

Minutes of a Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, December 18, 2001, at 2:09 p.m.

Present:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Christopher Kent,	Councilman, arrived 2:35 p.m.
Philip Cardinale,	Councilman, arrived 2:11 p.m.

Also Present:

Barbara Grattan,	Town Clerk
Scott DeSimone, Esq.,	Town Attorney

Supervisor Kozakiewicz called the meeting to order at 2:09 p.m. and the Pledge of Allegiance was recited, led by Steve Haizlip.

Steve Haizlip: "I'll get the Pledge of Allegiance."

Supervisor Kozakiewicz: "All right, good. I call this meeting to order, the time being 2- I wanted to say 7, 2:09 p.m.

Thank you. Is there a motion to approve the minutes of December 4, 2001?"

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Moved by Council person- Councilman Lull. Person or- well, which one do you prefer? Council person, okay. And second from Councilman Densieski. Vote, please."

The Vote: "Densieski, yes; Lull, yes; Kozakiewicz, yes. 3 yes; 3 absent."

Supervisor Kozakiewicz: "Okay. Reports, please."

REPORTS:

Police Department

Monthly report for the Police Department for October, 2001

Recreation Department	Monthly report for November, total collected was \$5,823.00
Recreation Department	Monthly report for October, total collected was \$10,685.30
Juvenile Aid Bureau	Monthly report for November
Open Bid Reports	Yard waste at Youngs Avenue opened on 12/13, two bids were received
	Spill containment system for sewer, opened on 12/13, four bids were received

Barbara Grattan: "That concludes Reports."

Supervisor Kozakiewicz: "Thank you. Applications."

APPLICATIONS:

Site Plan	Riverhead Bay Motors for the construction of two auto dealer facilities
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Barbara Grattan: "That concludes Applications."

Supervisor Kozakiewicz: "Any Committee Reports? Oh, no, I'm sorry. Correspondence."

CORRESPONDENCE:

Peter Danowski, Esq.	Regarding a subdivision, Country Trails, petition for the construction of lateral water mains
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Charles Cuddy, Esq.	Regarding Northside Road subdivision - petition for lateral extension of Water District
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Letters	Six letters received in support of the Reliance
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Leasing Co. to expand the re-
cycling operation on Youngs
Avenue

Two letters opposing the re-
cycling facility

Barbara Grattan: "That concludes Correspondence."

Supervisor Kozakiewicz: "Committee Reports?"

Councilman Densieski: "I'd just like to bring everybody up to date on the Stotzky park skate park. It's coming along really good. If you get a change, take a ride by there. We hope to have it open relatively soon. It's going to be a really, really nice recreation for the residents of Riverhead."

Supervisor Kozakiewicz: "Okay. Any other Committee Reports? Okay. The time being 2:11 p.m., it's time to call to order or open the first public hearing set for 2:05 p.m."

Public Hearing opened: 2:11 p.m.

Supervisor Kozakiewicz: "Barbara, would you read the affidavits of publishing and posting, please?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on December 18, 2001 at 2:05 p.m. regarding the purchase of 1.62 acres of riverfront lands owned by Peconic River Babies Corp. located on West Main Street, Riverhead."

Supervisor Kozakiewicz: "Okay. Just as a little bit of a prelude, this is three parcels- three separate tax map lots I should say more exactly, which are located on the south side of West Main Street and east of Raynor Avenue. The tax map parcels are 124-4-1, 2, and 3 and they are owned by Peconic River Babies Corp.

I believe the owner of record is here, maybe outside, and could be available to discuss this further if need be, if you want to get into the historical aspect.

This is something we've been looking at for the last two years. It had been approved for acquisition by the County under I believe the 12B5 funding and then there was a question of whether there would be

adequate funds in order to continue with that acquisition under that basis.

These are parcels that, as I said, are located adjacent to one another. They comprise about 1.62 acres. An appraisal has been done. An appraisal was done by the company of Marchitelli, Barnes and Co., Inc. (phonetic). That was provided back in June of 2001 and the appraisal amount or the appraisal verifies the acquisition number which has been proposed to be \$45,000 per lot.

If there's anybody who wishes to at this point come forward and address the Board as to the acquisition of these three parcels, now is the time to address us. Anybody? Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. When you mention being at the end of Raynor Avenue, the south side- "

Supervisor Kozakiewicz: "East of Raynor. But they're on the south side of West Main Street. There's a map out in the hallway which depicts the location of the three parcels. We should have one up here."

Steve Haizlip: "Is it by the Maple Tree Deli?"

Supervisor Kozakiewicz: "It's west of the Maple Tree Deli."

Steve Haizlip: "West."

Supervisor Kozakiewicz: "There had been some buildings on the parcel. The buildings were demolished. There had been a Chapter 54 I believe back in maybe '96, '97 on these parcels. The buildings were removed. They are vacant parcels at this point in time. You know what?"

Councilman Densieski: "Yeah, do you know where the weeping willow is, Steve?"

Supervisor Kozakiewicz: "The weeping willow?"

Councilman Lull: "Steve, it's west of Weeping Willow Motel."

Steve Haizlip: "Oh, west of Weeping- "

Councilman Lull: "That empty spot there."

Supervisor Kozakiewicz: "Right."

Steve Haizlip: "In there about where the house burnt, where the guys--"

Supervisor Kozakiewicz: "Right."

Steve Haizlip: "Okay."

Supervisor Kozakiewicz: "That's correct."

Steve Haizlip: "Now, that is just a narrow strip of land from the road up to the river edge. What purpose could that serve the Town buying it and paying \$45,000 for a bank of land and there's three of them."

Supervisor Kozakiewicz: "It goes hand in hand with the concept of the river corridor, the Greenways program and the establishment of vistas and passive recreation or active recreation uses along Main Street."

Steve Haizlip: "Okay. Now that you get this land, who's paying taxes there now? Somebody is paying taxes. You get it, meaning the town, then there will be no taxes on it, right?"

Supervisor Kozakiewicz: "That's correct."

Steve Haizlip: "Yeah, another couple of dollars added onto the tax bill."

Supervisor Kozakiewicz: "Anybody else who would like to speak either for or against this proposed acquisition? Anybody? Not seeing anybody move, I'm going to close the public hearing, the time being 2:15 p.m."

Public Hearing closed: 2:15 p.m.

Public Hearing opened: 2:15 p.m.

