudible) traffic issues. I'm a professional engineer in New York State.

We were asked to do a traffic assessment in the area and the vicinity of T.S. Haulers which we did on November 17<sup>th</sup>. We did some traffic counts, both at the site access point and also at Edwards Avenue and Route 25.

With that information, we also analyzed the site access road, the site access as far as site distances and all of those turned out well. The site access is very well open. It's both good from the site itself and from Route 25. We also did (inaudible) analysis both on the site access and on Edwards Avenue and Route 25. The site access is generally-- service at that site access is level of service A both in the a.m. and p.m. peak hours and on Edwards Avenue and Route 25, the level of service both a.m. and p.m. were level service B. And those level of service are (inaudible). Level of service A and B are very (inaudible).

I will submit my report for your review. Thank you."

Supervisor Kozakiewicz: "Mr. Danowski, there's been one question with regard to a permit from the State as far as a curb cut. Is there one that's presently in existence for the property?"

Peter Danowski: "I would think that if we can ever get through the special permit stage and deal with the town on site plan issues, that will become an issue. There's an existing ability to access this property that legally exists and I do know that from time to time a town may take a position when a new use is proposed and a site plan is being considered, to reevaluate the site plan access point. At the current time, this property was used previous to my client purchasing it. I should note it used to be prior to my client's operation, apparently part of a horse training track. I think Mister (inaudible) may have been the name of the owner, and they used the property and had an access path to gain access to the property. That same path exists today. So let's talk about highway permits as opposed to curb cuts, there's many access points off highways technically don't have curbs. However, the access point exists, it's existed prior to our time, and continues to be used."

Supervisor Kozakiewicz: "Okay. Is there anybody else who would like to address the Board with regard to this special permit application of T.S. Haulers? Dave Macknee. Dave, as you're stepping forward, I'm going to ask that the Town Attorney swear you in."

Dave Macknee: "No problem."

Dawn Thomas: "Mr. Macknee, would you spell your last name for the Town Clerk, please?"

Dave Macknee: "M-A-C-K-N-E-E."

Dawn Thomas: "And 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: "Yes, I do. I have really no axe to grind here except for the fact that it reminds me a little bit about the aquarium when it was started, you know? I never knew T&S Haulers were bad, excuse me. I never knew T&S Haulers were in that area because I go by there all the time and I fuel my truck up at Metro gas station, fuel station there. And I got involved with it after I saw what was happening, people in the town and according to the DEC, that sand mines are very, very important. They're a non-nuisance facility and they're very, very important. Without the sand coming out of these mines, you don't have buildings for roads, you don't have buildings for foundations. That sand is very, very important, according to the DEC. Okay?"

Now, if he has a permit from the DEC and he's not a nuisance and I don't understand why he is getting all these problems. Now, don't forget, there's not a lot of people that want to come in here in Riverhead because of the problems that you have. Okay? You want to start a business here, it took me four years to get for three rooms- it took me four years to get a permit. Okay?

Now, I don't know, you see, the older people, they've got the STAR, the STAR thing. That's a great thing for them because they deserve it. All right? The farmers, they get a big break on their taxes. Now, who do you think is paying all the rest of the money besides the homeowners and they get a break, too, but only like 18%. I don't get one because I have a bed and breakfast.

But what happens is who do you think is picking up all this extra tax money to pay for the school and municipal taxes? It's the little businesses. And you guys are killing us. You know, it was like "

(Applause)

Supervisor Kozakiewicz: "If I may, we'd like to try and keep the decorum of the meeting in order and although you may feel very favorably about a comment, I ask that the applause and the rest be

contained and restrained. Thank you."

Dave Macknee: "I'll be quick now. Well, what happens is even with the Atlantic- Atlantis Marina, when you wanted that group to come in and here we had a good businessman and look what he's done. You know. I mean. A fabulous guy, he did a great job and we can really be proud of him. I don't think that you can look at a situation. It's bad if businesses just don't want to come here. Okay? Because it's too hard to do business here and the taxes are too high. I don't think you can afford not to give him a special permit. Thank you very much."

Supervisor Kozakiewicz: "Thank you, Mr. Macknee. Anybody else who would like to address the Board with regard to- yes, Steve Kirschenbaum."

Steve Kirschenbaum: "Steve Kirschenbaum, Calverton."

Supervisor Kozakiewicz: "Steve- "

Steve Kirschenbaum: "Do you want me to get sworn in?"

Supervisor Kozakiewicz: "Yes, please."

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

Steve Kirschenbaum: "Yes. As far as- K-I-R-S-C-H-E-N-B-A-U-M. As far as the character of the person before you today, I was Chairman of the Grumman Memorial Park for almost three years before I stepped down. We're approximately \$150,000 short of our budget of creating a Town park and we reached out Ed Partridge of T.S. Haulers for help. Not only did he help, he supplied- he was the single largest sponsor of the project, he supplied over \$150,000 worth of help with his bulldozers, his backhoes, his trucks were there constantly helping the Town and the community and I'm sure as a part of the community he'll continue to do the same. So I'd like to thank Ed for that and I'd like to let the Town Board, you know, that that has happened.

Also, I don't claim to be an expert in sand mining but I just took a look today around our community and there's a segment of our community that probably employs 100, 200 people in the Town of Riverhead (inaudible) major materials, stones, (inaudible), and all these groups, the main ingredient that propels this economic engine in

our Town is sand. And it has to come from somewhere and I think it's a good business and I think it helps propel the economy and I think it's a good thing for the Town of Riverhead. Thank you."

Supervisor Kozakiewicz: "I understand I didn't see a hand over to the right. Was there a hand over to the right, somebody was motioning to me? Barbara Blass, and then next, Joan. Barbara Blass is coming up, I'm sorry. Okay. Barbara, while you're getting prepared, we're going to ask you to be sworn in."

Dawn Thomas: "Barbara, do you- Mrs. 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 evening, Mr. Supervisor, Supervisor of the Day, ladies and gentlemen. My name is Barbara Blass and I'm speaking to you as the Chairperson of the Planning Board.

And I'm going to say right from the start I'm definitely not an expert at anything. (Inaudible) that an expert is someone who never wants to learn anything new because then he wouldn't be an expert anymore. So I did not approach this particular application with an understanding that I had all of the answers.

I did ask a lot of questions and I did create a time line of my own and I thought it was important that those (inaudible) to help one understand how the Planning Board arrived at the determination that it did or the recommendation that it did.

In March of '97, the Planning Board was given a referral from the Town Board on a non-nuisance industry. That's different from a wholesale business. They are not the same thing as you are being led to believe. Non-nuisance industry is one subsection (inaudible) of the Zoning Code, excuse me.

At the time the Planning Board was given a referral from the Town Board to entertain a petition for a non-nuisance industry from Edward Partridge and the request was to construct an office building and equipment storage building on that 56.8 acres parcel zoned Industrial A so as to utilize the property for sand and gravel (inaudible). Again, this is March of '97. At that time, the application was being considered a non-nuisance industry.

The Planning Board made several findings. First, subject premises lies within the Industrial A zoning use district. It did

then and it does today. The petition described the land use which involved the mining of sand and gravel, the screening and processing of said material and the transportation of refined materials off site. The Industrial A Zone use district does not specifically (inaudible) mining operations as permitted or specially permitted.

The Zoning ordinance of the Town of Riverhead does provide for mining and processing of specially permitted use within the Industrial B Zoning use district. And this was- I think is very important. The intent of the zoning ordinance was to limit mining and processing of excavated material to real property within the Industrial B Zoning use district and that a mining operation is not a non-nuisance industry as specially permitted within the Industrial A district.

At that time, the Planning Board recommended that the Town Board deny the subject petition and that recommendation passed unanimously by the Planning Board. That was March of '97.

Subsequent to that, there was a communication from the DEC and perhaps this can address Mr. Macknee's comment. The DEC in- now becoming aware of the fact that the application or the request was not an allowable use in the Zoning use district corresponded with agents for the application and a letter signed by Mark (inaudible) said the following: The chief administrative officer of the local government (inaudible), this project has been proposed has advised the department that mining is prohibited at this location. The Mine Land Reclamation Act states that no agency in the State shall process an application for (inaudible) to mine within counties with a population of one million or more which draws its primary source of drinking water for a majority of the county residents from a designated sole source aquifer if local zoning laws or ordinances prohibit mining uses within the area proposed to be mined.

Therefore, the processing of the application is suspended until such time as this issue is resolved between the town and the landowner. So in an attempt to resolve the issue, the applicant asks for an appeal or an interpretation from the Zoning Board of Appeals. It says describe the application and ask the Zoning Board: Could you classify us as either a non-nuisance industry or a wholesale business? And if we don't fit either one of those, we'll go for a use variance. (Inaudible) mining and processing operation. It's clearly a question in my mind of if the glove doesn't fit, just pretend it does or maybe don't call it glove. But nevertheless, the Zoning Board of Appeals did- the Planning Board did not, the Zoning Board of Appeals made an interpretation and the interpretation was such that the operation as

described was classified as a wholesale business which is what the subject of the petition is coming under this evening. Wholesale business, not non-nuisance industry.

And why is that a problem? It's a problem because the Zoning Board's determination- they talk about the definition of wholesale business and part of the definition says that the operation does not include open storage yard or outdoor processing of materials. So they make the determination; they didn't say it was both a non-nuisance industry and a wholesale business because it can't be both if it's listed as two separate things in the Zoning use district- in the Zoning code. They said it's a wholesale business.

This poses a problem because obviously this operation cannot be totally enclosed with outside storage of and processing of materials. So I guess at this point, it was enough because the Zoning Board said wholesale business is an allowed use in the district, regardless of the fact that this particular application practically speaking could not abide by the conditions if you will of that DEC (inaudible) permit and it continued to process the permit and indeed in February, '98, the applicant received a mining permit from the DEC.

In November of '98, unbeknownst to the Town of Riverhead and, in fact, I don't believe we were even aware of this until about two months ago, the applicant further applied to the DEC for a separate operation at the location and they applied to become registered as a solid waste management facility. Clearly a separate and distinct use from the mining operation and one which is also called out separately in the Zoning use- in the Zoning code, in Industrial B, Zoning Use District- in A District.

And the DEC indeed allowed them to register for this activity and just so that we understand what we're talking about, the registration was issued in January of '99 to- for the facility to become a solid waste management facility which would allow the operation to accept concrete, brick, and asphalt from Queens, Nassau, Suffolk and Brooklyn, construction and demolition debris, (inaudible) 600 yards per day stored on site, 20,000 yards. So we were not aware that that operation was taking place. To my knowledge, it was never part of any special permit that came before the Town that I'm aware of and a copy of the registration, I believe, only became part of the record about two months ago.

I'll try to move along.

At this point, I guess, there was a lot of litigation that was going back and forth. The Town sued, there was a countersuit, two separate decisions came down, both of which referenced the fact and corrected that the applicant must file a special permit as a wholesale business, non-nuisance. Again, that becomes significant, the definition said that all the operation must take place inside the building.

We're not picking those words out of a ZBA determination. In fact, the stipulation from Justice Robert (inaudible) basically says (inaudible) application under Section 108 45(b)(6), that was appealed and the Supreme Court issued its- a decision was issued in September of this year upholding the lower decision of the Court saying yes, applicant, you have to seek a special permit as a wholesale business non-nuisance industry. Different. Not non-nuisance industry, wholesale business non-nuisance. The distinction is very important.

At this point in time, the application for a special permit wholesale business had been referred to the Planning Board, made- had an appearance by the applicant in November, and issued a report and recommendation based upon the following findings. And this recommendation was part of a resolution that was passed by a vote of four to one at the November (inaudible date) Planning Board. Items are as follows:

The subject premises is regulated by the provisions of the Industrial Z Zoning Use District, and will not allow for this operation as we know it. Special permit petition submitted is to allow for mining, processing and the trucking of sand and gravel. Provisions of the Industrial A Zoning Use District specifically prohibit the mining of materials as amended in August of '98. At the time of the issuance of the mine land permit by the State DEC, the Industrial A Zoning Use District does not cull out mining or processing as a permitted or specially permitted uses. At the time of the issuance of the mine land permit by the DEC, the Industrial B Zoning Use District did provide the mining or processing of materials. That the current outdoor storage of construction and demolition debris at the site as approved and registered by the DEC is provided for in the Industrial B Zoning Use District. Again, not Industrial A. That by the interpretation of the Zoning Board of Appeals Appeal #97-52, the current mining and processing operation is considered to be a wholesale non-nuisance land use.

A wholesale business non-nuisance as defined by the Zoning ordinance restricts wholesale business to those operations which do

not include any open storage yard or outdoor processing of materials. The site plan attending the special permit application depicts both outside- outdoor storage and outdoor processing of mining materials and further the current operation includes both outdoor storage and outdoor processing of materials.

Thus the Planning Board had no choice at this point but to recommend denial of the special permit request from Edward Partridge to allow for the operation of a wholesale business to include mining and sand gravel processing upon that site.

Just in closing I have a couple of comments that I think maybe we should keep in mind. I did read the reclamation plan and mining plan that was submitted in '96 accompanying the DEC permit and there was reference to a reclamation schedule and the time period said between August of '96 and July of '99, approximately 9.5 acres would be reclaimed by that time. And I was just wondering if the town had any knowledge as to how many acres, if any, have been reclaimed thus far. According to this schedule, actually we should be over nine and a half acres at this point in time. So I'm wondering if the town has any knowledge of that.

And the final comment that I would make is that I'm just concerned if the town would be inviting similar petitions from mining and materials processing throughout the Industrial A Zoning Use District and if that's the case, what impacts those could arise from proliferation of such activity. I don't believe the town has anything against nor should it against anything- against a mining operation. Obviously they employ a lot of people. I think it could be consistent with- if it is consistent with a local use planning, we have areas that could be zoned appropriately and at the time this application was made there were land zoned appropriately for that activity. This was not one of them. Thank you for your time."

Councilman Kent: "Barbara, could I just ask a couple questions because you provided a lot of information and maybe I missed it or you didn't provide it. I just have a couple questions, I don't think I have to be sworn in.

You talked about an initial application if March of 1997."

Barbara Blass: "That's correct, and it was for a non-nuisance industry."

Councilman Kent: "A non-nuisance industry and you- the Planning

Board recommended denial unanimously?"

Barbara Grattan: "Right. That's correct."

Councilman Kent: "Did the Town Board act on that?"

Barbara Blass: "I could not find action from the Town Board in the file."

Councilman Kent: "No action that you could find?"

Barbara Blass: "I could not find it. That doesn't mean it didn't happen. But something had to have been communicated at that point to the DEC because a month later that letter from Mister (inaudible) to Mr. Lull was sent saying that they had local- or the local official informed them that it was not consistent with (inaudible). So, I don't know."

(There was some inaudible discussion among some of the members of the Town Board)

Barbara Blass: "I don't know. But I can submit to you a copy of the letter from Mister (inaudible)."

Councilman Kent: "Okay, the second question. You talked about a ZBA interpretation."

Barbara Blass: "Yes."

Councilman Kent: "That classified this application as a wholesale business non-nuisance?"

Barbara Blass: "Yes."

Councilman Kent: "Do you know when that was?"

Barbara Blass: "Yes, I do. I have a copy of that right here. I actually have it in order, too, but (inaudible)."

Councilman Cardinale: "It was in December of '97, 12/16."

Councilman Kent: "Oh, you have that?"

Councilman Cardinale: "Yeah, I have it here."

Barbara Blass: "Okay. Then that's when it is."

Councilman Kent: "December 16, 1997?"

Councilman Cardinale: "Correct."

Councilman Kent: "Okay. Thank you. That's it."

Councilman Cardinale: "Can I ask one question? In your recommendation of the Board to us, you indicate the fact that on August 4<sup>th</sup>, '98, sand mining was specifically prohibited in Industrial A, specifically by amendment. Does that- assuming you're looking at this application as if- before that point, before that action was taken, would that in any way change the recommendation?"

Barbara Blass: "No. Because if something is specifically culled out in another zoning use district such as mining was at the time in Industrial B, the fact that it was not culled out as a permanent use in Industrial A means that it was not allowed."

Councilman Cardinale: "So you don't see that as having any particular significance."

Barbara Blass: "It would not."

Councilman Blass: "It wouldn't change the opinion of the Board even if we were reviewing this as I believe we apparently are, as if this were occurring before April 4, 1998- August 4, 1998."

Barbara Blass: "Right. As though- absolutely. The situation would be the same, the determination and the recommendation would be the same. If it's not culled out in the district that the application or the petition is being made- on the land for which the petition is being made but it is culled out in another district, you can't say that just because it's not there, that it could be allowed and we'll call it a non-nuisance industry. That's the problem."

Councilman Cardinale: "I understand."

Barbara Blass: "If you cull it out specifically in one district, you can't call it a non-nuisance industry in order to allow it in another district."

Councilman Cardinale: "Okay."

Supervisor Kozakiewicz: "Any other questions?"

Councilman Kent: "What was the section of the code- the non-  
nuisance section? Because I know the wholesale business is 145-6- B-  
6."

Barbara Blass: "B-6."

Councilman Kent: "And it's defined."

Barbara Blass: "B-5 is non-nuisance."

Councilman Kent: "Is that defined somewhere else also?"

Barbara Blass: "108-3- the definition."