Supervisor Kozakiewicz: "And the time still being 2:15 p.m., Barbara, would you read the affidavits of publishing and posting for the second public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on December 18, 2001, at 2:10 p.m. regarding the consideration of a Local Law amending Article XXXXI entitled "Wireless Communications and Antennas" of Chapter 108."

Supervisor Kozakiewicz: "I will let Counselor go through this if more details needed. I understand- essentially, what we're looking to put in is a height restriction and anything that exceeds 50 feet in height will become by its very nature if it's not otherwise exempt, subject to special permit and site plan requirements. Is that a fair abridged version of what we're proposing to do?"

Scott DeSimone: "That is a fair summary of that change. There's two other substantive changes, one of which provides for more detailed information as part of the special permit application and the third substantive change would be to increase the minimum separation between towers from 5,000 to 25,000 feet."

Supervisor Kozakiewicz: "Okay."

Scott DeSimone: "There is one change, however, I mean in Subsection D(e), there was a proposed change to modify the period of time and it was an error. It should have not been put in there, to extend the time in which an individual would have to go to the Zoning Board of Appeals if there was a final determination from the zoning officer. It was originally 30 days. The proposed local law shows that it was going to be changed to 60 days. That was done in error. It's going to remain 30 days."

Supervisor Kozakiewicz: "Okay. Is there anybody who would like to speak either for or against the proposed changes to the wireless communications and antennas section of Chapter 108? Barbara. Barbara Blass."

Barbara Grattan: "Oh, sorry."

Barbara Blass: "I just had a question really. When we were considering a special permit that had been referred to the Planning Board- "

Supervisor Kozakiewicz: "I hear motion that- if you could get closer to the mike so people can hear you. I guess there's a few who can't hear you."

Barbara Blass: "Okay, thanks. There was a situation where the site was being leased and there were other parcels on that-- other buildings if you will on that site within the fall zone, and the discussion at the Planning Board level was such that if we ever go to amend this section of the code, we might want to consider having an unobstructed fall zone, because it doesn't make sense really to have a fall zone and allow for buildings within that area. Do you- yes?"

Councilman Densieski: "I did quite a bit of this when I was on the Zoning Board- "

Barbara Blass: "Okay."

Councilman Densieski: "-- so I know a little about it, at least the way it used to be. And from what I understand, the design of these monopoles, the first half of the structure is basically there's like a crumple zone half way up--"

Barbara Blass: "Okay."

Councilman Densieski: "-- so there's little, if no change, as a matter of fact, there are no recorded failures on the entire pole going down. What happens is it's kind of like the top half will separate and go down this way so it may be a little overkill, maybe, to allow for that whole zone to be a fall zone when it's probably not necessary but I do understand your point."

Barbara Blass: "Okay. Thank you."

Supervisor Kozakiewicz: "Okay. Is there anyone else who would like to speak either for or against? Not seeing anybody indicate a desire to speak, I declare the public hearing closed, the time being 2:19 p.m."

Public Hearing closed: 2:19 p.m.

Public Hearing opened: 2:19 p.m.

Supervisor Kozakiewicz: "The time still being 2:19 p.m., Barbara, would you read the affidavits of publishing and posting for the third public hearing? I declare that hearing open."

Barbara Grattan: "I have affidavits of publishing and posting

for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on December 18, 2001, at 2:15 p.m. regarding the consideration of a local law amending Chapter 52-10 entitled "Building Permit Fees" of Chapter 52 entitled "Building Construction" of the Riverhead Town Code."

Supervisor Kozakiewicz: "Counsel, would you explain this one? It's self-explanatory, I think, but why don't you explain a little history of this and what we're looking to achieve?"

Scott DeSimone: Simply, what we have found here in the town is there's been a proliferation of construction without building permits and currently there is little deterrent to- "

Supervisor Kozakiewicz: "Can't hear? Boy. You're in the front row, Steve."

Scott DeSimone: "What we have found is that there's been a proliferation of construction without building permit applications. With that, the town obviously has no opportunity to inspect the construction and there's a loss of tax revenues as a result of that.

We are basically looking to increase the fees on building permits that are sought after construction occurs and, again, one of the purposes of increasing the fees is to recoup lost tax revenues and what you don't see here and what there is an intent to have this local law become effective April 1st, which would give the residents of the Town of Riverhead an amnesty period where they can come into the Building Department, file their building permit applications, get everything in order and avoid the increases."

Supervisor Kozakiewicz: "I hope everybody understood that. What we're looking to do is just- in addition to the present structure, we're also looking to recoup some of those lost revenues as was pointed out. It's a change to Section 52-10 of the Town code and it's designed once again to curtail and to address a building without benefit of a permit.

Anybody who would like to address the Board? Yes."

Rolph Kestling: "Rolph Kestling, Wading River. First of all, I'm going to say I approve of this hearing on the Town code and the building, but what good is it if you don't have anybody to inspect and fine them? Now, we've had a situation in my neighborhood. Everybody around there is laughing at what was going on. Well, finally I

understand a few weeks ago, they caught quite a few of them. Finally. I mean this stuff has been going on for years. I think you send all your building inspectors first to have an eye examination and, second of all, I think when they go inspect something, they should get out of their cars and take a look.

If this is such a big strong thing in my neighborhood, what the heck is it all over Riverhead? It's about due and I hope you enforce it."

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

Sandra Mott: "Sandra Mott, Riverhead. Can I just clarify something? In modular home communities, trailer home communities, are both prefabricated and from stick additions required to have a building permit?"

Supervisor Kozakiewicz: "The existing mobile home and manufactured, they might not have had building permits if they were pre-existing. I understand that that is the case now that they do require a building permit."

Sandra Mott: "Okay, in regard to any extension- I'm not talking about the actual placement of the unit, I'm talking about extensions put on to it."

Supervisor Kozakiewicz: "Yes."

Sandra Mott: "In either category, prefabricated or stick?"

Councilman Densieski: "Yes."

Supervisor Kozakiewicz: "Correct."

Sandra Mott: "Well, I agree with Rolph. People need to get out of their cars and start roaming through these communities because there's a great deal of construction going on, and I'm not talking prefab either. I'm talking from stick built, of additions, and there are no permits, there's no inspection and most of the communities, the homes are very close together. So if there's a problem with any kind of electrical installation or so on, you could have some major issues of it jumping from unit to unit."

Councilman Densieski: "That's exactly why we're considering

this law because it's going to detract people from building things without a permit because there's going to be a serious fine. So, hopefully, this is going to eliminate a lot of that."

Sandra Mott: "As to your amnesty period, they know the law, they've known the law, and if they don't know the law, the community's owners know the law. I don't think there should be any amnesty. You should be tripling the fines because it's really putting people's lives and homes in jeopardy the way they're doing it now, and you have a really extensive problem around all your communities, and not only single family dwelling units. So I don't think you should have any kind of amnesty. I think- they know what it is. If they don't know what it is, the owners of the communities know what it is and it will- will the fine only go to the actual homeowner of the unit or also to the community park? How will you handle that situation?"

Supervisor Kozakiewicz: "Well, it would be to the owner of the unit, the dwelling. That's the way it would be structured."

Sandra Mott: "Okay. Thank you very much."

Supervisor Kozakiewicz: "Thank you. Anybody else? Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. You know, I've had people say to me that they put in for something, patio or a little extension, washroom, a little office space, whatever it is, it is so long for anything to happen and they get discouraged because they've got to wait like two or three years to get something done. You remember Mikey standing up here one night hollering that it takes forever to get something done?"

Supervisor Kozakiewicz: "Well, that was a special permit for a bed and breakfast not a building permit application."

Steve Haizlip: "I think he sort of addressed generally if I remember."

Supervisor Kozakiewicz: "He did. He did."

Steve Haizlip: "All right. Now, is there any way that an interim can take place within the Building Department and the building inspectors where an application is filed and they want to make a little addition or even build a new home or whatever it is, that they can get a little consideration and maybe get an interim permit or

something to get going? People are getting- that's why they do what Sandra is saying. They get discouraged because they've got to wait so long to come around to get something done. So in the meantime, they want to do it so they can use it."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak either for or against? Yes, Mr. Kasperovich and then Odell Evans."

William Kasperovich: "William Kasperovich. I take this opportunity to wish you the season's best."

Supervisor Kozakiewicz: "Same to you, Bill."

William Kasperovich: "The remaining officials for the coming year, I pray the good Lord blesses you with divine wisdom and that you can do better by virtue of the years of experience that you have and do right by the people that live here. It's a fine community. You don't appreciate it until you go to another community outside of the metropolitan New York area. You come home and you realize this is a fine place to live and you've got to help keep it that way. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Thank you. Same to you, Bill."

Supervisor Kozakiewicz: "Mr. Evans."

Odell Evans: "Odell Evans, Riverhead. What's the new fees going to be after April 1st?"

Supervisor Kozakiewicz: "They would double whatever the application building permit would have been if they had come in and applied the proper way. And I think the proposal is an additional \$1,000 for construction work that would include anything greater than decks I think and \$500 if it was a deck."

Odell Evans: "So you've got a fine and a fee both, you're talking about?"

Supervisor Kozakiewicz: "That's- well, yes. I guess that's the way you can describe it."

Councilman Densieski: "The fee is what they should have paid

originally- "

Odell Evans: "Okay."

Councilman Densieski: "And the fine is for not paying the original fee."

Odell Evans: "All right."

Supervisor Kozakiewicz: "Any other- anybody else who would like to speak either for or against?"

Councilman Lull: "The fine is double right now."

Supervisor Kozakiewicz: "Well, it's an increase- it's an increase application fee is what it is. Anybody else? Not seeing anybody's hand, I declare the public hearing closed, the time of 2:29 p.m. having arrived."

Public Hearing closed: 2:29 p.m.

Public Hearing opened: 2:29 p.m.

Supervisor Kozakiewicz: "And we'll go to the last public hearing, Barbara. The time still being 2:29 p.m., if you would read the affidavits of publishing and posting, please?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on December 18, 2001, at 2:20 p.m. regarding the consideration of a Local Law amending Section 58.1 entitled "Yard Sales" of Article XIII entitled "Supplementary Use Regulations" of Chapter 108."

Supervisor Kozakiewicz: "Thank you, Barbara. This is a proposed change to our yard sales ordinance. I'll quickly go through the changes, hopefully, I'll get them."

We're reducing the number of days for yard sales from six to three. We're asking that there be adequate, either emergency vehicle access or parking such that we're looking for the premises to abut a street of at least 33 and 1/2 feet in width or to otherwise provide off street on site parking for everyone using or visiting the yard sale. We're now enacting a fee, whereas previously there had been none. The

fee for the annual permit would be \$5.00. And there's an increase in the violation provision from \$250.00 per offense to \$500.00 per offense- per permit, I'm sorry. It's \$5.00 per permit.

Anybody who would like to address the Board with respect to these proposed changes? Yes, Rolph Kestling."

Rolph Kestling: "Rolph Kestling, Wading River, again. Every Saturday we go sailing, my wife and I, yard sailing that it. And- "

Supervisor Kozakiewicz: "I thought you meant you went out on the water, okay? I'm trying to get the relevance here, okay?"

Rolph Kestling: "Well, we go on Saturdays, three, four, five yard sales, and generally in the neighborhood of Wading River. I would say once in a blue moon you see a permit. It's a rare occasion to see a permit. I have a yard sale once a year and I have a permit. But who's going to enforce this especially if it's on a Sunday or a Saturday? Do you have code enforcement officers working on Saturdays and Sundays?"

Supervisor Kozakiewicz: "I think you know the answer presently. The answer is no."

Councilman Densieski: "At an overtime rate we do."

Supervisor Kozakiewicz: "Right."

Rolph Kestling: "I'm just saying. Why stick another law, make something look good, and it's just nothing?"

Supervisor Kozakiewicz: "Well, I think the idea is to provide a little bit more incentive and to, hopefully, provide for this type of off time enforcement."

Rolph Kestling: "Well, I'm interested in the one about you need so much parking place, which I agree it should be. This will put me out of the yard sale business because they have to park on the road."

Supervisor Kozakiewicz: "Well, that's what we're looking to hear. I mean if there's reasons why we shouldn't do that, now is the opportunity to address us and say that this is maybe an ill conceived idea."

Rolph Kestling: "I think it's a good idea as far as- personally

it doesn't matter one way or the other. I just want to get rid of some junk so now I'll have to bring it down to the town dump."

Councilman Densieski: "I don't think this is trying to impede anybody from getting rid of their junk as you put it. But I think there are some people that abuse it."

Supervisor Kozakiewicz: "One person's junk is another person's treasure."

Rolph Kestling: "No. But it is ridiculous sometimes. Okay, thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Yes, Mr. Haizlip."