Councilman Kent: "Only of the wholesale business non-nuisance."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "But is non-nuisance defined anywhere?"

Barbara Blass: "No, it's not."

Supervisor Kozakiewicz: "No."

Councilman Kent: "Only by determination of the Zoning Board of  
Appeals, that would be I guess."

Barbara Blass: "I bird whispered in my ear. I better look at  
the definitions. I believe the definition section- "

Councilman Kent: "There's no definition for non-nuisance, only  
wholesale business non-nuisance."

Barbara Blass: "-- talks about wholesale business parenthesis  
non-nuisance. It does not specifically define- "

Councilman Kent: "It just says wholesale business comma non-  
nuisance."

Barbara Blass: "But they're not one and the same thing because  
if you look at Section B-5- "

Councilman Kent: "I know, I see that."

Barbara Blass: "-- right, you see non-nuisance industry and Section B-6 is wholesale business parenthesis non-nuisance, implying, of course, that there are wholesale businesses that are not non-nuisance. This- this section of the code you're allowed wholesale businesses which are non-nuisance."

Councilman Kent: "Yes, it's very clear to me. Okay."

Supervisor Kozakiewicz: "Thank you, Barbara. The gentleman in the back on the- my left."

Councilman Kent: "Actually can we get to a point where we respond to some of the questions she raised from the applicant? But let the other speakers speak."

Supervisor Kozakiewicz: "Yeah, I'd like to try and get everybody up here and then we can ask the applicant to respond to some of those questions or issues. Yes, come on up."

Councilman Kent: "If you'll just pull down the- not the red one, that- no, one of them has to come down, that one. That's good."

Supervisor Kozakiewicz: "And the Town Attorney is going to swear you in."

Dawn Thomas: "Will you state your name and spell- "

Richard Glerum: "Yeah, Richard Glerum, G-L-E-R-U-M. I'm here on behalf of T.S. Haulers."

Dawn Thomas: "Just a second. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

Richard Glerum: "So help you God, yes."

Supervisor Kozakiewicz: "Very good."

Richard Glerum: "Yeah, how are you doing? I'm here for the T.S. project. I think that sand mining is not a bad thing and it puts a lot of people to work and a lot of it just sets off a chain reaction as far as business goes. And it puts a lot of families to work and it gives people jobs. If we don't have jobs, we're going to go somewhere else. And I'm just for it. Thank you."

Supervisor Kozakiewicz: "Okay. Thank you. Joan Griffin."

Joan Griffin: "Good evening, Joan Griffin."

Councilman Kent: "Joan, just pull that back, that one back."

Supervisor Kozakiewicz: "Yeah, so everyone can hear you."

Councilman Kent: "There you go."

Joan Griffin: "Joan Griffin, G-R-I-F-F-I-N."

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?"

Joan Griffin: "Yes, I do. Okay, I just have questions about words that are being used tonight. Sand mining and mining. Is there a difference between those?"

Supervisor Kozakiewicz: "Are you talking about under what the DEC definition is?"

Joan Griffin: "Yeah."

Supervisor Kozakiewicz: "I think they both come under the Mine Reclamation Act, so there would be no distinction."

Joan Griffin: "Okay. And is there a difference between sand mining and excavation?"

Supervisor Kozakiewicz: "I think there is but I think yes, the answer would be, yes, because there would be different circumstances under which an excavation- "

Councilman Kent: "Right. Sand mining would be a use on the property whereas excavation would be for some other use."

Supervisor Kozakiewicz: "Right."

Joan Griffin: "Okay. Another question. The gentleman earlier mentioned curb cut and (inaudible)."

Supervisor Kozakiewicz: "The question that was posed was whether there was a state- it's a state road- whether there's a permit

or a curb cut from the state in order to permit the access to come off the state road. That was-- the attorney for the applicant indicated that this was a pre-existing- his position was that it was a pre-existing access point, it had been used previously and, therefore, they had the right to continue using that pre-existing previously granted access point."

Joan Griffin: "Okay. And that's to Route 25?"

Supervisor Kozakiewicz: "That's correct."

Joan Griffin: "Okay. If this is excavation- "

Councilman Kent: "Joan, let me go back- let me clarify that."

Supervisor Kozakiewicz: "No, we're treating it- we're not treating it as excavation or mining. We're treating it under 108-45, is it B5,6, I think is the way the application has been submitted, which is non-nuisance industry. Is that the way it's characterized? And wholesale business, I believe. So, just to make sure it's clarified what the application is being submitted, I'll have Dawn address the sections of the code as they're defined."

Councilman Kent: "Joan, are you going to ask the question that if this is excavation are we going to be collecting the \$.50 per cubic yard?"

Joan Griffin: "Yes."

Councilman Kent: "Well, there's a section of our code where we provide for the \$.50 per cubic yard. There is an exception. If you're mining which is a use that's enforced by the DEC, you're exempt from the excavation section of the code."

Dawn Thomas: "That's correct. Right."

Councilman Kent: "That's what I was saying before. That's a use. Whereas excavation where we collect \$.50 per cubic yard, is when your use is something else but in order to establish that use you have to take away material."

Joan Griffin: "Okay. Last comment--"

Councilman Kent: "So there's an exception in the code that if you have a permit to mine the property from the DEC, you are exempt

from the \$.50 per cubic yard section of our code."

Joan Griffin: "Okay. (Inaudible) mentioned that there are no residential communities around this. Within a two mile area you have Timber Park, Thurms, Village Greens, the Triangle, (inaudible) Farms, the Manors, a new development that put over on (inaudible) are all within two miles. So there is a lot of community development there and there's seven developments (inaudible). So I just wanted you to be aware of that. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Yes. While you're stepping up, state your name and we'll have you sworn in, sir."

Frank Birololo: "Hi. Frank Birololo."

Dawn Thomas: "Mr. Birololo, 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?"

Frank Birololo: "Yes, I do."

Supervisor Kozakiewicz: "Spell your name, sir."

Frank Birololo: "I own land on- "

Supervisor Kozakiewicz: "Mr. Birololo, can you spell your name?"

Frank Birololo: "B-I-R-O-L-O."

Supervisor Kozakiewicz: "Go ahead."

Frank Birololo: "I own the land on three sides of T.S. Haulers and also a residential house right in front and I don't have any problem with their mining sand at all. It's creating jobs and there's no problem with me with it so I don't think there should be a problem with anybody else."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Hand in the back. Is that Charlie Cetas? Charlie, we know who you are. I'm going to ask you to be sworn."

Charles Cetas: "Okay."

Dawn Thomas: "Mr. Cetas, do you swear that the testimony you

are about to give will be truth, the whole truth and nothing but the truth, so help you God?"

Charles Cetas: "Yes, I do. Just for the record, my name is Charles Cetas. I'm Vice-President of the North Fork Environmental Council and I'm here tonight on behalf of the North Fork Environmental Council in support of the Planning Board's recommendation to deny the special permit application of T.S. Haulers.

My recollection and examination of the record- two of the previous Town Boards have exercised their discretion to deny such a permit application for T.S. Haulers. Barbara said she could not find in the record that the Town Board had acted on the Planning Board's recommendation in 1996 I think it was- or 1997, I have Resolution #879 of October, 1997, Town of Riverhead, denies special permit of Edward Partridge, T.S. Haulers, offered by Councilman Prusinowski, seconded by Councilman Lull, and the vote was unanimous in favor of the denial of the special permit. So I'll submit that for the record.

And I think now you have a second recommendation of the Planning Board to deny this special permit. I'd also like to call attention of the Board to the Appellate Court decision of September where it specifically refers to the Mining Land Reclamation Law. It states that the- the law specifically states that it shall supersede all other state and local laws relating to the extractive mining industry. Okay. But- a big but here- does not prevent any local government from enacting or enforcing local zoning ordinances or laws which determine permissible uses in zoning districts.

And further it states Mining Land Reclamation Law does not preempt a municipality's authority by means of its zoning powers to regulate or prohibit the use of land within its municipal boundaries for mining operations.

Okay. So, the fact is the Town Board did, in fact, act to prohibit sand mining in Industrial A and Industrial C. Let' see here. Industrial A would be in 108.45 B 5, non-nuisance industry by special permit of the Town Board except sand mining as defined in the Environmental Conservation Law is a prohibited use under this district. The whole district, as amended August, 1998. And the same thing basically is stated in the Industrial B, 108-48 B 3, loading, hauling in or processing of sand gravel and (inaudible) topsoil by special permit of the Town Board except sand mining as defined in Environmental Conversation Law is a prohibited use under this (inaudible). Amended August 1998 by Local Law 1998. It ain't

allowed."

Councilman Kent: "Charles, if you look at the decision- the decision of the judge- "

Supervisor Kozakiewicz: "Yes, I was going to add, Judge Bromley Hall's decision."

Councilman Kent: "-- you were reading from an earlier- "

Supervisor Kozakiewicz: "Was that the Appellate Division?"

Charles Cetas: "I was reading from the Appellate Court."

Supervisor Kozakiewicz: "That was the Appellate Court. The Bromley Hall decision did indicate that when the Town Board considered a special permit, they should do so under the laws that existed prior to those amendments that you just made reference to when the ban on mining was put in place."

Charles Cetas: "Okay. But the Town Board denied the special permit in 1997."

Supervisor Kozakiewicz: "Understood, understood. But you understand the decision from Bromley Hall did include that directive as well. You understand that?"

Charles Cetas: "You're telling me."

Supervisor Kozakiewicz: "Okay."

Charles Cetas: "So I guess I have to understand it."

Supervisor Kozakiewicz: "Okay."

Charles Cetas: "But I-

Supervisor Kozakiewicz: "That was the question that was raised by Councilman Cardinale earlier in the discussion- dialogue of Barbara Blass, what the significance of that was."

Charles Cetas: "I understand. But the Town Board denied this permit twice. I mean they've had to reapply- "

Supervisor Kozakiewicz: "Well, you mentioned one- you mentioned

one resolution where the Town Board denied it."

Charles Cetas: "Well, I think under the Villella administration, you voted to deny it back then."

Councilman Kent: "I don't know if we voted to deny the special permit. What we did- we voted to prohibit sand mining."

Charles Cetas: "Right. You did not vote- "

Councilman Kent: "I don't think we acted one way or the other on T.S. Haulers because it was already in litigation."

Charles Cetas: "Right. But it was, you know, also already denied."

Councilman Kent: "In '97."

Supervisor Kozakiewicz: "And that's when he then went to the Zoning Board of Appeals and received the determination or interpretation from ZBA."

Charles Cetas: "Okay. My point is that, you know, the Town Board has acted to deny under your discretion, under the previous Board's discretion, deny the permit. So there is no validly approved such a permit. The Zoning Board of Appeals do not have the right to issue a special permit only to make- "

Supervisor Kozakiewicz: "No, the Court's- I think that was the essence of the Court's decision. The applicant was arguing that they didn't have to go- "

Charles Cetas: "What the Planning Board is arguing right now is that the Zoning Board made an incorrect interpretation of the Zoning- "

Supervisor Kozakiewicz: "No. I don't think that's what the Chairman of the Planning Board was saying. I think the question was the distinction between one type of application under Industrial A zoning and a second section under Industrial A and she was trying to bring home the point that there's distinctions between those two subsections within that article or that section, 108-45. So I think that was the distinction that was trying to be made."

Councilman Kent: "Charles, try to keep your testimony to the

ground upon which you can stand firmly. Okay. When you get to these areas where you're very loose, you tend to loose your argument. It's better to stand just on those which you know- firm ground. Okay?"

Charles Cetas: "Well, I do know that you guys voted to prohibit it so my viewpoint is- "

Councilman Lull: "We didn't voted to- "

Councilman Kent: "Okay."

Charles Cetas: "To me I- "

Councilman Kent: "That's a good point. That's a good point. So that's the one you should stand on."

Charles Cetas: "-- a new special permit so, therefore, you should apply the new law to the new special permit."

Councilman Kent: "Except that the judge has told us that we- by directive, we have to take it in light of the law that was in effect prior to- "

Charles Cetas: "Right. But you can still exercise your discretion to deny it."

Councilman Kent: "That's true."

Charles Cetas: "Okay. Thank you."

Supervisor Kozakiewicz: "Thank you. Anyone else who would like to address the Board with regard- yes, the hand to the right and then yourself. I'm sorry, I didn't see you."

Nicholas Pisculli: "Good evening. My name is Nicholas Pisculli."

Supervisor Kozakiewicz: "Okay, Nicholas- "

Nicholas Pisculli: "From 106 Emerson Street, Dix Hills, New York."

Supervisor Kozakiewicz: "Okay. We're going to ask you to be sworn, sir."

Barbara Grattan: "Spell your last name, please?"

Dawn Thomas: "Would you spell your last name, please?"

Nicholas Pisculli: "P-I-S-C-U-L-L-I."

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?"

Nicholas Pisculli: "I do."

Dawn Thomas: "Thank you."

Nicholas Pisculli: "I was listening to some of the comments and I just want to bring a few things to fact. People are saying houses are too close, two miles away, problems with the water table, polluting the water table, and a bunch of other things. Has anybody ever went and looked at any other sand mining operations on Long Island? I suggest you do. For one, (inaudible) Sand & Gravel is in the heart of a residential area. Mid-Island Sand & Gravel on Roanoke, is deeply in the heart of a residential area. Medford Sand & Gravel, well populated, school buses going by every day. Kids running around the street, playing in the back yard. Obviously the sand pit here, there is nothing to the back, there's nothing to the east, there's nothing to the west. And by them mining the sand out, keeping the right depth off the water table, helps purify the water and gives us more drinking water. It doesn't pollute anything; it doesn't hurt anything. People in residential areas (inaudible) dredge permits to go 180 feet down into the water table. To me, that's lawful.

I spend a lot of money out here in the Town of Riverhead. I'll continue to spend a lot of money out here in Riverhead and help all the people out in the Town of Riverhead. Because we need this pit to be open so we all can make a living, so everybody can pay their taxes. And life goes on. I think it's in the best interests of this town to give T.S. Haulers a special permit and I hope you do. I appreciate it. Thank you."

Supervisor Kozakiewicz: "Thank you. Hand up in the left. Come on up."

Kathy Lundstrom: "Kathy Lundstrom, Calverton."

Dawn Thomas: "Mrs. Lundstrom, would you raise your right hand,

please? 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?"

Kathy Lundstrom: "Yes. I'm a bit confused. This is a sand mining operation, right?"

Supervisor Kozakiewicz: "It has a mining approval from DEC. They received an interpretation from the Zoning Board of Appeals which was referred to by Barbara Blass earlier which treats it as a non- nuisance- not a- wholesale, I'm sorry, a wholesale business. And we have to treat it as an application under that language in the Industrial B zoning. Yes, it's sand mining but the question is does it qualify under this- "

Kathy Lundstrom: "A wholesale sand mining. They are sand mining, right?"

Supervisor Kozakiewicz: "They are sand mining."

Kathy Lundstrom: "I mean, I look out my window, my second story window, and I see sand mining. I wouldn't know what else to call it. We spent how many years fighting them in Court?"

Supervisor Kozakiewicz: "And we continue to do so."

Kathy Lundstrom: "Right. So all this money being spent in Court is all taxpayers' money and they're coming before the Town Board for a special permit. I just don't get it. How- I mean- "

Supervisor Kozakiewicz: "There is a Court order that directed the applicant to file this application and for the Town to process this application. If we did not do that, we would be in violation of the Court order which would open us up to further litigation, namely being in contempt of Court."

Kathy Lundstrom: "All right. Thank you. Second thing, just complaints. They're talking about if it's not a nuisance. That creates-- I mean, like, in the air, all the particles from the mining."

Supervisor Kozakiewicz: "Please. Let the speaker, please."

Kathy Lundstrom: "And not only dust in the air- "

Supervisor Kozakiewicz: "Again, recognize each other's right to say what they believe to be the case. We're trying- "

Kathy Lundstrom: "The roads, with the sand on it, it's incredible. Now, I don't know if it's coming from there, but there's certainly an awful lot of sand on the roads that wasn't there before. And it's especially obvious at the corners, at Edwards and 25. There is so much sand, it's unbelievable. That's all I have to say."

Supervisor Kozakiewicz: "Thank you."

Kathy Lundstrom: "I'm very much against it."

Supervisor Kozakiewicz: "Okay, thank you."

Kathy Lundstrom: "The sand mining."

Supervisor Kozakiewicz: "Okay. Thank you. Anybody else who would like to address this Board with regard to- yes, a hand up in the left hand side. You're next, sir. Stay there for now. I already asked this gentleman to come up."

William Lucher: "Hi. My name is William Lucher. L-U-C-H-E-R."

Dawn Thomas: "Mr. Lucher, 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?"

William Lucher: "Yes, I do. I'll make it short. I live at the house directly east of T.S.'s access road. I have no problem. There's no dust. My windows are open all summer. I consider them a non-nuisance business. There's no problems. There's more traffic on a Sunday when the pumpkin pickers are out. So, you know, as a citizen of Riverhead, I'd like to see them get their special permit. And I'm the closest neighbor. Thanks."

Supervisor Kozakiewicz: "Okay. Thank you. Should I ask the Chief to escort him out next time they clap? Yes."

Jim Irwin: "My name is Jim Irwin."

Dawn Thomas: "Mr. Irwin, would you raise your right hand, please? 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?"