Steve Haizlip: "Steve Haizlip from Calverton. I want to see if I can understand that 33 feet you're talking about, something about parking. In other words, if you live on a fairly narrow street and you don't have a space yard, or compound where the people can pull in, then they can't have a yard sale, right? Because there is a safety involved and there's not enough room for vehicles to pass."

Supervisor Kozakiewicz: "It's not only for that, but also for emergency access. But that's the general idea, correct."

Steve Haizlip: "Well in that case I think you ought to add a new provision to the yard sales when there's narrow streets and people want to go to it. You know, the Monroe brothers wrote a song, Let's Live a Let's Live and Let Live and if people want to have a yard sale and they don't happen to be living on a big wide street, they shouldn't be prohibited in order to have the yard sale. So I suggest let them get some safety factors so many feet away from their house to slow the traffic down and catch the traffic's attention."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak either for or against the proposed changes? Not seeing anybody indicate a desire to speak, close the public hearing, the time being 2:35."

Public Hearing closed: 2:35 p.m.

Supervisor Kozakiewicz: "We do have a resolution before we go

to the public comment period, which I know was just distributed to the Town Board members and I believe it's been left outside which may come off the floor. Did you get it?"

Councilman Densieski: "No."

Supervisor Kozakiewicz: "Okay. Well, here it is. I just wanted to address that. This is- no, there's only going to be one. I will make sure there's a copy out there. I'm- let me address the audience, please. It is out there, okay."

There was an award made last Town Board meeting with respect to the GC portion for the senior citizen human resource center. After we notified all the unsuccessful bidders, one of them called and said you didn't go all the way down to alternate bid or bid alternate for and, in fact, while I might be higher without the bid alternate, I am, in fact, lower with bid alternate for and all the other factors built in.

So it was brought to our attention very late last night that we had acted and had awarded the bid to the bidder who wasn't the lowest and this resolution is entitled Rescinds general construction bid award to Senior Citizen Human Resource Center and it's in turn awarding- it should say it rescinds and then awards to the lowest bidder which would be SJS Construction Company, Inc. of West Babylon. And the number was not a great deal, but it was less."

Councilman Densieski: "Bob, I've got a question. Are we required by law to take the lowest bidder? I'm just- "

Supervisor Kozakiewicz: "We are required to take the lowest and the key word is responsible bidder and that's been determined. There's been a further review and the bidder who was SJS- they both were determined to be responsible bidders."

Councilman Densieski: "Thank you."

Supervisor Kozakiewicz: "Okay. With that said, open it up to public comment. Call the five minute rule in effect. First one, Vasso Patrikis. Okay. Rolph Kestling. You are really bouncing up and down today, aren't you?"

Rolph Kestling: "Rolph Kestling, Wading River, again. Actually, I pulled out my card and what I wanted to speak about before I looked at the resolutions and I see it's on the agenda. But I'll go ahead anyway."

Supervisor Kozakiewicz: "Thank you."

Rolph Kestling: "On the Cablevision agreement, franchise agreement, now, it is my understanding about over a year ago, you took the reins of the negotiations with Cablevision."

Supervisor Kozakiewicz: "Well, I don't want to get into that debate. I had not disbanded the committee. I did get involved in some of the discussions. I oversee them. But I don't know if I would say I took over the reins."

Rolph Kestling: "All right."

Supervisor Kozakiewicz: "There is a dispute on that. But, regardless, let's go past that."

Rolph Kestling: "Well, I'd like to know, since you had the reins, what have you accomplished? I'm saying accomplished."

Supervisor Kozakiewicz: "The- well, we're trying to get some of the final issues resolved, of course, and there's been this issue with respect to the second channel. The negotiations that I've had with Cablevision which I don't know if they were occurring prior to my involvement or not, have been to try and get them to an acceptable term as far as franchise.

I know they're looking for a longer term than I think is appropriate. They're looking for 10 years; we're looking for five. And we're also trying to reinstall or reenact the senior citizen discount. In addition to get some clarification on these cable modem fees. I know that they're looking for a certificate of authority or authority which I believe is too expansive, and we're attempting to restrict that certificate of authority or that ability for them to bring in these other services such as Lightpath, such as cable modem, under the cable television provisions.

We haven't reached an agreement. It's not- I mean, this has been going on I think longer than I've had the reins. It's been going on since the early '90's and it has not been a fast moving process, granted."

Rolph Kestling: "In other words, saying you bombed out just like the rest of them."

Supervisor Kozakiewicz: "Well, I don't think I've been involved

as long as the others."

Councilman Densieski: "Yeah, Rolph- "

Supervisor Kozakiewicz: "It just seems that I'm being- having a finger pointed at me and I intend to get a final answer from them. I think this has gone on long enough but when- and I didn't find out that the reins had been pulled from me until- or the reins had been pulled by me until that June meeting or July meeting in Wading River.

But, again, that's not the issue. The issue is what's right for the citizens, what's the right thing to do, and how do we get to that goal. That's the real issue. Can we get the senior citizen discount reinstated and reactivated? That's fundamental to any agreement with Cablevision."

Rolph Kestling: "And we've been having now, the last few years we've gotten in the last year or so, we've gotten raised twice already. I mean I started a little- "

Councilman Densieski: "Rolph, also, I spoke to Victor Prusinowski yesterday or today, he's the Chairman of the new committee, and he said he would be glad to take any calls from anybody with questions. He has been meeting with Cablevision. If you want to call him, he'll be glad to update you on what's going on."

Rolph Kestling: "Does the Town of Riverhead- I'm not saying you have any clout in this, anything we can do? We say, take your wires and get the heck out of here or something like that? Can the Town of Riverhead do that?"

Supervisor Kozakiewicz: "I think that's the suggestion in part from what this resolution is looking to do, to start that proceeding, to find them in breach, to bring the proceedings on under the- to curtail or lost the exact wording here. Of course, that means to have to find another provider and I'm being told that they're out there, and will come. But, yes, that's I think the game plan. Tell them to- you're not the only game in town and see you later.

I think, you know, you know, we've been working with Southold. We've joined with them with the same counsel in order to- the idea was to have a little more negotiation edge so that it was not only our residents but Southold's residents as well. And I think, you know, if we can work in a unified manner and if it means that Southampton also needs to be brought on board-- if we're unable to gain any headway

with Cablevision, then, hopefully, we can get Southampton and other townships involved as well."

Rolph Kestling: "Well, you know, the Cablevision must be having a lot of competition from the satellite dishes that are sprouting up all over the place, and they've been running a commercial where people are going back to Cablevision because they miss their Channel 12. Channel 12 is no big deal, we can do without it. And if it's up to me and you ask me how I feel about it, I say shut them down and look for somebody else."

Say everybody in Riverhead, the Town of Riverhead, gives in a certain amount of money for a dish to put on the side, eliminate the problem. I have no objection to shutting down Cablevision."

Supervisor Kozakiewicz: "What you're suggesting is- just to make sure I understand it. If we- you're suggesting that we shut them down and then how do people get the dishes that-- the Town of Riverhead would provide for that?"

Rolph Kestling: "I still got my antenna and it's working."

Supervisor Kozakiewicz: "Okay. Okay."

Rolph Kestling: "And so I'll go out and buy a dish for it and so everybody else can do the same thing. I think you ought to put a little more pressure on it and there are people that are standing behind to shut Cablevision down if it's necessary for a time. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Cardinale: "Rolph, I wanted to mention something to you. One, I appreciate the support that you've indicated for the resolution 1271 which I'm advancing. You would be interested to know that the committee that was formed essentially to get rid of Zabby has never met. That is the Prusinowski committee. It has never met. Ever. And I will never meet with her because I will be gone in a few weeks."

The other thing I wanted to ask Bob about which I think is of great interest to the public, we received a letter indicating that Cablevision would as of January 1st, not film the Town Board meetings."

Councilman Densieski: "They are filming the Town Board meetings."

Councilman Cardinale: "Is there-- I'd like to know what the present position of Cablevision (inaudible)-- this the last letter that I've ever seen."

Councilman Densieski: "The present position of Cablevision is that they are going to film at least for the next 90 days until the town and current negotiations can make something permanent."

Councilman Cardinale: "So Cablevision is willing to do it for the first quarter, conditional upon our caving in on the contract. Is that basically it?"

Rolph Kestling: "I- "

Supervisor Kozakiewicz: "Well, I think- I wouldn't phrase it that way. I would say they have indicated that they will continue to film for an additional 90 days, to continue the negotiations and if we reach an impasse then we're exactly where we are- "

Councilman Cardinale: "I remind the Supervisor that this Board passed several- a month or two ago a resolution which indicated that all negotiations would cease with Cablevision as of that date. So if you're negotiating with Cablevision, you are negotiating without the authority of the present Town Board. You better wait and see if you can get it from the next Town Board. You recall that resolution was passed which indicated all negotiation would cease."

Supervisor Kozakiewicz: "You're right."

Councilman Cardinale: "And so we shouldn't be negotiating with Cablevision. And this- the resolution says let's go the next step. Let's sue them and let's seek to disenfranchise them."

Rolph Kestling: "Yeah. I'm for it 100%."

Supervisor Kozakiewicz: "Thank you."

Rolph Kestling: "And I'm sure you can find a lot of other people are willing to agree. I thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Cardinale: "Thanks, Rolph."

Supervisor Kozakiewicz: "Roseann- is it Astrip?"

Roseann Astrip: "Yes, that is correct. Thank you. Roseann Astrip. I am a member of the Citizen Cable Advisory Committee Southampton and I just want to address the Board today.

All of the east towns need to work together to make Cablevision accountable for all their breaches. I know this fine gentleman just brought some of them up. I understand from Zabby, too, today that your intent was to table the Cable resolutions to the next administration.

We need and want a strong Board to stand up against Cablevision. Each of you as Board members have a responsibility not to do business with Cablevision because they are in breach of the contracts to the people, as you all know. Why would you want to negotiate with a company who has not kept their promise?

You, the Town Board of Riverhead, have the power at this moment to be the champion of the people by voting for the Cable resolution that Mr. Cardinale has put before you. After seven years, isn't it about time that this Board has the courage to stand up to Cablevision and give them the consequences for not keeping their promise?

Ask them to rectify this in 15 days or you bring suit against them. I don't know really what's stopping you or what's really holding you back. This is the time to seize the moment and stop passing the buck.

And I realize today, too, that you, Riverhead Town Board, needs to be the crux to break this monopoly because you're right here. You have Southampton over here and Southold over here. You guys could really do this. And you have a lot of us that are right behind you to help you with this.

Also, today, I came across a video that my daughter had brought home from school and in it Mr. Bert Newborn (phonetic) who is of the Brennan Center for Justice said that- he stated that our forefathers created the first amendment right for the purpose to create a world where people could speak freely and equally. You have an obligation to step in and even the playing field so individuals like each and every one of us have- are able to have a real and fair discussion or debate.

What Mr. Newborn has said is that today- now I learned this word today, brand new to me so I might even say it wrong, he said that today we have a pleutrocracy (phonetic) in which that money talks, the big business, the big monopolies. It is your responsibility to the voters who put you in office. And I have a telephone number here, a 1-800 number. I saw this today for the first time and I was so taken by it because it has to do with freedom of speech. It's called Free Speech for Sale by Bill Moyer. And the number is 1-800-257-5126. If your family still needs to get you guys a Christmas present, ask for a short wave radio because our news media no longer speaks the whole truth. Thank you very much for your time."

Councilman Kent: "Excuse me. Can I ask you a question? I'm down here on the end."

Roseann Astrip: "Yes."

Councilman Kent: "What has Southampton town done with regard to their cable franchise? Are they- did they commence litigation?"

Roseann Astrip: "Southampton is dragging their feet and that's why I'm here today for you to do the right thing because what you do, they will follow suit. We've been after Mr. Canuscio also and we've been working with him, too, on this. So, please, thank you very much. You can call them, do whatever it needs to take, but this needs to be addressed and taken care of immediately. Thank you very much."

Councilman Kent: "Thank you."

Supervisor Kozakiewicz: "Thank you. Zabby."

Zabby: "I almost didn't show up today. But I wait on God for my instructions and I got up today and I realized I was here to stand by Phil Cardinale and that's why I'm here today. And speaking on Phil, the Public Access Television Association recognizes Phil Cardinale as a leader and a teacher with undaunting courage to act in a political field of land mines right up to the last minute bringing this resolution here. And I was told earlier by Jim Lull that it will be tabled, that it will not be voted on for this administration- in this administration and we are going to allow Phil Cardinale's knowledge to go to waste, to go on the you know, on the waste. And nobody's going to- when the new administration starts, nobody's going to take this off the table, his resolution."