Jim Irwin: "Yes, I do. I'm in favor of T.S. Haulers. I have a small business, landscape design and installation business, and I must say that I use their services, you know, with the sand and what have you. And I just want to say that perhaps you can have difficulties with other people around the area that might not agree with some of the things that might be said, but there's a whole lot of other people that use my services that you don't even see or the company doesn't see or other people don't see that benefit from it, benefit from this company. So, I think it's- I do a lot of work in Jamesport. So much work is done for other people that use sand. So, that's what I do. I'm just in favor of T.S. Haulers to grant a special permit and to- that's it for now. I just think they should be allowed to have it.

And, oh, what I wanted to say is perhaps to try- I know things were regulated in a different way but maybe they could, you know, I understand different problems with zoning and so on and so forth, but again, this special permit should be allowed because other things have to be taken into place, consideration has to be taken into place. So, thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Yes, Tom?"

Tom Funfgled: "Hello. My name is Tom Funfgled."

Dawn Thomas: "You have to spell that one."

Supervisor Kozakiewicz: "F-U-N-F-G-E-L-D. I'm reading it off of his sweatshirt."

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?"

Tom Funfgled: "Yes. I guess I'm one of the closest farmers to Eddie Partridge's project there. I'm on the east, west, south side of it and to the north, too, just about. As dust goes, he doesn't make that much dust. There's really- I mean you get somebody (inaudible) on a dry day, you're going to see 10 times more dust than you'll ever see out of there. He makes an effort, he runs a water truck up and down his road so he doesn't make any dust for me. I mean he just goes back and forth.

Sand on the corner of Edwards Avenue. Most of it comes from the sump that didn't work for a while. It washed right down, it's still there. And, on the corner they put gas lines in, they tore that all

up, the street. They've got it still messed up. I hope they come back and fix it because I rent the properties from (inaudible). I mean, most times I've got to straighten it up every time they do something with the water main or gas line.

Let's see. For all that Industrial A property that's along there from the power line to the road, there's really- every time somebody comes up with they want to do something there, well, you can't because we don't have industrial sewage to that whole strip of property there. So if you do want to put some kind of industrial plant on this "Industrial A property" you really can't because it's very valuable when it comes to paying taxes on it because it's the most valuable land in town, you know, because it's Industrial A. But somebody comes in and wants to put something on Industrial A property, most- I guess they can't. That's how it seems. Because there's no sewage for it or whatever.

This is kind of a way where you can use that valuable land because when you go to pay your taxes, it has to be real valuable. I know that's because it's over \$300 an acre there if you're farming it, you know, taxes- if you're not in the program.

So, that's- I just want to say they're a nice quiet neighbor. I've got neighbors around, other farms that are kind of noisy and kind of a nuisance here and there but I mean it's- I'm in favor of this project. That's all I want to say."

Supervisor Kozakiewicz: "Thank you, Tom. Anybody else? Okay, if not, what I'm going- yes, okay, hand in the back, too slow. I had a chance to- okay, yes. Is Peter Johnson still here after this witness? Okay, good. He's hiding on the right hand side. Yes."

Michael Conroy: "Michael Conroy."

Supervisor Kozakiewicz: "Okay, sir, would you raise your right hand?"

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?"

Michael Conroy: "I do. I am an employee of Ed Partridge going on two years now. He's a pretty good boss to work for. As far as our business being a nuisance, I don't see how it can be. The nearest man is (inaudible) around the corner. If anybody was to complain, I think

he would. He does not.

As far as the sand and stuff on the roads, anybody can pull into any place that has a dirt parking lot, pulling in and out of our pit, pulling in and out of a farm, there's farm tractors driving up and down the road every day going from one lot to another bringing sand onto the road. And if the sand on the road is a problem, maybe Riverhead Town should clean the roads more. If it's a state road, then the state should clean the road more.

As far as the special permit goes, I think it should be granted. I'm all for it. It puts food on many people's tables. Many people in this room work for Ed Partridge and he puts a lot of food on people's tables and a lot of people (inaudible). Thank you very much."

Supervisor Kozakiewicz: "Thank you. Peter, I know there were a couple questions that were asked of the Board, if you could possibly respond to those questions. I know there was one question about the reclamation plan and how much has actually been accomplished under the reclamation plan previously filed with the DEC."

Peter Danowski: "I haven't computed the acreage but certainly the DEC has inspected, the reclamation has begun, and there are areas within the site that have been inspection and basically approved pursuant to that site plan. As the actual amount of acreage, I'm a lawyer, not an engineer. I really wasn't prepared to answer that question, but certainly reclamation is taking place. The DEC does not find us in violation. We're consistently acting with that approved permit.

I would like to point out thought and I was the little bird that kind of tweaked into Mrs. Blass' ear when she was speaking. Not to be rude but just to point out- "

Supervisor Kozakiewicz: "You shouldn't do that anymore."

Peter Danowski: "Well, the fact is you've got to have the facts on the record and when the facts aren't there, you have to take issue with it. Chris asked- Mr. Kent ask about what is the definition of non-nuisance industry. There clearly is. Not only clearly, it's been recited in just about every piece of paper I ever filed and it specifically- the reason we pointed it out- we pointed out in the Zoning Board decision, we pointed it out and went to the Planning Board, is because if you look at the negative declaration that issued out of the DEC, it almost goes word for word with the Town code

definition.

Now I know it takes a lot sometimes to look up the word, you know, non-nuisance industry, but sometimes the Town (inaudible) industry/non-nuisance. So you can't always look at the way initially it's worded.

There is a definition. We meet the definition. The definition is almost word for word out of the DEC negative declaration. To say there is not a definition in the code is just a misstatement of fact. Secondly- "

Supervisor Kozakiewicz: "This would be in 108-3, the definition clause."

Peter Danowski: "Definition. Absolutely."

Councilman Kent: "It's under- wait a second, it's under industry, non-nuisance. Is that what you're saying?"

Peter Danowski: "Yes. Next. My point was to be fair when I made the presentation concerning the issue of the Zoning Board's decision. And I made the comment that I didn't think the Planning Board is the interpreter of the zoning ordinance. And any member of the Planning Board. But forget my interpretation. I attached to the document I submitted today the full decision of the Zoning Board. And let's not quibble about words, both wholesale business non-nuisance and non-nuisance industry are quoted throughout that decision.

And you know what the simple English language final end line that decision is? It says mining is permitted. Now how much more simple can you get than that? And yet we have this constrained attempt in the Planning Board to suggest somehow the Zoning Board decision did not say that mining is permitted. And quite frankly, the Zoning Board decision was sent to the DEC. And when someone references that the Town Board previously passed any sort of resolution denying something, look at the content of the decision and look at the content to see if the denial wasn't on the basis, not on the merits of the application, but once again going into this question of definition.

All I'm saying is we applied under the two subsections, one of them clearly does not prohibit outdoor storage or processing. That's one. Secondly, we submitted under the application where the Town's outside counsel and the counsel in the litigation matter for Mr. Partridge agreed pursuant to a Court order to submit under a

particular subsection. To now suggest the Town should just ignore the Court order, ignore their attorney, and say we're going to deny it because we have an opinion as to how we want to interpret the code, look at the Zoning Board decision. Both subsections are quoted. I applied under both subsections. The decision speaks for itself."

Councilman Cardinale: "Pete, in December of '97, the Zoning Board decision was issued. In August of '98, sand mining was prohibited in this zone. After the Zoning Board of Appeals decision interpreting the statute, did you return to seek a special permit from the Town Board?"

Peter Danowski: "Well, I think we have. I think the question became there was various parties litigating and I think the litigation- the end result of that litigation, I believe, and I don't think your outside counsel will disagree with this, took a position that you couldn't retroactively apply an amendment to the code prohibiting mining when this application and the beginning of this application was being processed and being litigated."

Councilman Cardinale: "Well, let me ask you for further clarification. As I understand it, in March of '97, the Planning Board gave their initial recommendation. I believe there was Town Board action denying the special permit, is that accurate?"

Peter Danowski: "I think if Mr. Cetas is quoted, I'll say if the Town Clerk's records reveal it, there is a resolution."

Councilman Cardinale: "Okay. Now- "

Peter Danowski: "The question is the merits of what it says."

Councilman Cardinale: "Okay. At that point when they denied the special permit, the next action was on your part to seek an interpretation of the statute correctly from the ZBA."

Peter Danowski: "No. I think you want a fair recitation of the facts as I remember them and I can be corrected, all right. But my memory was the Town was doing nothing. Okay? We filed an application; the Town did nothing because the recommendation out of the Planning Board in essence, these are my words, said don't process this special permit application because the guy's not allowed to file it. So their opinion was kind of (inaudible) and nothing was happening. We had an application filed; it was going nowhere. Why? Because the Planning Board took a position that they were viewing this

just as Mrs. Blass said, that since it did not say very specifically in the Industrial zoning, that the word mining or processing material, they weren't going to treat this as a valid application. That's what caused me to go to the Zoning Board of Appeals to seek the interpretation for a use variance."

Councilman Cardinale: "Well, I think there is within the hearing that was submitted this resolution 879, denying the special permit of Ed Partridge T.S. Haulers, Inc., October 7, '97 and they resolved that said premises lies within the Zoning district petition, allows the mining of sand, the processing of sand. And based upon the findings, the Riverhead Town Board denies the special permit. So that was a dead permit. You got a decision. My question is this and I'll tell you why I'm completely confused at this point about a critical question which is how are we considering this? Pre or post August 4, 1998?"

And here's my question. If this was denied, you then went to the ZBA and got your interpretation, you never- you chose- your- you chose not to come back before the what was then the new Town Board, the new elected Town Board, and then in August the law changed, how is it that at this point this application is to be considered under the pre-August 4, 1998 law?"

Peter Danowski: "I think you'll have to- get your advice from your own outside counsel. But I think it's blended into the litigation that took place in August. You can't look at this isolated with a limited information before you. But I think- and I can't even quote chapter and verse on dates and when each action happened or action didn't happen. What we had, an interpretation from the Zoning Board, and if I remember right, and I'll look at you when I say this, you and I were at a work session of the Town Board one day and we raised the question after the Zoning Board decision was made.

And the question I had was you asked it of me, are you going to file another special permit application? And I said with the knowledge of the Zoning Board decision, are you, the Town Board, going to call a public hearing? The Town Board called a public hearing for-re-activate a special permit application.

We had it there; I believe the Town's permission- the Town's position through the Planning Board recommendation, was to not recognize the validity of the application and subsequent to the Zoning Board decision, they still did not set the public hearing, although they knew the special permit application had been filed, the Town was

going to take the position and- seek your own counsel. This is my interpretation. They weren't going to process the application."

Councilman Cardinale: "Well, it seems to me they have a decision on October 7<sup>th</sup> denying the application and just to let the public know and maybe I'd like to have this clarified before we decide this. The decision in the present litigation would fall. The only thing I've ever seen on the issue says it is hoped that the Town Board will consider this as if the law was as it was before August 4, 1998."

Councilman Kent: "It just says- I think it says in light of the fact that- "

Councilman Cardinale: "Yes, it is hoped. Now I don't know what- every directive I've ever gotten from a Court doesn't tell me they want me- they hope something. They either direct it or they don't direct it. So I don't have a directive in front of me as I consider this as to what law I'm considering it under, the post or the pre-1998 law. It would be a great help to me if I knew that."

Peter Danowski: "Well, okay. And I- and you can consult your own counsel, but I think my point is there is a Court order on file. It speaks for itself. There's a (inaudible) stipulation of the parties. Your lawyer and the lawyer for the litigant on our side, and they stipulated to the application being filed pursuant to the Court order."

The other point of fact that's interesting to note is the Town appealed by a cross-appeal on that Appellate decision that's being discussed. Both sides in essence lost. All right. The lower court decision was upheld where Judge Hall said no Town, we're not going to issue an injunction as long as or on condition that you file the special permit application. The Town's position, I guess, was they don't have a right to a special permit. That position was denied in the Appellate Court so there was not- "

Councilman Kent: "No, I think what the Town was seeking for you to be shut down because you started this operation without any permit and I- that was one of the questions I was going to ask. Under what basis did you- under what basis did you commence the operation of this business?"

Peter Danowski: "Let's just talk about that issue because you've recently gone to Court to try to further restrain us and I believe you restrained us for one day and went back to the very same

Court, the very same judge as is I think the right procedure and that judge denied it, recognizing that a hearing was taking place based upon his order and directive and the stipulation."

Supervisor Kozakiewicz: "Just for the record on that. November 9<sup>th</sup> we had obtained a temporary restraining order. On November 13<sup>th</sup>, the judge lifted that restraining order."

Councilman Kent: "Which is what I thought would happen."

Supervisor Kozakiewicz: "Yes. Just so it's clear. And I think a lot of the questions that have been put to the Board are things that we're going to have to take up with outside counsel and clarify."

Councilman Kent: "Okay. I have a couple questions though. When did the operation, this mining operation commence on this property? Do you know?"

Peter Danowski: "Prior to my client owning the property."

Councilman Kent: "Prior to your client owning the property?"

Peter Danowski: "Right. We bought a piece of (inaudible) property-- "

Supervisor Kozakiewicz: "So it's your position there had been mining when it had been the horse race track?"

Peter Danowski: "Oh yeah. That's correct. In fact, I think the Town even issued violations."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "So you purchased- "

Peter Danowski: "It's not a piece of virgin land that we bought."

Councilman Kent: "You purchased a property that had violations on it. Is that what you're saying or were they cleared up?"

Peter Danowski: "I can't answer that."

Councilman Kent: "Was there a permit to mine the property prior to your client- "

Peter Danowski: "I have no idea. My guess is not. All I'm saying is the condition. You said when was mining conducted on this property? I will tell you it was mined before my client purchased the property."

Supervisor Kozakiewicz: "Mined or excavated?"

Councilman Kent: "And you said it was used for a horse training facility?"

Peter Danowski: "Yeah, I think that was the nature of the then owner of the property. I think at some point there was some form of horse training track that led to some form of excavation if you want to use the word mining use."

Councilman Kent: "Do you know if it was mined with or without a DEC mining reclamation permit?"

Peter Danowski: "I don't know. I don't know."

Councilman Kent: "When did your client take title to the property?"

Peter Danowski: "That's a matter of record that's in the Zoning Board decision. I can't quote the chapter and verse. I can just say it's part of the record. That's why I said in the very beginning rather than having attorneys, Mr. Cardinale, myself and yourself, try to remember all that we've done on this application, the better thing to do is look at all of the Town records which include, including the application for the Zoning Board when title took place, how much money, \$550,000 to pay for it. The fact that we paid in that district the penalty for putting it back in business. The fact that we no longer have an Ag District exempt and so we collect more taxes. All that information was before the Zoning Board and just look in all the Town files and you'll get answers to most of the questions. I just, as Mr. Cardinale suggested, I don't think all of us remember all the dates."

Councilman Kent: "One other question. You had- you cited a lot of other businesses in the area. Were you doing that for the basis of establishing the- what the surrounding neighborhood was like or were you doing that to establish the right to mine this property?"

Peter Danowski: "For two or three reasons. One is because I really do think there should be a consistency in action and I do

applaud the Town Board and the Planning staff and the Planning Board when they previously looked at the Industrial A zone and permit operations to exist. And created permits and issued non-nuisance industry permits, (inaudible), Ad Chem, good business, good taxpayer, good citizens, good news, non-nuisance industry."

Supervisor Kozakiewicz: "Industrial A zone."

Peter Danowski: "Take a look at any of the zoning. Take a look at Kroemer Avenue. Take a look at Edwards Avenue. I point to those two because we know they have a lot of the industrial uses and they have the Industrial A zoning. All right. And you gave people permits and they operate good businesses and pay taxes and they have outdoor storage. So I point them out, one, because there's outdoor storage on them. Two, in certain instances they're non-nuisance industries under Industrial A. And, three, they're in the neighborhood."

Councilman Kent: "But I think some of them are lumberyards. I think lumberyard is a use that's defined."

Peter Danowski: "I guess the question will always be, why do you prohibit outdoor storage in one use and not another and what's really the difference. And you will have to wrestle with that question of non-nuisance industry, wholesale business/non-nuisance. You certainly will. It is a question. It is why we applied under both uses consistent with the Zoning Board application and decision."

Supervisor Kozakiewicz: "All right. I think we can argue the points back and forth. I think what we need to do- "

Councilman Kent: "No, I was just trying to get him to put that stuff on the record. Okay."

Supervisor Kozakiewicz: "So what we need to do is look at all those applications that have been brought to our attention and see whether they were under Industrial A. Okay."

Peter Danowski: "And I'd- those members of the public, sit down because we've hashed this out forever."

Supervisor Kozakiewicz: "Yes. Saying that, anybody else? You've had a chance, right, sir? Oh, no. Okay. Come on up. Your name, sir?"

Mike Ferguson: "Mike Ferguson."

Supervisor Kozakiewicz: "And I need to have sworn in, sir>"

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?"

Mike Ferguson: "I do. I work for a company that does business with T.S. Haulers (inaudible). I've been here a couple times with them. I work anywhere between 10 to 12 hours a day not because I like to, more because I have to. I have bills to pay, I have taxes to pay. Mr. Partridge's sand mine allows me- affords me two, three hours of overtime a day and that helps me to pay those taxes on my home here in Riverhead.

The Town's always looking to raise our taxes and everything yet we don't want businesses to open that are going to- that will raise money on the tax rolls. I can't understand it. (Inaudible)

Like you stated, you know we need more businesses on the tax rolls. My taxes are going up every year. I just about can't afford it anymore. It's getting a little out of control. I'm in and out of there three, four times a day so I know what the traffic is like down there. I haven't had any problems. I haven't seen any accidents. There's a little sand on the road. Down by Edwards Avenue, they just put up a new building. A lot of sand down there. The sand is going to happen. It just happens.

If Mr. Partridge can't open his mine, traffic is going to be diverted farther down Route 25 into Calverton because the 100 or so trucks that I know of are going to stop going there and start going to (inaudible) down the road. They're going to be farther into Calverton causing more traffic problems.

So, I don't know the difference between nuisance permits, non-nuisance permits, all this legal stuff and everything else. I know there's probably a third of the guys back here who need jobs and I know the North Fork Environmental Council is not going to give them to us and I know the Town can't afford to give them to us. But we need the sand pits. We need it to be open. All the nonsense of lawsuits and it's all got to stop. It's been three years now. And it's ridiculous. And that's about all I've got to say.

One more thing. Since there's going to be a big hole in the ground there, Riverhead raceway won't be around much longer, it might not be a bad idea to put a race track down in that hole. Bring in

some more tourists."

Supervisor Kozakiewicz: "Thank you. There was a hand up on the right."

Lance Conley: "My name is Lance Conley. L-A-N-C-E C-O-N-L-E-Y."

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

Lance Conley: "I do. I am from Bellport, New York. I don't make my living directly from T.S. Haulers. I've to more than one of these though because I sell heavy equipment to the mining and recycling industry. Eddie Partridge from T.S. Haulers is one of my customers and I'd like to say one of my best.

A couple of things that I want to bring out from listening to this proceeding was that special use seems to be the only possible way for this man to operate. I don't think anybody designed the zoning maps A, B or however you classify it in different towns, I don't think anybody took the sand veins or the gravel veins into consideration and if they did can somebody tell me, I mean, the only way that a man is going to get gravel out of the ground is to go where it is. Does that make any sense to anybody here? It has to be special permit. You don't need to tell me you're lucky to have somebody like Ed Partridge and T.S. Haulers mining in your community. I've been to more mines than any of you will ever see. Hats off to this man and his operation and you're luck to have him in your community the way he's running that operation. The DEC has said so, I know that to be a fact. That's been testified to here tonight.

I don't think, myself, that anybody here in this room can tell me how to get sand from off any mineral that's going to be mined out of the ground into a zone unless you let us take it out and that's all we're trying to do here. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? If not, what I'd like to do is- Mr. Partridge."

Dawn Thomas: "Mr. Partridge, 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?"

Ed Partridge: "Yes, I do. I'd like to clarify that- "

Councilman Kent: "Just state your name."

Ed Partridge: "Ed Partridge, President of T.S. Haulers. We came before Vinny Villella when he first got in here for our special permit. And then he told us that he wasn't (inaudible)."

Supervisor Kozakiewicz: "Okay. Any questions?"

Ed Partridge: "That was in February."

Supervisor Kozakiewicz: "February of '98?"

Ed Partridge: "When he first got elected."

Supervisor Kozakiewicz: "All right."

Ed Partridge: "Peter was there. He told us to hand the special permit in and then I guess about three days later, he told us forget it."

Supervisor Kozakiewicz: "Okay. Anything else as far as that, Mr. Partridge?"

Ed Partridge: "Not really."

Supervisor Kozakiewicz: "Okay. Thank you."

Councilman Cardinale: "Mr. Partridge, that was Vinny Villella? You met with him individually?"

Ed Partridge: "Yes. In the lawyer- "

Councilman Cardinale: "Did you check- nobody else from the Town Board (inaudible)."

Councilman Kent: "What lawyer did you meet?"

Ed Partridge: "The last one."

Councilman Lull: "Adam."

Councilman Kent: "Well, Adam wasn't here in February of '98."

Ed Partridge: "Grossman."

Supervisor Kozakiewicz: "It had to be later then."

Ed Partridge: "Oh, it had to be later then. Right."

Supervisor Kozakiewicz: "Because I was here in February, 1998 as Town Attorney."

Ed Partridge: "He has the date."

Supervisor Kozakiewicz: "All right."

Ed Partridge: "And then (inaudible)."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "All right."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? If not, what I'm going to do is keep this public comment at this point will be terminated but we will keep the record open for the receipt of written documentation for one week at which point in time the close of business of one week from today's date we'll have the record closed, unless there's objection from any Board members. Okay. The time of 9:00 having arrived, I declare the public comment portion of this hearing closed."

Public Comment portion closed: 9:00 p.m.

---

Supervisor Kozakiewicz: "If there is anybody who is here for that meeting and you want to exit, we'll take a brief recess. All right. We'll get up and Mom, Dad, would you want to have Brianna go home? All right, before everybody departs what I'd like to do, just, if I can have two seconds of your attention. I want to once again recognize the Supervisor of the Day, Brianna Johnson. She did a great job. Because of her I saw some of the Town facilities that I've got to admit I haven't seen before, so I thank you Brianna."

Recess. Meeting reconvened: 9:10 p.m.

Supervisor Kozakiewicz: "I'd like to call the meeting back to order. At this point in time since all the public hearings are

concluded, we will allow people to address the Board of any subject. I do have some cards which I'm going to go through first. Just a reminder to everyone here, although the sign is gone from the wall, we still have a five minute rule and I'm going to ask people to limit their time to five minutes. What I'm going to ask is anybody who comes up, if you please state your name and where you reside. First I'm going to start with John Dunn and John is in Baiting Hollow."

John Dunn: "Good evening. I'm John Dunn. I live at 266 Baywood Drive. We had a small brief meeting prior to the start of this session so I think on behalf of the neighbors of Baiting- I guess Baywood Drive, I feel comfortable knowing now that the Town has been brought to the attention of a scenic easement which apparently had not been brought to the attention of the Board.

Basically right now our concern is, in fact, that the scenic easement that is currently on the corner of Baywood Drive and Sound Avenue is maintained in its entirety and I feel after briefly speaking with the Supervisor and the Town Attorney, that- I feel that they are currently working in the best interests. That was our concern coming down here tonight that, in fact, that those issues were going to be addressed in a timely fashion and, again, we feel comfortable that they are.

Quickly, I'd like to thank the Supervisor and the Town Board for working so diligently to get our road paved. Some of you, in fact, were on the previous administration and I had been down here on several occasions, spoke with several of you in regards to that issue. I'd like to thank the attorney who worked very hard on our behalf of the residents of Riverhead to get that road paved for us and at this time I'd like to thank each and every one. Thank you very much for your time."

Supervisor Kozakiewicz: "Thank you very much, Mr. Dunn. Next one I had was Mr. Sproston."

William Sproston: "Good evening. My name is William Sproston at 321 Baywood Drive, Baiting Hollow. And I'd like to take a minute to (inaudible). Our road is paved now, thank our Supervisor, the Councilmen and all the attorneys involved in getting that taken care of. We all appreciate you very much and the help you've given us and seeing that road paved. It makes our neighborhood even more pristine and unfortunately the community has to deal with very poor builders who don't want to finish their job.

The second thing I'd like to bring out is the open space preserve since Mr. John Dunn has already addressed you. I would like to see that the action and all the work that has taken place on that be removed and the fence taken down and everything put back in its proper order as it states in our open space preserve documentation we have. And basically that's it. And we're just concerned about things being changed after we moved in because we bought that property with the understanding that it would never ever be changed or altered. And we'd like to see it stay that way and I'm not speaking just for myself. I can guarantee you every homeowner up there feels the same way. That that area never be touched and he's stopped from doing any more damage to the preserve as it is. Okay?

And I'd like to thank you for your time. Have a good evening."

Supervisor Kozakiewicz: "Thank you, Mr. Sproston. Steve Haizlip."

Steve Haizlip: "Steve Hazilip of Calverton. Bob, if you remember on January the 4<sup>th</sup>, I said I ain't going to speak to get the better of you and I don't want you to speak to get the better of me. I want to tell you the way it is. My middle initial says "O" but it seems that it's being taken as outcast lately. Now, I've written several letters; I'm not getting any replies. I try my best to do whatever I can for this Town and I think I've accomplished a lot in this Town and I've still get projects that I'm working on and Rodney Dangerfield once put it, I'm not getting any respect and Jose- the late Jose Williams said, well, maybe you don't like me but I hope you respect me. So, I guess I can look forward to getting an answer to my October 26<sup>th</sup> letter- "

Supervisor Kozakiewicz: "Yes, let me just address that briefly. I did to a letter in response. I failed to appreciate that since it was something that had already occurred and we, in fact, spoke after those public hearings, those Chapter 54's, I maybe was under the misapprehension that our conversation and what we spoke about thereafter had satisfied you and, therefore, a letter was not necessary.

Just to go back. What you did was you indicated some concern because you said the language I had used during those Chapter 54's was unclear to you, you couldn't understand the language or I didn't use plain and simple words and, therefore, you didn't understand it. You had an opportunity to speak at those Chapter 54's Unsafe Building hearings. And I'm sorry I failed to appreciate that but putting

yourself in my shoes, I did not hear any comment from anybody complaining about the hearing and, therefore, I operated under the presumption that there was no need for any further testimony from any individuals and we concluded those hearings. There were quite a few that day.

Saying that, I did respond in that fashion in the letter today, Mr. Haizlip, and I, you know, I think it was something that had already been resolved. You made it clear that you felt maybe I should use more plain and simple language and I'll try to do that and allow everybody an opportunity to be heard."

Steve Haizlip: "That's exactly my point. Dave Wrigley (phonetic) said with the IRS. They talk such a convoluted language that he simply didn't understand it and that's what was happening. There was language that I just didn't simply understand. It wasn't forthcoming in plain understandable language. If anyone here in the audience or the public wish to speak on this. I didn't get it that way."

Supervisor Kozakiewicz: "Okay."

Steve Haizlip: "All right. Now, one of these projects that I went after is shaken up and that's Rita's Garage. It's being cleaned up nicely.

Now, you said you took a tour with that Madam Supervisor today to the Highway Department?"

Supervisor Kozakiewicz: "We visited the Highway Department; we visited the Water District; we went to a number of Departments here."

Steve Haizlip: "Well, my interest is the Highway Department. Did you notice all that nice new grass at the entrance and the curbing all fixed up."

Supervisor Kozakiewicz: "Along Osborn Avenue, yes."

Steve Haizlip: "Yes. Well, before it looked like a sand dune with all that, now it looks great (inaudible).

Now, we've got- I got word today that I've been inquiring and I've been working on it and the Route 58 light at Harrison Avenue is going to take place around the first of February. I remember when I said that lady told me a week or so and Jim said I think maybe she

meant a month or two, a week or two so it come up it will be around the first of February.

All right. Now, on the 15<sup>th</sup> of November, I received information that the light at Sound Avenue and Edwards is going to be put up but the only part of that information was when and I also got information three weeks ago a young lady expecting a child was involved in a serious accident up there. I don't- just the way it was put to me, that was the information that was (inaudible) done.

And, if you allow me just another minute, I don't know where I stand on the time, I want to close the chapter on one of the former Supervisors, Mr. Janoski. It was three- I know you don't want to hear about the bad things because there was some bad things and one of them was that theater that's been put on us, the other one, he demanded that pizza pie who has always had a red roof as a trademark be painted blue. As soon as he left town and went back to (inaudible), oh, he didn't leave town, I mean left office, and the other one was he hollered about the guy that had the paint from. Well, aren't you allowed to paint your premises any color you wish? So that was it. One of the things. And, of course, the last and final, he walked off with all our good money that we work so hard for and he's taking it.

And, you talk about the raises that you people got. Well, you put in for a baby, Bob, and you got one so you need less raise. Mark put in for a baby, he got three, so he needs more raises."

Supervisor Kozakiewicz: "Thank you. Steve. Mr. Tria. You put in a card."

Vince Tria: "Yes, I know, that (inaudible). I put the card in not really knowing what I wanted to say and when. However, I want to thank you for the use of the microphone. Your mikes really work well. This mike works terrific. I make a recommendation. Tell people to stand by the mike, speak into the mike, everybody will hear. Have a good Thanksgiving."

Supervisor Kozakiewicz: "Same to you. Thank you. Dave Macknee. I have actually three. It's Dave Macknee, Molly Roach and Darlene. You're going to all do this in five minutes, right?"

Dave Macknee: "Five minutes apiece."

Supervisor Kozakiewicz: "I was trying."

Dave Macknee: "Actually the reason I'm here is because George Stuke (phonetic) wrote a letter and he said that one of the people on the Board that had backed the charter school committee was- didn't want to back it anymore because of the tax situation. Now, George (phonetic) has lied continually about everything and everything about the charter school. I thought when we got rid of Holmes we got rid of the liar and we have another liar right in there. Okay.

Now George seems to be really worried about the money aspect and he has nothing to worry about with the money aspect. Let's try worrying about the kids and the parents. All right? And the 50% failure rates we have. And besides the 50% failure rates, we have the highest amount of kids drop out of our school than any other school equal to ours. In other words, the lunch, the same lunch period, you know, we give lunches. So we have the biggest drop out rate of any of them and it's getting bigger. Okay? And the question is why. And George tells me he's going to straighten everything out. Well, he hasn't done so good so far and the big reason that we have a big problem with our school is that we have a fundamental failure in the process itself. All right? And the fundamental failure in this process is that we can't fire our managers because- and what business can't fire your manager and the manager is unionized. Okay? And the present process, the second part of the process is that we can't fire our teachers no matter how bad they are. I mean no business could stand and be counted or even stay in business if they have a 50% failure rate and they couldn't fire their help or their managers. I mean the managers, you know, are the main part of the situation. Okay?

Then we get to our School Board. Our School Board just paid off Holmes, okay? And when they paid him off, everybody wanted to know well, gee, why, what happened here, you know. We have an attorney on our School Board but she sleeps all the time anyhow at the School Board meetings so I can understand why we never got to find out why he left. They signed a gag order of some kind and we know nothing about why this man left and what was the reason and what were the circumstances, did we pay him extra money or anything else? This is the type of school system we have right now.

Okay. Now, I called up today the Education Department and I wanted to make sure of my facts that I have before I talk to the Board tonight. The money- the tax money actually isn't the school. The tax money is not the school. That tax money that people pay follows the students. So if the student comes to our school instead of going to the other public school, they're both public schools, okay? But we're

a public charter school. All right. Now, that money- we need \$3,000 per student on the table. All right. Now, we subsidize the other school but you don't hear that and if you ask, if you want to find out for sure that this isn't true, you can call the Board of Education or even Dave Carleton (phonetic) who is their financial manager. We're subsidizing their school. Now, what they're afraid of is when we open our school and we are going to buy our own building so we won't have a 12 million dollar bond issue for a new school that they will want to have a 12 million dollar bond for their new school, but we're going to save the taxpayers not only the money that we get, but we're going to save them 12 million dollars for a new school because we have to pay for our old school.

Now, the question comes. If we- "

Supervisor Kozakiewicz: "Are you saying that school will not be built if your school opens?"

Dave Macknee: "No. No. Yeah, yeah, that's what I'm saying. Because we're getting 400-- we got 412 kids come in last year. But we're going to take 4- 247, okay- "

Supervisor Kozakiewicz: "That's what you anticipate your enrollment to be? Because the numbers below 250, your teachers do not have to be certified, is that correct?"

Dave Macknee: "That's not true. That's not true. We don't have to have a teacher- we don't get involved with the teachers' union. But it's 5% of our teachers don't have to be certified; 3%-- or five teachers whichever is the greatest. Okay. Everybody else has got to be certified. These are all lies that everybody is hearing from George (inaudible). Which is normal because he's the Superintendent.

But what happened also with that is that the school, why can we pay for our own school with two-thirds- with one-third less the money than the school district does? And why can we run our school even with that kind of money? Because they are blatant and they just waste money as quick as it comes in."

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

Dave Macknee: "Okay. All right. My summary. Well, it says that we subsidize their school. All right. I'll quit right now because I know it's close to five- "

Supervisor Kozakiewicz: "Thank you."

Dave Macknee: "But we're leaving on the table \$741,000 for subsidizing their schools. I don't want to hear from them or anybody else that we're not, you know, it's going to cost the Town money. It's going to cost the Town a lot less money because we're going to buy our own school."

Supervisor Kozakiewicz: "Thank you. Molly Roach. Darlene, okay."

Darlene Troge: "Hi. Thank you for this opportunity to speak. And I want to clue you in on what we are doing with the Riverhead Charter School."

Councilman Densieski: "Could you just put your name- say your name, please, ma'am?"

Darlene Troge: "Darlene Troge, I'm from Riverhead, Parkway Street. I'm a struggling taxpayer, a parent and believer in public school reform- Troge- T-R-O-G-E."

Supervisor Kozakiewicz: "T- T as in Thomas- R-O-G as in George - E."

Darlene Troge: "Thank you, Mr. Supervisor. Dave mentioned some items that have been publicized from the School District. The Riverhead Charter School Committee was summoned to Albany two weeks after putting in an application for a charter to open the school here in Riverhead. It was very quick. Sometimes bureaucracies take a little bit longer but they called us almost immediately.