I am urging you to vote for that today unanimously because we

have been giving Cablevision a chance for seven years. Each administration has passed the buck to the other. And it's time for the so called men on this Board to come forward and stand up for the people and protect the people. It's very simple. I would say that you need to amend this resolution so that you give Cablevision the opportunity in a fair way to remedy the breaches once and for all. That should be- that resolution should be amended because there are new consequences here.

And I want to applaud the Supervisor for coming up with the second half of the situation here to solve the problem. The real solve the problem- is to hold a formal proceeding with the Public Service Commission. He came up with this October 17th. I think it helped him win the election and he was going to stand up to Cablevision and kick them out of town. That's the word for that, you were looking for them, Bob. You kicked Cablevision out of town. That's right.

And so we all were there. Everybody sees it on TV. You came up with the solution that took guts and I applauded for you right there at the Calverton Civic October 17th as (inaudible).

I don't see how you could want to negotiate with a company that is in breach of contract. How could you want to negotiate with a company that hasn't kept its promises? And Vic Prusinowski is breaking- Resolution 1084 you voted for right before the election unanimously. Everyone stood here and said they weren't going to negotiate anymore. Why is Vic Prusinowski negotiating, Phil? Could you tell me? And could you tell me why it is that this Board is not going forward with the right thing to do here for the people?"

Councilman Cardinale: "In regard to Vic Prusinowski, I can tell you that I have had no contact with the Chairman of that committee since it was formed. He has not called me. I have spoken to Mr. Kenter who is probably the most knowledgeable member and he has asked repeatedly that they have a meeting. They have declined to do so. So there has been no meeting of that committee and I believe that was because that committee really wasn't meant to meet. It was meant to serve as a vehicle to dump you. And it did because it replaced you.

So I don't know why they haven't met. But I do know they have met and I do know that Mr. Kenter has indicated that he has urged them to meet and they have declined to meet. The good news is in two weeks I won't be around so I don't have to meet."

Councilman Densieski: (Inaudible)

Zabby: "Well, I want to also ask each one of you, Bob, have you ever fought in a war?"

Supervisor Kozakiewicz: "No."

Zabby: "Ed Densieski, have you ever fought in a war?"

Councilman Densieski: "Well considering I wasn't in the service, probably not."

Zabby: "Jim Lull, have you ever fought in a war? No- you're shaking your head no."

Supervisor Kozakiewicz: "He said no."

Zabby: "Mr. Kent, did- "

Councilman Kent: "No. I never fought in a war."

Zabby: "And Mr. Cardinale, did you ever fight in a war?"

Councilman Cardinale: "Not other than my four years on this Board."

Zabby: "Well, a person- you know, somehow when you ask a question you always should know the answer. I knew that. My Dad, my Dad laid his life on the line for free speech. Steve Haizlip in one of the most touching speeches here in front of this Town Board talked about how he went and fought in this war. We have a war hero right here, Steve Haizlip, for free speech. And he pointed out that you guys- he fought for nothing because, you know, it's very interesting. I said something bad about Ed- you know, he considers it bad, Ed Densieski. He won't talk to me anymore. He wouldn't talk to me anymore because he say one of my shows. He didn't like what I had to say, you see. So- "

Supervisor Kozakiewicz: "Zabby."

Zabby: "-- in other words there's free speech for some. No, please, let- please don't interrupt me."

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

Zabby: "And you see I have the knowledge of Cablevision and Ed Densieski who is now left to handle Cablevision, I think he should recuse himself because I think there's a conflict of interest, Ed, in Cablevision. I would like to see Barbara Blass- "

Councilman Densieski: "I have no conflict of interest with Cablevision, Zabby."

Zabby: "No, no, no. I'm talking about the fact that you have been, you know, they are going to promote racing, race tracks, and I believe that Barbara- "

Councilman Densieski: "That's no conflict of interest."

Zabby: "-- Barbara Blass or one of the women should- "

Councilman Densieski: "Mr. Supervisor, are we on the five minute rule tonight or aren't we?"

Zabby: "-- take- "

Supervisor Kozakiewicz: "Zabby, sum up, please. You are past five minutes. I'd like to have other people- "

Zabby: "Well, I want to know: Are you going to table that resolution?"

Supervisor Kozakiewicz: "You will see later. Sum up, please. You've made your pitch for us not to table it and I think we'll have to make that determination as we sit here. Thank you. Sandra Mott."

Sandra Mott: "Sandra Mott, Riverhead. You know, I think everybody comes here with the assumption that we can accomplish something but quite frankly whether it's an animal shelter situation, Cablevision, reducing the number of special permits being put out, it seems like we are talking to the wall here.

I'm not going to go through the Cablevision conversation. You've made up your minds; it's a done deal. We're going to get screwed and that's the end of the story. My concern is that recognition is never given for the people who make the effort, whether it's Phil or Zabby or this other woman from Southampton or from wherever. These are people who are volunteering. They're not sitting up there getting paid. They're volunteering. I found that really offensive. My father also fought in the war.

I want to know a couple things. I never got an answer as to the million dollars situation with- whether it was true or not last time."

Supervisor Kozakiewicz: "There was not an offer of- a donation of a million dollars to the town."

Sandra Mott: "Was there an offer of help by the four or five groups?"

Supervisor Kozakiewicz: "There was an individual who was looking at a piece of property. I understand he still may be looking at a piece of property. It was contingent in part upon the property having the development rights stripped off it and, therefore, it was something that was referred to the Suffolk County Farmland Committee for consideration. As I understood it, he was interested in going to the property but only if the development rights could, in fact, be acquired by the County and then there was a question of whether, in fact, this type of use fits within the parameters that would be left over after the development rights were stripped and whether it qualifies as an agricultural use. But there was never an offer by an individual to give a million dollars to the town to build a dog shelter or a catery. So the information apparently- it's the phone game, when it gets communicated to one person, it gets changed a little bit to the next person and when it got to you, it got confused."

Sandra Mott: Well, yeah, well, the personal experience I've had, no phones- no telephones, no telecommunication, it's been one on one and then it's been denied. We'll move onto another question.

My other concern is the fact that the Business Improvement District, it looks like you're going to have a budget adjustment and they were referred to, I think, in another section of your- you're going to sign an agreement with them. What is it that they- "

Supervisor Kozakiewicz: "We sign an annual agreement with- a management agreement."