By the time we were called to Albany, we were able to take some of those letters with us that were issued by the Riverhead Central School District and we submitted them to Albany and they agreed that they were mis-truths that the public was being given. They indicated that it was important that we get the truth out to the public here in Riverhead and to support the work that we're doing, I'll mention there were 19 applications submitted to the State Education Department. Five are still in the application process. The others have been withdrawn or denied. One of them is for Riverhead Charter School.

In about 30 days or maybe 45 days, we'll know whether our charter has been approved.

We do have some ideas on how we would like our school to be run. We want to focus on the child. No out of school suspensions. We'd like to work with families. We'd like to find out what the problem is and we would like to have a disciplined environment where parents and the community are welcome. We're planning on studying the community of Riverhead, project based learning. We had a father come to one of our board meetings to apologize for his appearance and he drives an oil truck and he said I'm sorry, I smell like oil. And when I go to a School District board meeting, I'm made to feel that I can't speak. I didn't finish high school but I have children. My son can't read and I've gone to the school and asked for help and they won't help us. They say don't worry, he's normal. He's in sixth grade reading on a fourth grade reading level.

When we were called to Albany, Albany asked us exactly who is it that we hope to address in our charter school? And we replied it is the at risk population in Riverhead. We took the statistics with us from the school report card. Fifty percent of our children are at risk in Riverhead. No particular socio-economic segment of Riverhead is at risk. Fifty percent of Riverhead's children are at risk and those statistics are spiraling upward, not downward.

So it's our hope in forming the Riverhead Charter School that we can make a difference to that Dad who drives an oil truck with our project based learning. We don't want that Dad to feel bad for smelling like oil or being embarrassed to come before us. We asked him to come to the Charter school with the truck and blow the horn and talk about how much oil prices are and how much it costs to fill the oil tank in the school. That way we're working on math, science, where the oil comes from, hands on because he'll be blowing that whistle and the kids will all be out there looking- or at least looking out the window at the truck.

We're very excited because this goes on to language and writing and all of the things that would make school exciting for children, that's what we're trying to do. Looking forward to going to school instead of dragging our kids out of schools. We have a vision. We've worked very hard. We had to send almost a 600 page application which listed our intentions to Albany. They picked it apart with a fine tooth comb and asked us to resubmit and we heard that they like our ideas. So we're waiting to hear if it's going to be a go for this year.

Certainly- well, it would be September 4, 2001 we would open if the charter is passed by the first of this year. If not, we're going

to hang in there for another year and we're looking forward to opening the charter school in Riverhead."

Supervisor Kozakiewicz: "Okay. Thank you."

Councilman Densieski: "I have a question for you."

Darlene Troge: "Yes?"

Councilman Densieski: "How many members and I guess volunteers-- how many volunteers do you have helping out right now?"

Darleen Troge: "We- well, we have a core committee. We have a Board of Trustees, we have many, many people who are helping us here ask to remain confidential because they are worried about the pressures and the lies that have (inaudible). We have hundreds of people who have documented their support and we sent that documentation to Albany. And they said just write the 600 pages of curriculum and no suspension policies. The most important ingredient in the application was the community support parents who are concerned about their children being at risk. Did I answer your question?"

Councilman Densieski: "Yes, you did. Thank you."

Supervisor Kozakiewicz: "I think you did. Molly Roach."

Darleen Troge: "Thank you."

Councilman Densieski: "Thank you."

Molly Roach: "Molly Roach, from Riverhead. Our committee is made up which is- will be the Board of Trustees if we get our Charter is made up of five people, the three of us, Pat Schneider who is the director of the Community School of the Arts, and George (inaudible)-- that's six, we're six, at this point. George (inaudible) who grew up in Mattituck and was a social worker in Riverhead school for seven years and also did some administrative work, he is now Assistant Superintendent of Little Flower School District and a leader in that we know and respect. I think (inaudible).

But it is true that parents who have children in the school are frightened because of the material that the schools have gone against the charter school and also because even in Social Studies classes charter schools have been attacked and it's our hope and from the beginning it has been that if we get our charter, we work together as

they do in some other communities. Rochester has a very strong cooperation between the charter and the district schools and that certainly is the way we would want it because we can do things for each other.

What this humble effort- "

Supervisor Kozakiewicz: "I just want to ask one question because there's a part of this that I don't understand. You stand up and you are espousing the charter schools because you say the school district is failing, it's not doing the right thing. So you feel you have the right to criticize and I'm not taking any issue with that. But if the school district through Mr. Duffy raises issues with the application, you say they're lies, not criticisms. I'm just trying to understand- I'm trying, well, there was comment from earlier. And I'm just trying to understand why you can- and I'm not trying to be- I'm not trying to take sides here but I'm trying to understand why you can call one side liar and yet you can criticize the system.

I know personally myself and I'm not bragging because the camera is on or whatever, but my son is in the seventh grade, he's in advanced math, advanced science, all the kids that he hangs around with are doing splendidly. When I get those honor rolls, the President's honor roll and the honor roll, there are a lot of students who are on those honor rolls and they are doing fine in those middle schools. The high school has very low incident of violence. I mean, I think all too often what we hear is all the negatives of the school.

We had a young lady-- recently I had the honor of attending a ceremony over at the school where she's in ROTC. She came to a person's aid at Burger King, helped that person who was choking, saved her. Last year we had an individual from ROTC who got accepted to two military institutions which is phenomenal. But we don't hear about these things. We hear about the bad things in the school district.

And I'm not taking sides. But I'm just saying, are we sort of sometimes glossing over some of that? And I'm not saying charter schools are bad or good. I'm just asking a lot of questions."

Molly Roach: "My five minutes is up now."

Supervisor Kozakiewicz: "Well, I'm- I took up a lot of time so I'm going to give you some more time."

Councilman Kent: "One other question. I just- this is really

for the-- really for the Supervisor. Is this the proper forum for this presentation? I mean I don't understand the Town Board's role in- "

Supervisor Kozakiewicz: "I think they're trying to disseminate information on what they feel are mis-truths about the Charter school. Is that why you're here?"

Molly Roach: "I think we are asking your support for a public charter school in Riverhead. And I think it's very important to be involved with the Town. Our charter school will be very strong on basis, actually it's a rather traditional school except that in the curriculum the project part which is 30% is entirely a study of Riverhead. I mean that's the kind of unique thing. And the purpose of that is to give kids something belonging to this town.

But I do want to take some of my time to address what you said because Riverhead does an excellent job for its children. We see it in every News Review everyday. My own son went to Annapolis from Riverhead, you know, so I know about the appointments. We always have Ivy League. We have merit scholarships. We have appointments. And that is the truth and we said that in Albany, by the way.

However, there are so many kids that fall through the cracks. And you see them on East End Avenue at 11:00 in the morning and you see them all day and there's- we have- I sent you a draft, I sent you a copy, you see the drop out rate. So, yes, we do a wonderful job with some kids, with many kids. But there are kids who are not getting an education and it's that that the New York State gives us a chance to be relieved of some of the regulation and to have another kind of public school.

We were pretty surprised when we got attacked by the school. Darleen Troge just spent 45 minutes with the Superintendent submitting to him our application for the study and had a friendly conversation. The next thing, you know, stuff was going out to the Rotary and to all the kids' houses.

But let me address the things that Dave Macknee said were (inaudible). For example, one of the things it said in the material that went to every home aside from the fact that the finance- I'll get into that- was that our teachers did not have to be certified if we had under 250 students."

Supervisor Kozakiewicz: "That was one of the things that I had

heard, too."

Molly Roach: "Yes. And I'm going to answer it differently than Dave because it- the numbers- the enrollment has nothing to do with certified teachers. Every charter school in New York City is allowed 30% uncertified teachers or five whichever is less. That gives us with out charter school two and two-thirds uncertified teachers, a great advantage for us. Because we can get a lawyer to teach our social studies and (inaudible) who might not want to go to St. Joseph's and take Education 101 and we can get a musician or a dancer to do that part of our curriculum. So, you know, we consider that an advantage. But that was one of just out and out falsehood. You know?"

The fact that the taxes will go up would be much more affected by the raises and the salaries than the cost of the charter school because as Dave said, in addition to the \$12,000 that you get for every kid, you're going to get \$3,000 for the kid you take away. As the Superintendent mentioned, he mentioned this (inaudible) talk with people that it costs very little for a Kindergarten or Elementary child and a lot for a High School child. The district gets \$12,000 for every kid, for the half day Kindergarten kid, for the two hour kid that goes to the school down by the Social Security two hours a date, they get the \$12,000 and it averages out. But that was one falsehood.

There was a great deal of discussion about us having a company, going to be a for profit company to manage our school and that we will have. We'll have a for profit company named- we haven't contracted with them yet so we really don't know what they charge. He mentioned \$12.00 an hour for the whole management or 12%."

Supervisor Kozakiewicz: "Twelve percent."

Molly Roach: "That wouldn't be so bad because they would do the whole management, the payroll, the purchasing with our oversight. And I don't- I put other things that were totaling- that it would fragment the community. I sent you under the grant which shows you the free lunches in the various schools, you will see that our elementary schools are completely fragmented. We have a school- we have one school that has an \$85,000 income and we have another school that is like, you know, on the poverty level so one of our efforts, one of our goals and the State will hold us to that is that we have a community school that reflects the whole community.

As far- the thing about (inaudible) and the thing about the Riverhead Charter School is that it is responsible for the parents for

the education their children; it is responsible to the community for use of tax money. If it does that poorly, if it doesn't meet State standards, one of the lies that was in that was that it would be less stringent State standards. That's totally false. It's higher State standards. We have to meet or exceed all State standards. We were 50% below in State standards in the fourth grade last year. Nothing happened to our school. Our school will close. (Inaudible) are chartered. We have five year charters so if we don't make it in five years, we're out of business. And that's- these are some of the things that I guess got us all pretty angry but our effort is to help the children who are falling through the cracks, to be responsible to the parents and accountable for the tax money and we're really- and to work cooperatively with the school. That was our initial intent and we were surprised about the attacks and we ask for you, if not support at this point, consideration and we hope we'll be partners with the district. So thank you very much."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Thank you."

Supervisor Kozakiewicz: "I have other cards yet."

Councilman Densieski: "I just want to make a point. (Inaudible) I just want to make a point. I believe that the policy of the Board is that you can come here and speak about anything you like for five minutes and I think we should allow people to say whatever is on their mind for five minutes."

Supervisor Kozakiewicz: "That was who I was going to call next. I have your card right in front of me, Bill Kasperovich of Wading River."

William Kasperovich: "William Kasperovich from Wading River."

Supervisor Kozakiewicz: "9:51."

William Kasperovich: "With all requests that have come in your direction to ponder on, I can see (inaudible) but I do want a correction on Resolution 1003, you approve the request for a military leave (inaudible)."

Councilman Kent: "That was at his request."

William Kasperovich: "I don't think he's privileged to that on

a public document to- "

Supervisor Kozakiewicz: "No. 1003 which is the request of leave for- military leave of absence."

Councilman Densieski: "So you think that we should advertise that this gentleman is going to be out of town, out of his home, his family is going to be left alone. You think we should just tell everybody that information. Is that what you are saying, sir?"

William Kasperovich: "No, I'm saying that if you're proud of this country and you're proud to put on a uniform you should be proud enough to put your name to it."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "Well, he is proud enough, I'm sure- "

Supervisor Kozakiewicz: "But he doesn't want the other information out which is what Councilman Densieski is referring to, that since he is away on military leave of absence, he's prefer it not known for the sake of safety."

William Kasperovich: "Well, I'm not going to argue the point."

Supervisor Kozakiewicz: "Okay. Thank you, Bill. Anything else? Because I have your card up here. I'm doing the five minutes. We started at- "

William Kasperovich: "You don't need anything else."

Supervisor Kozakiewicz: "Okay, thank you very much. Joan-okay, Joan Griffin of Baiting Hollow."

Joan Griffin: "Good evening, Joan Griffin from Baiting Hollow. First of all, I'd like to thank you for the (inaudible) skydiving thing- "

Supervisor Kozakiewicz: "Sorry they were belated."

Joan Griffin: "Okay. And I thank you again for it. A question for you. Is there a number for residents to call (inaudible) and there's a lot more animals (inaudible) to call someone to help get them picked up. Odds are they're dead- "

Supervisor Kozakiewicz: "The Chief, would that be your off number? Twenty-four hours a day, seven days a week, 365 days a year. Correct?"

Chief Grattan: "With the exception of Leap Year."

Joan Griffin: "Except for Leap Year."

Councilman Densieski: "Joan, you make a good point. I just want to expand upon that. I talked to the Highway Supervisor- the Highway Superintendent the other day and he let me know that on the average two to three deer are killed by Riverhead roads every single day. I just wanted to add that to you."

Joan Griffin: "But is there a phone number?"

Councilman Densieski: "911."

Councilman Lull: "It's the police department."

Supervisor Kozakiewicz: "727-3200. 4500, I'm sorry. 4500. I'm still thinking of ours. I was going to give the extension which would be 310, right? So either way, 4500-727-4500 or 727-3200, extension 310."

Joan Griffin: "Wait a minute. 727-4500, extension 310. Or 727-3200 extension 306?"

Councilman Lull: "Joan, you don't need an extension for 4500. The desk officer answers the phone."

Joan Griffin: "Okay. Thank you."

Councilman Densieski: "You want (inaudible) home phone number in case it's late at night?"

Supervisor Kozakiewicz: "It's listed anyway."

Joan Griffin: "727 (inaudible). My favorite question, the Burman deal. Is it still going forward?"

Supervisor Kozakiewicz: "Yes."

Joan Griffin: "Okay. The (inaudible) deal? Is that happening? Any discussions?"

Supervisor Kozakiewicz: "It hasn't come to us yet. It's still at the RDC."

Joan Griffin: "Okay. And is there anything on the proposed race track? The motor cross- "

Supervisor Kozakiewicz: "I think they also are at the RDC."

Joan Griffin: "And, that's it."

Supervisor Kozakiewicz: "Thank you."

Joan Griffin: "Thank you very much."

Supervisor Kozakiewicz: "Okay. I have one last card. George Schmelzer. Rolph- I'll get Rolph next. That was the last card. I want to go through the cards."

George Schmlzer: "Speaking of deer, at that meeting a few years back the State Senator was there, I think his name was Smith, I'm not sure from upstate, I said the deer- got him to admit that the deer- the State owns the deer. I said well, if that's the case, how come the State doesn't pay the damage to the car owner when a deer runs into a car? He said, well, we all own part of the deer then; we'd only be paying to ourselves. So I told him we should apply the same theory to your salary then. How would that be? He didn't answer me.

Anyway, about two months ago, I discussed- you said you would send a letter to have a study, especially to the county- "

Supervisor Kozakiewicz: "I don't- I think the question was put whether I would send a letter to see if there was interest in extending the expressway."

George Schmelzer: "Well, you definitely said you would send a letter- "

Supervisor Kozakiewicz: "It was sent today, George. You can come in and get a copy tomorrow."

George Schmelzer: "Three places, right?"

Supervisor Kozakiewicz: "It went to the State Senator, the Assemblywoman, the Legislator for the First District, the head of the Suffolk County Department of Public Works, and to the Regional DOT."

George Schmelzer: "How come it took you so long?"

Supervisor Kozakiewicz: "I'm trying to sell some property at Grumman which has been keeping me preoccupied."

George Schmelzer: "Well, you are never going to sell it anyway."

Supervisor Kozakiewicz: "That's your opinion."

George Schmelzer: "The easiest way would be to give it to the Port of New York Authority for a dollar."

Supervisor Kozakiewicz: "Thank you, George."

George Schmelzer: "Then with a guarantee that they pay the land taxes on it. I think they would. Then you would avoid all this nonsense. It's getting to be the laughingstock of this country, really. Maybe they should- if it keeps up like this, we'll have to call Riverhead the Town of Riverhead- "

Supervisor Kozakiewicz: "Thank you for your support."

George Schmelzer: "I don't mean you thought. But I mean, I said that to Vinny, too, when he was Supervisor. Really. There will be a toss up which is the biggest laughingstock, Florida- the State of Florida, or the Town of Riverhead. I hope it isn't the Town of Riverhead because the thing's going to be over in Florida and it will be forgotten. But this seems to be continuing about Grumman. Really. It's a shame. They should honor- (inaudible). He put a lot of time and effort in this Grumman thing for that plane over there, everything he's done. Give him credit for it. Somebody else gets the credit for it. Just because he doesn't live in Riverhead Town, he lives on South River Road. Okay. My five minutes up?"

(Unidentified): "Just about."

George Schmelzer: "If I've got any time left, I'll save it for next time, okay?"

Supervisor Kozakiewicz: "All right. Thank you."

George Schmelzer: "Okay. You're welcome."

Supervisor Kozakiewicz: "Rolph Kestling."

Councilman Densieski: "George, you're still using up last meeting's minutes, I think."

George Schmelzer: "Gee thanks, I've got more time coming. Too bad- thank you. Remember that every time- remind me if I don't think of it. Yes, thank you. So long."

Councilman Densieski: "Good night, George."

George Schmelzer: "Good night. That is pretty good."

Supervisor Kozakiewicz: "Good night."

Rolph Kestling: "Rolph Kestling, Wading River. (Inaudible) of this last public meeting. You know there's an old saying, if you can't obey the law, you change the law. You can't enforce the code, you change the code. I hope this is not in your mind in the slightest because what they're doing in Florida trying to change the rules in the middle of the game, no.

Okay, the second thing I'm going to talk about. Mr. Macknee isn't here. I sent my daughter in the '60's when she first started school to what was known as a (inaudible) school, in New York City. The school was excellent, my daughter had a wonderful education. In a short while I was able to get her into a very good parochial school, (inaudible), graduated college, worked for a law firm and then moved over to a consulting firm. I am 100% in support of the charter school.

Now I have a real question. I believe it was Joan Griffin who brought up about sand mining and \$.50 and I understand that you only collect \$.50 after (inaudible) 1,000 excavation? Is that correct?"

Councilman Kent: "Do you still have the code book?"

Supervisor Kozakiewicz: "I don't have the code book out here. We can have that clarified by- "

Rolph Kestling: "In other words, you're not bothering with the little fellow that's digging up for a new cesspool?"

Councilman Densieski: "No."

Rolph Kestling: "Okay. Who monitors this? Collects the \$.50, sees that it's monitored, so the Town gets its money? (Inaudible)."

Supervisor Kozakiewicz: "I'm sorry, what was that?"

Rolph Kestling: "Who monitors this?"

Supervisor Kozakiewicz: "Well, code enforcement does. In instances I know I've asked Leroy to ask at particular properties and we're collecting some money from some of those individuals who are taking soil out of site. The Town attorney- "

Rolph Kestling: "Mining or excavation?"

Supervisor Kozakiewicz: "The excavation issue, the \$.50 per cubic yard."

Rolph Kestling: "No. Because what brought this to my mind, in my neighborhood they're excavating for a building and I happen to be outside in my front yard on North Wading River Road, and for the 25 minutes I was out there trimming my hemlocks, these two trucks- I know where they're coming from, passed me full of sand. Approximately 10 trucks passed in about 45 minutes. Now these are 10 ton trucks and I understand because I had a delivery of material once, 10 tons is about 750 yards. Now this 45 minutes, 10 trucks, later on-- I know it comes back so fast- so I had the delivery from some place in the neighborhood and the next day I found out where they were going and the guy said, yes, he's got about eight truckloads already. I went down to where the excavation is and they were still excavating, the trucks were still pulling out. Now they were more than excavating for the basement. They were also lowering the topography of the property at the same time. So I'm sure if it's 1,000 yards or whatever, I was just wondering if they were paying their \$.50. Now you say, well- "

Supervisor Kozakiewicz: "I know with an instance where a piece of property that was currently- not too long ago received site plan approval, the question came up and as a result of the intervention and input from the Building Inspector, the Town Attorney, we did, in fact, receive a check recently from that applicant for what is being excavated out of that property. Now it was \$.50 per cubic yard."

Rolph Kestling: "Would that be my- you know where I live. Would you say that's in my neighborhood?"

Supervisor Kozakiewicz: "The property that we received the money on? No. No."

Rolph Kestling: "Because I understand when you excavate, the

first thing- in talking with Mr. Barnes, a building permit should be looked at."

Councilman Kent: "Could you tell Mr. Barnes the location privately of this property so that he can investigate it?"

Rolph Kestling: "Privately I'll tell him."

Councilman Kent: "Yeah, I don't think we should put that on--"

Supervisor Kozakiewicz: "Okay. And just for the record, the Town Attorney did look in the code. There is no threshold for the \$.50. However, if they get a mining permit from the DEC, they're exempt. An excavation for a single family dwelling would be exempt."

Rolph Kestling: "It's an excavation for a single- but it's more than, you know, if they're changing the (inaudible) of the ground- "

(Some inaudible discussion)

Supervisor Kozakiewicz: "Thank you, Mr. Kestling. Anybody else who would like to address the Board? Steve Haizlip? No, let Steve go. Come on, Steve."

Steve Haizlip: "I forgot to put the resolutions in it when I was speaking."

Supervisor Kozakiewicz: "That's fine."

Steve Haizlip: "You also invite resolutions and comments, right?"

Councilman Lull: "Yes."

Steve Haizlip: "Steve Haizlip of Calverton. On Resolution 1028, you're going to rescind two resolutions that were passed in 1999. So I don't have to go into the Clerk's office and have to dig them up, would you be kind enough to explain when you read that one what you're rescinding?"

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "Thank you. Zabby. And just for the record, Zabby, the time on the clock is 10:06, so at 10:00 your time will be up."

Zabby: "I'm Zabby and-- "

Supervisor Kozakiewicz: "And where do you live, Zabby? Your residence-- "

Zabby: "And I'm here to talk to the people at home in the Cablevision audience--"

Supervisor Kozakiewicz: "Zabby, would you address your comments to the Board, please?"

Zabby: "Yes."

Supervisor Kozakiewicz: "Okay, you're addressing them to the camera I think. Could you address- could you face us?"

Zabby: "I have some comments to the audience and to the public. This Town Board meeting is being typed by Cablevision now and Cablevision will-refuses to put this Town Board meeting on the government channel and they say that's because Cablevision in here taping is not governmental programing so go figure. So please note that Channel 71 will be coming and we hope that Cablevision will respond to the interest of the community and I would ask the public to please (inaudible) because people in Southampton and Southold are interested in what Riverhead people are doing as well.

And also I would like you to- I'd like to thank this Town Board, the Town of Riverhead, for all the hard work its been doing and pretty soon I'm sure we will have that Channel 71 up and running.

And I would like to read you- because people have been asking about for senior citizens in this town and this is the letter that was written November 6<sup>th</sup> and it's to Cablevision and it says: Dear Joan: It has been established that Cablevision has not shown good faith in regard to the franchise agreement. As we examine it more closely, we discover one thing after another which Cablevision has either overlooked purposely or held back from us inadvertently. We made Cablevision aware of the senior citizens in Town which has been applied for many years- and has not been applied for many years and they have yet to get- we have yet to get a response.

Again, this is either a blatant showing of bad faith or even an oversight, it shows a lack of regard and respect for the Town of Riverhead. Your accounting department should have been aware of the obligation years ago and should have continued to work with the Town

Assessor's office. Please coordinate with Laverne Tennenberg of the Town of Riverhead Tax Office- Tax Assessor's office as they will supply you with a list of senior citizen names.

Also, we wish you to start billing those customers (inaudible)."

(Some inaudible discussion among the Board members)

Zabby: "In lieu of not charging these customers correctly in the past, we (inaudible) Cablevision and require them to pay a rebate to each senior citizen on your records for the past six years. (Inaudible) franchise which gives us the right to assess penalties. Sincerely, Philip Cardinale, Councilman, Town Board, Riverhead.

We also (inaudible) Supervisor Kozakiewicz especially (inaudible) on the sports rebate and (inaudible) Cablevision has not shown good faith and has a history of poor performance in keeping up on its obligation to the Town of Riverhead with incredible discrimination (inaudible) from withholding payments to the Town to the right of way to overcharging senior citizens. We are not surprised by another violation of the contract.

We have now seen Mr. James Dolan's opening statement on (inaudible) admitting to yet another breach of the franchise agreement (inaudible) said in no uncertain terms that Riverhead residents will not be charged for (inaudible). We therefore ask you to write all subscribers- the sports or channel or not (inaudible) penalize Cablevision and return- and require them to pay a rebate to determine all subscribers who had not wanted the sports channel and were forced to defray the costs of those who do. Sincerely, Philip Cardinale, speaking again for the whole Town Board here.

And then one last letter on the (inaudible).

Dear Mrs. (inaudible) and members of the PSC. In reference to my letter of 10/12, we also request serious (inaudible) issue of payments by Cablevision to Riverhead and other (inaudible)."

(There was some inaudible discussion among the Board)

Zabby: "While Cablevision paid these fees to New York City when it had competition, it does not do so in Riverhead. In the east end towns where it has a monopoly even though local franchises (inaudible)."

(There was some inaudible discussion among the Board)

Zabby: "It's clear (inaudible) an improper discrimination as well as a clear contract violation. If necessary, we request that the commission call upon the US Attorney General to order a writ of mandamus ordering Cablevision in the State of New York to pay the Town of Riverhead a percentage of (inaudible). Sincerely, Phil Cardinale, Councilman."

Supervisor Kozakiewicz: "Zabby, okay. Now you've concluded. That's a little more than five minutes. Thank you."

Zabby: "And I thank you and wish you a very Happy Thanksgiving."

Councilman Kent: "Thank you."

Zabby: "And everyone out there."

Supervisor Kozakiewicz: "Thank you. Anybody else? If not, let's take up the resolutions."

Resolution #1001

Councilman Kent: "Resolution 1001 approves the request for a leave of absence received from Maribeth Vail, six months, without pay. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded. I think it's my mike."

Councilman Kent: "You have to speak slowly."

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

Resolution #1002

Councilman Lull: "Authorizes the attendance of the Police Chief at a DCJS training conference in Albany on November 28<sup>th</sup>. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1003

Councilman Kent: "Approves the request for military leave of absence for an employee of the Town of Riverhead. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "One of the Committee members made a point about they'd like to know the name of the person. When he comes back from leave, we'll let you know who that person was then. It's against the policy right now to mention it now. Yes."

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

Resolution #1004

Councilman Densieski: "Appoints Maintenance Mechanic II in the Buildings and- the Department of Buildings and Grounds, and that person is Steven McKay. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Somebody refresh my recollection. These three appointments in the Buildings and Grounds, are these promotions?"

Councilman Densieski: "One is a promotion and two are- "

Supervisor Kozakiewicz: "1006 is a promotion."

Councilman Cardinale: "Okay. And the other two are-"

Supervisor Kozakiewicz: "New hires."

Councilman Cardinale: "New hires. Are they replacing anybody?"

Councilman Kent: "Well, one's replacing the guy who's- "

Supervisor Kozakiewicz: "The person who's moving up."

Councilman Kent: "-- who's being promoted."

Supervisor Kozakiewicz: "Promoted."

Councilman Cardinale: "And the Personnel Committee has reviewed it and- "

Councilman Kent: "Right. There was a retirement. Lawyer Jackson retired."

Councilman Cardinale: "Right. I remember you saying that."

Councilman Kent: "One fills- Guy Cawley is moving up to replace him. So then we're bringing somebody in at the entry level position."

Councilman Cardinale: "That's Juan?"

Councilman Lull: "And the second one was- "

Councilman Kent: "The second one was actually kind of an in anticipation of retirement that's going to be coming within the next few months."

Councilman Cardinale: "But you've reviewed it in Personnel, you and Jim, and yeah, it's necessary?"

Councilman Kent: "Yes."

Councilman Cardinale: "All right. I'll vote yes on 1004."

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

Councilman Lull: "A fortunate situation. Both of these people, Phil, have been working for the town as part of the summer program so we know how they work, we know what they can do. So we're really fortunate to get them. Yes."

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

Resolution #1005

Councilman Densieski: "Appoints Maintenance Mechanic II in the Department of Buildings and Grounds. That person is Juan Ayala. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1006

Councilman Lull: "Appoints Maintenance Mechanic IV in the Department of Buildings and Grounds. This is to replace a retired foreman. That is Guy Cawley. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1007

Councilman Cardinale: "This resolution appoints crossing guards to the Police Department, Anna Layton, Richard Heinen and William Gable. So moved."

Councilman Densieski: "Is this- I believe this should say ratifies. Is that correct?"

Supervisor Kozakiewicz: "No, no, no. Actually I talked to the Police Department and it's going to be effective- they- because of the school holidays and such they didn't need them prior."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "Do you second it?"

Councilman Densieski: "I second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1008

Councilman Densieski: "Removes and appoints member to the Riverhead Town Board of Ethics. This Board has had about 10 members and they haven't even done anything yet."

Councilman Kent: "But the important thing is if you become a member of this Ethics Committee, you immediately become a judge."

Councilman Densieski: "That's true."

Councilman Kent: "So I think you might want to get appointed to this Committee."

Councilman Densieski: "The person that- "

Councilman Kent: "I think that's what Frank wants to get on."

Councilman Densieski: "-- who's leaving is Tom Whelan who was just appointed judge as Chris pointed out- "

Supervisor Kozakiewicz: "Elected."

Councilman Densieski: "Elected, I'm sorry, elected. And the person that's going to be on the Board of Ethics is Frank Yakaboski. So moved."

Councilman Lull: "I'll second it although I'm not too happy with the word removes in the title. It should be accepts the resignation."

Supervisor Kozakiewicz: "Okay. Moved and seconded."

Councilman Kent: "We can amend that, can't we? It might be better."

Councilman Densieski: "Yeah, it's a good idea."

Barbara Grattan: "You want to amend?"

Councilman Kent: "Yeah, it should be accepts the resignation of- accepts resignation and appoints a member- "

Supervisor Kozakiewicz: "With that amendment- moved and seconded?"

Barbara Grattan: "Who's going to do that amendment? You and- Jim Lull and you? Seconded?"

Councilman Lull: "I'll second it, yes."

Supervisor Kozakiewicz: "Vote?"

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution has been amended."

Resolution #1009

Councilman Kent: "Resolution 1009 appoints Sharon Bilunas and Beth Koroleski as temporary clerks in the Tax Receiver's office. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1010

Councilman Cardinale: "Accepts the Suffolk County National Bank irrevocable letter of credit of Gendot Associates for road and drainage improvements. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1011

Councilman Lull: "Is an authorization to publish a bid, this is for street light and traffic signal maintenance repair parts. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1012

Councilman Densieski: "Authorization to publish bid for building materials. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1013

Councilman Kent: "This is an authorization to publish a bid for #4 fuel oil. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1014

Barbara Grattan: "Councilman Densieski."

Supervisor Kozakiewicz: "This one should be withdrawn, Barbara."

Barbara Grattan: "This one is going to be withdrawn?"

Supervisor Kozakiewicz: "Yes. Is there a motion to withdraw 1014?"

Councilman Kent: "So moved."

Supervisor Kozakiewicz: "Is there a second? Do we have a second to withdraw?"

Councilman Cardinale: "Seconded. Yes, I did second."

Supervisor Kozakiewicz: "To withdraw? Okay. Vote."

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

Councilman Lull: "Mr. Kent said the reason we're withdrawing it is because nobody wants to read that again like we did last. Yes."

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

Resolution #1015

Councilman Kent: "This authorizes the Supervisor to release petty cash monies to the Receiver of Taxes, \$200.00. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1016

Councilman Lull: "General fund budget adjustment, three adjustments. One in the Assessor's Office; one in the Clerk's Office; and one in the Police Department. So moved."

Councilman Kent: "They are all intra-department. And I'll second them."

Supervisor Kozakiewicz: "Yes. Moved and seconded."

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

yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1017

Councilman Cardinale: "1017 is a local street and highway capital project budget adjustment, \$30,000 from transportation state aid to road repair and maintenance. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "Love to see us moving state aid in the budget. Yes."

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

Resolution #1018

Councilman Kent: "This is a budget adjustment for the sewer plant upgrade capital project, \$20,000 for construction from contingency. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1019

Councilman Lull: "Is a budget adjustment in the Y2K Police E911 capital project. 10-4. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1020

Councilman Densieski: "This is a sewer district budget adjustment of \$3,600. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1021

Councilman Cardinale: "Joint scavenger waste district budget adjustment, \$1,100 from plant electricity to telephone expense and plant fuels. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1022

Councilman Kent: "This is a Highway Department budget adjustment of \$6,000 from drainage expenses to traffic paint expenses. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1023

Councilman Cardinale: "This is an authorization to the Supervisor to execute and submit a grant application to Suffolk County for the fiscal year 2001 Community Development Block Grant Funds. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1024

Councilman Kent: "This authorizes the extension of time or to extend the time for which senior citizens who are receiving an exemption to remit real property taxes. So moved. It extends the time to Monday, June 5<sup>th</sup>."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1025

Barbara Grattan: "Resolution #1025, Councilman Densieski."

Supervisor Kozakiewicz: "There's a slight amendment or need to amend this?"

Dawn Thomas: "Just a clarification. On the third Whereas paragraph prior to where it says the County of Suffolk, I'd like to add the language to standardize (inaudible) through the eleven public safety answering points within Suffolk County, the County of Suffolk has recommended an Eventide Voice Recorder and then it goes on from there. I have it. I wrote it down for you."

Steve Haizlip: "Can we share in that reading of that?"

Supervisor Kozakiewicz: "Yeah, if you could, just turn the mike around so that they can all hear."

Councilman Kent: "A slight amendment."

Supervisor Kozakiewicz: "On the third Whereas clause- "

Steve Haizlip: "Amendment to what? We are allowed to hear it."

Councilman Kent: "Yes, I know. That's why I was explaining what it was."

Supervisor Kozakiewicz: "That's what we're doing."

Dawn Thomas: "The proposed amendment would be to paragraph three after the Whereas and prior to the words the County, the language would be added to read to standardize equipment throughout the eleven public safety answering points within Suffolk County, and then the paragraph would continue on from there."

Supervisor Kozakiewicz: "Okay. As amended?"

Councilman Densieski: "Do you want me to read the title?"

Supervisor Kozakiewicz: "Yes, please."