Sandra Mott: "Okay. You know, I just read in I guess it was, I forget, Traveler Watchman or News Review, one or the other, that- maybe Suffolk Life, that the train situation- station situation is not to Mr. Yousak's liking because of the security. I found that real ironic considering he was very offensive in his letter to the editor when I said, you know, what are we spending a million dollars- see, it's a million dollar situation every time you turn around- and

suddenly he's in agreement with me. It's not in a secure location. They should be in the middle of the town. They shouldn't be off on the railroad tracks. They should be moving towards the middle of Main Street if they want to do something for Main Street. I think you should forget about the railroad station being used as their new facility. The police need to be brought to Main Street, they should be brought to Main Street. Not to the edge of Main Street down by his restaurant. To Main Street. You've got a lot of vacancies there. I'm sure you can offer him something at a reduced price.

I have two other concerns in regard to the insurance premium. What kind of money are you going to pay to open that skate rink? An arm and a leg I'm sure in this day and age."

Supervisor Kozakiewicz: "The rink itself would come in under the general liability portion of the town. I had that conversation with an individual downstairs who takes care of our insurance so it would be- come in under that general umbrella policy. The skate park, I think the number proposed was \$20,000 and that is contingent upon us doing a number of things, one, having a monitor there; two, requiring a waiver of liability, and this is not at all unlike what the other towns, the town of Southampton for example at Red Creek Park does and what the Village of Greenport does at their facilities as well."

Sandra Mott: "But they have a whole complex there, don't they, in Southampton?"

Supervisor Kozakiewicz: "Village of Greenport has a skate park facility. The Town of Southampton has softball fields, tennis courts. They have an in line roller hockey rink and a skate park."

Sandra Mott: "So you're going to pay someone to sit there and watch the kids- "

Supervisor Kozakiewicz: "They would be watching the- to make sure that they're not obviously doing anything that would be contrary to the rules and regulations that will be posted at the facility, including wearing protective gear, helmets, and all the necessary gear."

Sandra Mott: "And they'll be turned away if they don't have that?"

Supervisor Kozakiewicz: "That's the idea."

Sandra Mott: "Even though it's somebody's cousin who knows somebody's uncle who's working there?"

Supervisor Kozakiewicz: "If they're not behaving properly, they will be asked to leave."

Sandra Mott: "And they will be fired on the spot, your attendant if they do not conform to the procedures?"

Supervisor Kozakiewicz: "That means there's going to have to be another person watching him so there's going to be two people that are getting paid."

Sandra Mott: "Well, the point is liability can be really high if somebody breaks their skull on this kind of a playground. It's not falling on dirt."

Supervisor Kozakiewicz: "We get notice of claims from people falling on the dirt."

Sandra Mott: "Yeah, I know, but it will be a different type."

Supervisor Kozakiewicz: "Okay."

Sandra Mott: "In addition I see you're going to approve the special permit for Headriver which is Lowe's and it's-- right- that's what it says, approves special permit- "

Supervisor Kozakiewicz: "That's correct."

Sandra Mott: "-- and that's in opposition to what your own Town Planning group said which I know is Zoning Advisory as well as the Suffolk County Planning Commission which seemed in opposition to it according to the articles I read in the paper."

Supervisor Kozakiewicz: "That's correct. The resolution recites reasons for the Board to act and to find that the conditions set forth with respect to the Suffolk County Planning Commission and the Planning Board are not applicable. And I'm not sure it's going to be passed today to be honest with you."

Sandra Mott: "I hope it isn't passed because- "

Supervisor Kozakiewicz: "Okay."

Sandra Mott: "-- you know, if you have all these other people who are expert in the field telling you this is a no-no, then I think that that's all no, no, no. So, to conclude, it's very frustrating, this whole procedure. I don't come out because I have nothing else to do, but I'm glad I did at least to voice my concerns as to major issues in the community. And, you know, some people can't get here as I've said before. The only method of access to this community is through those TV cameras and if you're only going to have it for the first 90 days of your next administration, you better find a bigger format for people to come and visit."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? I've gone through cards- Ann Miloski. Anything that includes resolutions, yes. Open comment period."

Ann Miloski: "I'd like to talk about the Epcal seminar that I went to. It was held a few weeks ago at the Michael Reilly business there and I just want to tell the Town Board and the Town that we should be very proud of our community director, Andrea Lohneiss. She does an excellent job. Any questions that were asked from the businesses that were there or businesses that wanted to be there, she had the answer. Even when the people from the Economic Development Zone in New York State didn't know the answer, Andrea came up with the answer. So I think you should be very proud of her."

And the other thing that I wanted to tell you is we should be very thankful that the airport referendum was defeated because if you study the Stewart Airport right now, you'll see that they're in the red. That it's costing them \$3,000- \$30,000 a week for security. So in the future if you still think you want an airport, you better watch what's happening at Stewart."

Councilman Kent: "Right. In East Hampton, I don't know if you noticed also in the paper, East Hampton's airport just got denied. FAA funding was denied."

Ann Miloski: "Oh, yes, yeah. I know that."

Councilman Kent: "So I don't know if anybody (inaudible)."

Ann Miloski: "And the third thing I want to say, I think that you should put that resolution back on the floor about Cablevision and I think you should take the bull by the horns and you should sue Cablevision and even if we don't have Cablevision, they don't have anything good to offer. All we really need is the government access

channel. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Steve Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. I guess my card wasn't picked up and brought into you. At least you're asking anyhow."

Supervisor Kozakiewicz: "I'm not going to go right past it. No. I was certainly going to ask others who may not have submitted cards and we didn't see yours."

Steve Haizlip: "Bob, I'm going to take a page right out of President Bush's book. On this Cablevision, you're either with us or you're against us. Now, that's what he had to say about the terrorists. Now, I've been hearing on the airwaves that the Town Board is- may sue Cablevision for the breaches of the contract in the senior citizens and other breaches. I don't say may, I say will, you will sue them.

Now, they're going to have lawyers that coming back and forth to you. But after all, Bob, you've got Cadillac lawyers and Lexus lawyers so use them. And go after these people.

Now, I want to speak about Mr. Cardinale of all the hard work that he did and fought with Cablevision to try to get Channel 70, as Sandra says, so the people that can't come here and see it at night. Now, you may consider Mr. Cardinale like the warden of Alcatraz about the bird man. He said- the warden said the bird man has been a thorn in my side, but he's been truthful. Now, from what I get, Mr. Cardinale has been truthful and he's got the facts and he's put them out to you. And I think that this resolution that he's got up here today should have some consideration. And don't be afraid of Cablevision because they've got a couple lawyers. And Charlie Dolan. Charlie Dolan is not even what you say a good soldier and that is duty, honor and community- not country, community. He don't even allow a flag to be flown in his Channel 12 newsroom. That's how patriotic he is. He's only concerned about all the money he can get out of us and deny us of all our benefits that they allowed- they stood up here at this podium.