Councilman Densieski: "Approves the purchase of E911 equipment for the Riverhead Town Police Department as amended by the Town Attorney. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1026

Councilman Lull: "Approves the amended site plan of Atlantis Marine World, involves the construction of a concrete stadium in an area originally approved as special events area as well as a reconfiguration of improved landscaped area within the front yard. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1027

Councilman Cardinale: "1027 approves the site plan of Swan Lake Golf Course club addition. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1028

Barbara Grattan: "Resolution #1028, Councilman Densieski."

Supervisor Kozakiewicz: "You've got to explain this one."

Councilman Kent: "Yeah, I have some questions on this one."

Councilman Densieski: "Yes, discussion."

Supervisor Kozakiewicz: "Go ahead."

Councilman Lull: "Why don't you read it first, Ed."

Councilman Kent: "Yes, move it in."

Councilman Lull: "Put it on the record then we- "

Councilman Densieski: "1028 rescinds Resolutions #'s 649 and 650 of 1999."

Supervisor Kozakiewicz: "And we have two different numbers on the resolution."

Councilman Kent: "Rick, we might need to talk to you if you can step up."

Supervisor Kozakiewicz: "There's some confusion in the resolution. The title refers to different resolution numbers from the Whereas clauses. The Whereas clause- the first Whereas, refers to Resolution #849- "

Rick Hanley: "It's 649, 650 of '98."

Councilman Lull: "No, wait a second. 849 of '98 was amending

the Master Plan."

Rick Hanley: "Oh, yes."

Councilman Lull: "830 of 1999 implements- "

Supervisor Kozakiewicz: "Oh, no, we're right. It's the right one. I'm sorry. I read it too fast. Okay."

Councilman Kent: "Yeah, but I was wondering. Nowhere in the body of the resolution- "

Rick Hanley: "Yes, the second page."

Supervisor Kozakiewicz: "Right. It's in the second page. I'm sorry."

Councilman Kent: "Only in the Resolve, right?"

Supervisor Kozakiewicz: "We went through this the other day. I stand corrected."

Rick Hanley: "It's only in the body."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "Yeah, okay, don't worry about it."

Supervisor Kozakiewicz: "What was the question? Discussion."

Rick Hanley: "849 as Jim said, yes, was the (inaudible)."

Councilman Kent: "Okay. Any other discussion on that?"

Councilman Densieski: "Yes, I think we should have some discussion."

Supervisor Kozakiewicz: "I know what was asked was what are we doing here. I think that's what the question is. In last year by Resolution 649 and 650 of 1999, the Town Board set forth in those resolutions the requirement that we consider the creation of a transportation development district and a transportation fund in connection with the Calverton property. That was based upon certain premises of what development would result on (inaudible) parcel due to a full development, a theme park, and other major highway traffic

generators.

We've had discussions subsequent with the Suffolk County Planning Commission and other representatives and put forth the case that at this time in light of the minor subdivision being proposed at the site, the needs for a transportation development district and a transportation improvement fund are not necessary.

The resolution is rescinding those resolutions that were adopted in 1999 to eliminate those two items being created, namely, a transportation improvement fund and a transportation development district based upon the minor subdivision that's been submitted. Is that a fair statement? Okay."

Councilman Lull: "We're also committing ourselves to revisiting that if it becomes necessary in the future."

Councilman Densieski: "Right. Jim makes a good point. I don't have any criticism of the prior administration for doing that. I think in hindsight they were trying to look to the future to make sure the town didn't get jammed up and I appreciate that fact. But in light of what's going on at Grumman, I think it's wise that we do rescind these resolutions."

Supervisor Kozakiewicz: "And there's also two proposed amendments. On the third Whereas clause to insert right after Whereas and prior to the aforementioned zoning amendments, the language pursuant to the recommendation of the Suffolk County Planning Commission. Just once again, that's pursuant to the recommendation of the Suffolk County Planning Commission. And the second change would be in the fourth Whereas clause to delete shall and put the word in may. Any discussion with those proposed amendments? Any further discussion?"

Councilman Kent: "No."

Supervisor Kozakiewicz: "Okay. Take up the vote."

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

Resolution #1029

Councilman Lull: "With Resolution 1001, we approved a leave of absence. Now we are authorizing the Town Clerk to publish and post

the help wanted ad to fill that absence. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1030

Councilman Kent: "This authorizes the Town Clerk to post and publish public notice of public hearing to consider a proposed local law for an amendment of Chapter 101 entitled Vehicles and Traffic of the Riverhead Town Code. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1031

Councilman Cardinale: "This resolution authorizes the Town Clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead Town Code relating to the definition of the requirements for a special permit. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Discussion."

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "Okay. This was present in work session, I didn't ask the question because I didn't think about it but I'm thinking about it now. What does this do to people that are in the process now? Do they have to come back or is this going to be

effective- "

Supervisor Kozakiewicz: "I'm not sure if we should address that at this point in time. I think the more important question that we have to make as a policy and as a Board is whether there is a need to continue with the requirement as previously or as it's set forth presently in the code. Namely, whether we need a fully detailed site plan as part of a special permit consideration.

The understanding that when the special permit legislation was drafted, it was done so when we did not have Article 26 and those site plan requirements and was a necessary aspect in order to ensure that when the special permit was being reviewed, we knew what the site plan was. In light of the detailed requirements for site plan review now set forth in Article 26, I think the- what we need to do is make a policy decision whether we're going to remove those requirements in order to provide for a conceptual site plan. And I think that's the question. Any other issue, I think, we'll have to certainly address to the Town Attorney. All right?"

Councilman Kent: "The only other issue that I have heard raised on this amendment is that if the proposed development is to a greater extent requiring a greater expenditure of money, we would want to see perhaps want to continue the policy of having site plans as part of the special permit application. I think that's a- Councilman Lull raised that at a work session and we had some brief discussion on that. I don't see any amendment to the code that would allow based on certain dollar amounts or certain acres- threshold of acres, be developed."

Councilman Lull: "Yeah, I know I said that and I would like to hear what people say in the public hearing."

Councilman Kent: "I mean I'm glad to have a public hearing on that but I just want to make that a part of the final proposed amendment."

Supervisor Kozakiewicz: "Further discussion?"

Councilman Densieski: "No."

Supervisor Kozakiewicz: "All right, let's take up the vote."

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

Resolution #1032

Councilman Densieski: "Refers special permit petition of Sound Housing, Inc. Willow Ponds, to the Riverhead Planning Board. So moved."

Councilman Kent: "I'll second it. And I have a question."

Supervisor Kozakiewicz: "Moved and seconded. Discussion."

Councilman Kent: "Do we have to pull the site plans on this application?"

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "My understand is we do. Okay."

Councilman Kent: "That is the answer. Okay. It's delayed but that's okay."

Councilman Lull: "Are you satisfied with the- okay. All right."

Supervisor Kozakiewicz: "Further discussion? Vote."

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

Resolution #1033

Councilman Lull: "Approves special permit for Blue Meadow Farm Bed and Breakfast, William A. Rule. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Comment. I'd like to thank the individuals for sitting through hours of other operations- "

Supervisor Kozakiewicz: "If you take up the vote and not comment, it won't be so long."

Councilman Densieski: "Okay, I'm sorry. I may have said one or two thousand times before that there's no successful tourist towns around that don't have a lot of bed and breakfasts. I want to welcome you to the community and I wish you the best of luck. Yes."

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

Resolution #1034

Councilman Densieski: "Approves amended site plan of Baiting Hollow Commons. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1035

Councilman Lull: "1035 approves the phase site plan of Riverhead Daewoo Inc. This is a temporary office trailer which shall be removed from the premises within six months from the date of this approval. That is at the old OTB office- "

Supervisor Kozakiewicz: "Robert Hall."

Councilman Lull: "Robert Hall, yes, we go back that far. Yes. Okay. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1036

Councilman Lull: "Budget adjustment, Community Development Agency for Calverton. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Discussion."

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "It may have slipped my mind, but I don't remember talking about this at work session. Did we?"

Supervisor Kozakiewicz: "I don't believe we had this one on. Do we- ask the question what this is for? Is that the issue?"

Councilman Densieski: "Well, I'd like to make a point, if I could."

Supervisor Kozakiewicz: "Well, why don't we ask what it's for. Is- I think the question is what this budget adjustment is for. Jack, can you address this?"

Councilman Kent: "I think this is a consultant, I believe, the electric guys."

Councilman Densieski: "Yeah, exactly my point."

Councilman Kent: "And the repairs are the fence. I don't know what the engineer- "

Jack Hansen: "For (inaudible) whatever we were doing- "

Supervisor Kozakiewicz: "That was the survey."

Jack Hansen: "And the other one was for the repairs for 1800 linear feet of fence and- "

Supervisor Kozakiewicz: "What we have right here is a budget adjustment from administrative management consultants to miscellaneous consultants."

Jack Hansen: "That's for the electrical."

Councilman Kent: "I thought that was \$22,000."

Councilman Densieski: "Yeah, it was."

Councilman Kent: "Why is it now \$28,500? His proposal, I believe, was for \$22,600."

Jack Hansen: (Inaudible) The other one was for the fence and there was a permit that was necessary for the (inaudible)."

Councilman Kent: "There is also an engineering expense for \$15,000."

Jack Hansen: "That's for (inaudible)."

Councilman Kent: "That's airport consultants?"

Supervisor Kozakiewicz: "Yes."

Jack Hansen: (Inaudible)

Councilman Lull: "Is it possible that this one and this one are mixed up? Jack, is it possible that the- "

Jack Hansen: "\$22,000 for the fence."

Councilman Lull: "Are you sure it's \$20,000?"

Jack Hansen: "22."

Councilman Lull: "22. Okay."

Councilman Kent: "Well, the electrical surveys proposal was for \$22,600 not \$28,500. Do you have any idea why it's- "

Jack Hansen: "I don't know (inaudible). And the other three are mine."

Councilman Densieski: "(inaudible) are \$69,000. Is this imperative that this is passed tonight? Because it's not clear. The Supervisor's got a different resolution than I have."

Supervisor Kozakiewicz: "I have a different resolution which doesn't include the work for the fence."

Councilman Densieski: "And it's about \$30 or \$40,000 short of mine."

Supervisor Kozakiewicz: "I know we need to repair the fence."

Councilman Densieski: "We do?"

Supervisor Kozakiewicz: "Well, we can't leave it unrepaired."

Councilman Densieski: "Okay, then- "

Supervisor Kozakiewicz: "I don't know. Mine doesn't have all this in it. Mine only has one budget adjustment in it. I don't know- "

Councilman Kent: "Jack, can I ask you a question on these?"

Jack Hansen: "The latest- the one with the fence came in late today and this was to be replaced- "

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Jack, can I just ask you a question on these? All it does is put the money into the line. They would still require some type of a voucher to- "

Jack Hansen: "Yes. All-- every one of those needs requisition and purchase order- "

Councilman Kent: "So this just puts money into different lines."

Jack Hansen: "That's not expending money."

Councilman Kent: "I understand that."

Jack Hansen: (inaudible)

Supervisor Kozakiewicz: "Any further discussion?"

Councilman Cardinale: "Yes. I just wanted to make sure I understand this. I know what it's doing but in order to expend the money, there need not be any further resolution. Is that correct?"

Councilman Lull: "No. As long as it's in the line- "

Jack Hansen: "(inaudible) still have to approve the bills to be paid."

Councilman Cardinale: "Well, yeah, but I mean other than that

routine approval which we all know nobody looks at."

Jack Hansen: "The Supervisor has to approve the acquisition via the purchase order."

Councilman Cardinale: "Well, the reason I ask that is not simply to be difficult because it's far too late for that but simply because I'm not so sure I would want to do that \$22,000 thing. And I think Ed had some of the same reservations. So, anyway, I get it now. But I'd like to consider it a little further before we vote."

Councilman Kent: "So you want to table it? You want to make a motion to table?"

Councilman Cardinale: "Yeah, I would like to consider it further and so I ask that it be tabled to do that."

Councilman Densieski: "Seconded."

Councilman Lull: "Wait, one second. Let me ask a question about the- "

Supervisor Kozakiewicz: "We were still in discussion, I think."

Councilman Densieski: "Well, he made a motion."

Councilman Kent: "Well there's a motion to table."

Councilman Lull: "Okay, let me- "

Councilman Kent: "Discussion on the motion to table is- "

Councilman Lull: "Let me just- "

Supervisor Kozakiewicz: "Well, let's just take up the vote because we're going to be here forever. And I don't feel like being here forever."

Councilman Kent: "What's your question?"

Supervisor Kozakiewicz: "There's a motion to table and a second. Is there a discussion on the motion to table and second?"

Councilman Lull: "Yes. I have discussion on the motion to table. And that is what is the time table on the electric

consultants?"

Supervisor Kozakiewicz: "I'm not sure if I understand the question."

Councilman Lull: "Well, is we put this aside for two weeks, does that mean that we don't get the electrical consultants for two weeks?"

Supervisor Kozakiewicz: "That's correct."

Councilman Lull: "I'm not sure that we should be doing that."

Supervisor Kozakiewicz: "Okay, well is there any further discussion on the motion to table? If not, I'm going to ask the vote be taken on the motion to table."

The Vote: "Densieski, yes, to table; Cardinale."

Councilman Cardinale: "I'd like to table, yes."

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

Councilman Kent: "I'm willing to table it."

The Vote (Cont'd.): "Lull, no; Kozakiewicz, no. The resolution is tabled."

Councilman Kent: "Okay, let's move on."

Resolution #1037

Supervisor Kozakiewicz: "1037."

Councilman Densieski: "Oh, I'm sorry. Refers special permit petition Riverhead Center LLC to the Riverhead Planning Board. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1038

Councilman Cardinale: "This resolution authorizes the law firm of Smith, Finkelstein as special counsel in connection with the Article 78 proceeding entitled Headriver LLC versus the Town Board, Town of Riverhead. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'm sorry to do this to you, Bob, but a quick discussion. I just have to ask the Town Attorney because I didn't ask her before. This is not something that we can handle in house or you don't have the time or maybe I don't understand what's going on here."

Dawn Thomas: "Well, time is a factor, yes. And then the second part of it is that this firm has been working with us on some similar matters- "

Councilman Densieski: "You feel it's prudent that we go this way?"

Dawn Thomas: "Yes. Yes, I do."

Supervisor Kozakiewicz: "Any other discussion? Vote."

Dawn Thomas: "And also just so you do know that we handled the beginning part of it in house."

Supervisor Kozakiewicz: "Right."

Councilman Densieski: "Thank you."

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

Resolution #1039

Councilman Densieski: "1039?"

Supervisor Kozakiewicz: "1039."

Councilman Densieski: "1039 is 55 Laurel Road for a Chapter 96 capital project budget adoption. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "It's \$750. Yes."

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

Resolution #1040

Councilman Densieski: "Authorizes the Town of Riverhead to remove rubbish, debris and the cutting of grass and weeds from the property pursuant to Chapter 96 entitled Grass, Rubbish and Refuse Disposal of the Riverhead Town Code. And the address is 5 Andrea Court. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "I'm going to abstain on this. I have represented this person."

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

Resolution #1041

Councilman Cardinale: "This authorizes the Town to secure, demolish and remove unsafe building or structure pursuant to Chapter 54, James and Holly Ritter, 29 Midland Drive, Riverhead. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1042

Councilman Lull: "Appoints full time account clerk typist in the Community Development Office, appointing Linda McKay. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Comment. I did not support this when it was done about four or five months ago. I did not think the position was necessary. I'm still not sure but this person is going to be handling the community service program which will be on line thanks to the Town Attorney here very shortly and this person is willing to do that so I'm going to vote yes this time."

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

Resolution #1043

Councilman Kent: "1043 adopts as local law 12 of 2000 of the Riverhead Town Code to be known as Chapter 89 of our Town Code entitled Calverton Sewer District Sewer Use ordinance. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "This is one of those little 50 page resolutions. Yes."

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

Resolution #1044

Barbara Grattan: "Resolution to pay bills, #1044."

Councilman Lull: "So moved."

Councilman Cardinale: "Seconded."

Councilman Kent: "Anybody check through these bills? Yes, as a matter of fact I did. Uh-oh, here comes Jack. One of these bills is not good?"

Supervisor Kozakiewicz: "Bills are done. Okay, we have some tabled resolutions we need to- "

Barbara Grattan: "No. We didn't vote on the bills."

Supervisor Kozakiewicz: "Oh. I'm sorry. Moved and seconded on the bills."

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

Councilman Kent: "Do you want to take up the tabled resolutions?"

Councilman Lull: "Take the ones off the floor. Take the oldest ones first."

Supervisor Kozakiewicz: "We need to do the tabled resolutions."

Councilman Kent: "There's two here that are unnumbered. Nobody cares."

Supervisor Kozakiewicz: "Those are the same- "

Councilman Kent: "One's establishing a reward- "

Supervisor Kozakiewicz: "All right. Let's just deal with the tabled ones. It's 997."

(Some inaudible discussion among the Board members)

Supervisor Kozakiewicz: "All right. You guys have the tabled resolution 962?"

Councilman Kent: "Yeah, I've got it."

Councilman Densieski: "997?"

Supervisor Kozakiewicz: "No, 962. All right."

Councilman Cardinale: "That's the one that you want- "

Councilman Densieski: "Part time account clerk typist to the Highway Department. And that's Donna Testa. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "This is a motion to take it off the table. Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes, to take it off the table; Kent, yes; Lull, yes; Kozakiewicz, yes. Resolution is off the table."

Supervisor Kozakiewicz: "Is there a motion to move this resolution?"

Councilman Lull: "Yes. We tabled this last time but as of the action we took yesterday there's no longer an issue. So I'll move it."

Supervisor Kozakiewicz: "Moved by Councilman Lull. Second?"

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Second from Councilman Densieski. Vote?"

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

Barbara Grattan: "Now we're going to 997."

Councilman Kent: "997. But we have to go to the amended 997."

Barbara Grattan: "Right. The tabled one."

Supervisor Kozakiewicz: "Well, do we have to take off the table 997. Is there a motion to take 997 off the table?"

Councilman Lull: "I'll move to take it off the table."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Kent: "Yes, second."

The Vote: "Densieski, yes, to take it off the table; Cardinale, yes, to untable; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is off the table."

Councilman Lull: "Now, this is- we are still going to do this one, right?"

Supervisor Kozakiewicz: "I think we just need to amend it now. There's amendments that have to go, that's separate and distinct. There's a new copy which is an amendment to the prior one which adds some additional language just so we're clear. Now that it's come off the table, there's in Resolution 997 at the end of the description of the resolution, the words after Aquebogue, New York, should include and improvement of same.

In the first Whereas clause, after the word acquisition and between of real property it should read and improvements, so that the- in the first Whereas, the- you've got that? Okay.

We're also adding a second Whereas, well, actually, it's going to be Second and it's going to read as follows: And, whereas, the Planning Department has prepared an environmental assessment form quantifying the impact of such borrowing upon the social environment and- and the second Whereas will now become the third Whereas."

Councilman Lull: "Okay."

Supervisor Kozakiewicz: "All right."

Barbara Grattan: "Do you have a copy of this?"

Supervisor Kozakiewicz: "Yes, I do."

Councilman Lull: "I will move the tabled resolution which declares lead agency and determines environmental significance of the authorization of \$2,750,000 in serial bonds of the Town of Riverhead for the acquisition of property from the Congregation of Jehovah's Witnesses, Aquebogue, New York and improvement of same. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "Discussion. We've got a real big population of senior centers- senior citizens in the Town of Riverhead and every time you turn around somebody is putting another senior complex in and we're not equipped to handle them across the street. As a matter of fact, it's substandard in my opinion. So I really think that this is a really good thing for the future of Riverhead seniors which we will all hopefully be some day."

Councilman Lull: "In case nobody understands the- what I read because it doesn't apply to what Eddie says, the acquisition and improvement is for a senior center."

Councilman Densieski: "It's a lot of money but about two months ago before this Board, all five members, we were voting on a parking lot bond to buy parking for people to come to Riverhead, tourists and courts and things, it was \$2,000,000 and not one Board member here including me said anything about it. There was not one comment about it. And this is just a little more, another three-quarters of a million dollars for a senior citizen center, for a human resource center for a community center. So I think this Board- and I urge this Board to vote yes on this because I am going to do that now."

And one more, one last point is, I think every administration for the last four or five has said they were going to build a senior- a much needed senior center, so I urge this Board to do that and complete it. So I'm going to vote yes."

Councilman Cardinale: "I have a question in regard to this. I think there's no doubt a senior center is needed and I think that the last- I understand that we authorized an appraisal and received one for this location. But just on the timing of this, before we- maybe somebody can help me out. Wouldn't it make more sense to negotiate a purchase before we authorize the bonds and aren't we kind of telegraphing to the world that we're prepared to pay \$2,750,000 for the acquisition of this property and its improvement before we even have negotiated to purchase it?"

Councilman Kent: "The presentation- "

Supervisor Kozakiewicz: "We have been discussing those."

Councilman Kent: "The presentation that came before us at a work session- "

Councilman Cardinale: "Yeah, I was here."

Councilman Kent: "-- was that it was going to cost approximately \$300,000 for the acquisition and about- "

Councilman Densieski: "350."

Councilman Cardinale: "The rest for the improvements."

Councilman Kent: "-- \$2,000,000 for the improvements."

Councilman Cardinale: "But in doing the authorization of the bond prior to the ascertaining if we can make a deal on the site, isn't that putting the cart before the horse?"

And the other question, I guess is, is everybody on the Board comfortable with this as the ideal site. For example, even if we are all comfortable that we should spend- since the senior citizen center is pretty pitiful, two million and change or three million dollars for a new senior citizen center, are we all convinced this is the site? Because this is apparently authorizing two million- this and the subsequent resolution does a couple of things.

It declares the lead agency and indicates there's no environmental significance to issuance of the bond which I'm perfectly glad to do. But the more important one is the next one where the resolution authorizes the issuance of two and three quarter million dollars to acquire this land and to move forward with the renovation of that site as the senior citizen center. It's kind of a significant decision.

Is there some public hearings that come in here someplace or do we just kind of make the decision and that's it? Because I'm not- I like the site, I think it's a good site. I think it's a good idea but I'm not entirely certain that this is the best alternative for a site for the senior citizen- "

Supervisor Kozakiewicz: "We've- I'm going to just- I know since January we've been looking at a lot of sites and a lot of properties for the possible reuse as a senior center or a human resources center and a lot of work has been done. We've had a local architect look at what the requirements would be as far as space. The individual or the

property owner who's involved here has indicated a willingness to sell for that number so I mean there is a number that they're committed to sell for. They wish to sell it to the Town. Their feeling is that as a community minded group, they would prefer it to go for a community minded purpose. So the appraisal did come back at a number which showed that the purchase price and the number being discussed was a fair price and I think as far as the Board is concerned, we did talk about it at previous work session. I think it might have been the one when- "

Councilman Cardinale: "I was here."

Supervisor Kozakiewicz: "You were here."

Councilman Cardinale: "I was here when they presented it."

Supervisor Kozakiewicz: "Okay. And we also talked about it on one other occasion. I'm not sure of the specifics but the policy of the Board, at least at that time as I understood it, was prepared to go forward with this resolution. So- "

Councilman Densieski: "Bob, I'd just like to point out that the Town has purchased property many times in the past. This one actually appraises \$150,000 higher than what we're going to pay for it. Of course, now we've (inaudible). The Town Engineer did a lot of work on this and I think for once Riverhead town is getting- I appreciate Phil's questions but there has been a fair amount of work and a fair amount of negotiation and a fair amount of meetings on this and for once we're getting a good deal."

Supervisor Kozakiewicz: "Okay, we were in the vote- "

Councilman Kent: "One second."

Supervisor Kozakiewicz: "I'm not sure why we're having all this discussion in the middle of the vote."

Councilman Kent: "Can I just ask a question? Dawn, are we- do we have contracts tendered to us on this? Do you know who's representing the property owner?"

Dawn Thomas: "Well- "

Councilman Kent: "Do we have attorneys?"

Dawn Thomas: "Not counsel, not yet, no."

Councilman Kent: "No. Are we agreed on a price, a handshake, a binder, a nod, anything?"

Dawn Thomas: "I think we have a letter of intent to the sellers and have their (inaudible)."

Councilman Kent: "Jack, as to this vote, is subject only to the 30 day permissive referendum?"

Supervisor Kozakiewicz: "Correct."

Councilman Kent: "Do we have an estoppel resolution we have to do at some point?"

Supervisor Kozakiewicz: "Yes."

Jack Hansen: "A thirty day permissive referendum."

Councilman Kent: "So to answer to Phil's question, there is a subsequent resolution that we have to pass after the 30 day permissive referendum period."

Jack Hansen: "(inaudible) the bond has to come first. That's the authorization in order to (inaudible). You can't say you are going to buy this property, enter into a contract, and then subsequently (inaudible)."

Councilman Cardinale: "Except that you usually have a contract and our contract to purchase is going to be around 350 to 300 but we're authorizing 2.75 which is all of the improvements which why would we do that now if all we are going to do now is purchase the property?"

Supervisor Kozakiewicz: "I think the idea is to do the bond authorization all in one fell swoop which seems to be a more expeditious and logical way to do it than do it piecemeal."

Councilman Cardinale: "Yes. I think it's a good idea; it's probably a good price. The only concern I have is that we're committing to it and I haven't heard anything from- "

Supervisor Kozakiewicz: "This is not committing to an actual expenditure. This is committing to the bond authorization."

Councilman Cardinale: "To the bonding. But we're bonding without even having a hearing to determine if the senior citizens in the town like this location. They may- "

Supervisor Kozakiewicz: "We've met with them- we met with them and there was overwhelming support, Phil."

Councilman Cardinale: "I think part of my problem here is that I think there has been a lot of work done by the Board on this- "

Supervisor Kozakiewicz: "Okay."

Councilman Cardinale: "-- but not by me and I don't know of all the meetings that have taken place. I know, I understand."

Jack Hansen: "(inaudible) It authorizes it (inaudible). We don't borrow \$2,000,000."

Councilman Cardinale: "I understand. I understand that. I understand that you like your authorizations early and that's why we're doing this. Okay. We don't need any further discussion."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "Densieski voted yes."

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

Councilman Cardinale: "As I indicated, I think it's an excellent idea. I think we need a senior citizen center. I think that this site is a worthy one. However, I am uncomfortable committing to this site without getting further feedback from the public so I'd like to abstain at this time on this vote."

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

Councilman Kent: "I'm going to vote yes."

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

Barbara Grattan: "Now- "

Councilman Kent: "I'd like to move a resolution that we tabled earlier tonight at least get it back on the- "

Supervisor Kozakiewicz: "You want to- just- can we finish the next one."

Councilman Kent: "Oh, this is 998. We have to do 998."

Supervisor Kozakiewicz: "We have to do 998, so."

Barbara Grattan: "I think we have a new one here, right? Yes."

Supervisor Kozakiewicz: "So, let's- is there a motion to bring 998 off the- take it off the table?"

Councilman Lull: "So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Okay. Moved and seconded to take 998 off the table."

The Vote: "Densieski, yes, to take it off the table; Cardinale, yes, to take it off the table; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is off the table."

Councilman Kent: "I move the resolution."

Councilman Lull: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "Same vote; same comment."

The Vote: "Densieski, so stated; Cardinale."

Councilman Cardinale: "This authorizes the bond. Again, I think it's a worthy project. Perhaps a good location. But the project we're committing two and three quarter million dollars seems to me to be a project that should be preceded by a public hearing before we authorize the bond. So I'm going to abstain."

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

Barbara Grattan: "Now, Chris, what did you want?"

Councilman Kent: "We tabled a resolution 1036. I'd like to

call it off the table."

Councilman Lull: "I'll second that."

Supervisor Kozakiewicz: "We've got to do that one, too, you're right."

Councilman Kent: "Which one? Oh, I don't have it."

Supervisor Kozakiewicz: "I have it."

Councilman Kent: "Yes, we just did the appointment of the counsel. Can we move 1036 off the table? It's been moved and seconded."

Supervisor Kozakiewicz: "1036 off the table. Okay, that's the one we previously tabled today. All right. We're going to revisit- who's moving to take it off the table?"

Councilman Kent: "I just moved it and Jim seconded it."

Supervisor Kozakiewicz: "That's the one which we talked about the budget adjustment which I had a different resolution on. All right. Okay. I don't know either."

Councilman Lull: "Let's get a vote to take it off the table."

Supervisor Kozakiewicz: "So there's a motion and second to take it off the table. This is confusing, on 1036. Okay."

The Vote: "Densieski."

Councilman Densieski: "I'm going to abstain."

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

Councilman Cardinale: "This is the one we just put on the table?"

Supervisor Kozakiewicz: "That's right."

Councilman Lull: "We've got some new figures."

Councilman Cardinale: "Okay, I'd like to- "

Barbara Grattan: "You're going to take it off the table?"

Councilman Cardinale: "We have new figures?"

Councilman Lull: "Yes."

Councilman Kent: "Yes. I'm going to amend the resolution. I'll discuss it. If we can either vote it up or down."

Councilman Cardinale: "Let's take it off the table to consider it."

Barbara Grattan: "So you vote yes?"

Councilman Cardinale: "Yes, to take it off the table and consider what he wants to say."

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

Councilman Kent: "I'd like to move to amend the resolution. I spoke with both Jack and Andrea and she pulled out the proposal from the electrical contractors to do the survey analysis and it is \$22,600, not \$28,500. Were you including some other consultants in that line or are you just- just for the consultants for the electrical inspection survey. Okay, it's \$22,600. \$12,500 from landscaping that will- and \$28,810 from the general fund, transfer to general fund line. The miscellaneous consultants would be the electrical survey and investigation. The engineering expense is for the airport consultant, Tom Chastain. The permits and licenses are \$4,310 are for the steam plant, and the \$22,000 is for the fence repair. So the only amendment is the top number both from and to, it's going to be \$22,600, not \$28,500. And I will move it with the amendment."

Councilman Lull: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded. The vote."

The Vote: "Densieski."

Councilman Densieski: "I think these items should have been talked about in work session; they weren't and I don't think I'm really for spending \$22,600 to have somebody check the electrical lines at this point in time. Maybe after a closing or some other windfall but not right now. So I'm going to vote no."

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

Councilman Cardinale: "Those are the two concerns I also share so I'm going to vote no as well. They're identical to Ed's."

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

Councilman Kent: "We may not make it to a closing and I think we are responsible to deliver this premises in the same condition they were at the time we entered the contract and we could be facing a huge expense is something does go wrong so I think we should take a look at the transformers and the lines and the switch boxes and I think it's- if we don't expend this money and something goes wrong we'll look a lot worse. So I'm willing to pay the small preventive maintenance expense of \$22,600 rather than the much larger expense to replace or repair a transformer or switch box. So, I will vote yes."

Councilman Lull: "I'm much more comfortable with preventative maintenance. Yes."

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

Councilman Densieski: "Yes I do. May I bring it off the floor?"

Barbara Grattan: "You've got resolution #1045."

Supervisor Kozakiewicz: "Yes, and then we also have still one more that's got to come off the table."

Councilman Densieski: "Okay. This was not in the packet. It was not discussed at work session because I didn't think about it at the time. This establishes a reward. What happened at the former Grumman site the other night, was somebody that is opposed to the deer hunt went in and cut down a quarter mile of the taxpayers fence. We're not insured for that. It's going to come out of mine and your pockets for the sum of \$20 something thousand dollars. So I'd like to see if we can get our Police Department to apprehend the person that did it and simply make him pay for it. And one way to do that is to offer a reward of \$1,000.

I think this is one way to send a message that we're not going to tolerate vandalism up there and destroy town property that the taxpayers have to pay for. So it establishes a reward for \$1,000 for

damage done at the Epcal fence. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "All right. Moved by Densieski; seconded by Cardinale."

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

Councilman Cardinale: "I'm going to vote yes. I also wanted to point out if you didn't hear, that fence repair we just authorized, \$22,000 for, so this wasn't a little cut in the fence. Yes."

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

Councilman Lull: "I have certain problems with first amendments rights here. I do not want to qualify anybody who would do this kind of thing. It's a very large criminal mischief or very large felony, it's a felony, and I do not in any way support the person who did it. But there are people who have been hunting that property up there for many years who might very well resent other people who are now hunting that property so it may not be- have anything whatsoever to do with the appearances up there on Sunday. Whatever the case may be, I still vote in favor of it."

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

Supervisor Kozakiewicz: "And we also have one last one which is to bring off the table 977 which is authorizing the Town Clerk to publish and post public notice in connection with the completion of DEIS on special permit and site plan Headriver LLC. "

Councilman Kent: "The date of the hearing then?"

Dawn Thomas: "December 20<sup>th</sup> date on it."

Supervisor Kozakiewicz: "Right. This has- "

Councilman Kent: "December 20<sup>th</sup>."

Supervisor Kozakiewicz: "-- a public hearing on the DEIS will be held on December 20<sup>th</sup> at 3:00 p.m. at Riverhead Town Hall in the meeting room."

Councilman Kent: "That has to appear in next Thursday's News Review."

Councilman Cardinale: "Is this court ordered?"

Supervisor Kozakiewicz: "Yes, yes. Just quickly. There was a return date last week which was the TRO phase and then Monday was the preliminary phase and the Court provided that we should renote the hearing based upon the filing of the amended plans which were, in fact, filed."

Dawn Thomas: "The merits of the petition will be decided prior to the hearing being conducted at which time the judge will say whether we need to go forward on it or not."

Supervisor Kozakiewicz: "So first we need to just take it off the table."

Councilman Kent: "But it has to get into the paper by December 3<sup>rd</sup>- December 3<sup>rd</sup>- what is that? November 30<sup>th</sup>. Because if it goes in December 7<sup>th</sup> it's too late for December 20<sup>th</sup>. All right."

Supervisor Kozakiewicz: "Right. So it's got to go."

Councilman Lull: "I'll move to take 977 off the table."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded to take off the table."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is off the table."

Supervisor Kozakiewicz: "With those changes- with the changes as amended- "

Councilman Kent: "Yes, I'll move as amended."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Which one is this now?"

Supervisor Kozakiewicz: "This is Headriver and it was taken off the table and this is to put it on for a public hearing December 20<sup>th</sup>."

Councilman Densieski: "Yes."

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

Supervisor Kozakiewicz: "And I just need a copy of that. Any further business? Gentlemen?"

Councilman Densieski: "Motion to adjourn."

Councilman Cardinale: "Seconded."

Meeting adjourned: 11:08 p.m.

*Barbara Gutton  
Town Clerk*