Joe Janoski was on duty as the Supervisor and he negotiated that contract. Then they reneged on the senior citizens because I got up here and testified. Then the next Supervisor went by and he didn't do

nothing. The next Supervisor. Now it's down to you. So have the nerve and stamina to fight these people with your good Cadillac and Lexus attorneys.

And Mr. Cardinale and Mr. Kent, I want to thank you personally for the good work that you've done for the Town Board and the people of this community. In 2002- I'm not being facetious, I'm only being a little comical, Bob might go into show business. I think he will probably be Edgar Bergan and the rest will be Charlie McCarthys. And Ed, Ed, I know you've had your differences with Mr. Cardinale sitting there with comments and you say where were you and all that. But deep down I have a feeling you really respect him."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Steve, not only do I respect Phil. I was going to make a comment in a little while. I'm going to take away knowledge from Councilman Kent and Councilman Cardinale and I think, hopefully, I will be a better Councilman from some of the things that I did learn from them. And Phil and I are both maybe kind of hard headed and we're both tough on our stances but I think Phil likes me, I like him."

Steve Haizlip: "Right."

Councilman Densieski: "And I like Councilman Kent, too, and I think they've done a good job and I thank them."

Steve Haizlip: "Right. And- "

Supervisor Kozakiewicz: "I think that might be an appropriate to do a little time out. Joey, in light of that comment from Mr. Haizlip and the follow up from Councilman Densieski. So I'm going to ask you to bear with me. We've going to have a little show. I'm going to be Edgar Bergan. I was actually at the County legislature this morning so I got to see a little bit of their show."

Zabby: "I'd like to suggest we put- erect a statute of Phil Cardinale in front of Town Hall for single handedly saving this town \$4,000,000."

(Applause)

Zabby: "By the way, you can see me on TV in the early morning hours. Phil Cardinale empowered me some more, you know, he called me

a pollyanna when I came on board and he said, oh, you have such power with 12 and ½ hours of TV. So the thing is- okay."

Supervisor Kozakiewicz: "I would ask- excuse me, excuse me-- I would ask Councilman Kent and Councilman Cardinale to come down, if they would, and the other Board members as well, please. Yes. I was just- I was putting a little bit of a hesitation in there, see what the reaction was going to be.

I do have presentations of the acrylic seals from the Town of Riverhead for both Christopher Kent who served from 1998 to 2001 as well as Phil Cardinale. I think it's an appro pro time to take this break and present them with the town seals. There have certainly been times where we have disagreed. I think not only vociferously but probably rather lengthily. We've gone on. We've had some very long, long (inaudible), discussions, I'm not sure how you would describe them. But I join in the sentiment. Certainly we've learned a little bit through the process. I know as a first time Supervisor, first term, I've learned a little bit through the process and I want to thank both of you for the service you've provided to the Town of Riverhead and wish you the best. Thank you."

(Applause)

Supervisor Kozakiewicz: "Anybody want to say anything?"

Councilman Cardinale: "I can't resist. I want to thank Bob especially and I was reading something today- he was looking for the word for our heated and passionate and heartfelt exchanges. I would like to view them as our auditors, what is it (inaudible) Bank, Markewitz did. Five pages of accounting irregularities they told the Town about and we ought to change some practices in a letter. They called them- we would like to show you these opportunities for improvement. And that's really what I was hoping to do, give Bob and the rest of the administration an opportunity for improvement.

And I'll try to do that when I'm out of office as well. But thank you, Bob."

Councilman Kent: "Yeah. I just wanted to say thank you. It's been an honor and a privilege to serve the Town. I hope everyone has enjoyed it as much as I have. There were times when I did despise it thought especially when certain people would come up the microphone and start to go on too long and we would have to try to ask you to sit down. That is a very hard thing.

So I hope you would- one thing that maybe you could learn is that to respect everyone in the audience and also us up there. We're spending a lot of time with you that we could be spending at home with our families and we're giving of ourselves and we would ask that you would respect- sometimes when the meetings are going long and a lot of people have gotten up there and said a lot of the same things over and over again, that you would respect the time that we put in to not only this job, but most of us have other jobs, too. And would respect what we're doing up here. And would only choose to contribute to what's important and not go on and on. So I won't go on and on either.

But we have in the past. And I just want to tell you that it's really been a learning experience for me and I've enjoyed it. Thank you."

(Applause)

Supervisor Kozakiewicz: "Thank you."

Eve Kaplan: "I hate to bring you guys back from this warm and fuzzy moment like this."

Supervisor Kozakiewicz: "But you will."

Eve Kaplan: "But I will. All this talk about free speech and so forth, I think it's still worth saying what I came to say. Just looking at the list of resolutions that we're looking at today, I just wanted to point some things out. For example, Resolution 1255 approving a special permit for restaurants that will be built in a place where the town explicitly intended restaurants never to be built which is basically inside of- essentially in the Tanger area with the goal at that time being to encourage people to come downtown and revitalize downtown.

Resolution 1256 approving the site plan of Mid Road Properties which is a complex which was the first- for which a special permit was approved maybe a month or two ago- which was the first use of the senior overlay zone outside of Riverhead hamlet, that overlay zone having been created specifically for use in Riverhead hamlet alone.

And then finally Resolution 1301 approving special permit petition of Headriver. As you know, the North Fork Environmental Council was involved and continues to be involved in a lawsuit against Riverhead Center for similar issues. There are some additional issues on that, but similar issues. For example, the claim that a lumber

yard, that this kind of operation is a lumber yard as opposed to retail. The impact of this kind of development on traffic, on community character, on small businesses again downtown. And I think that although we were really- you know, there were a lot of voices for Riverhead Center, people definitely let us know that they value having Home Depot. I think we also heard a couple weeks ago at the public hearing for this issue that people also see the impact this is going to have on the community and it's not just people, a lot of who are here tonight who spoke out at that public hearing saying that a big- another Lowe's or another big box home store is really going to have a negative impact, but also as was mentioned the Suffolk County Planning Board which recommended denial in light of the master plan, the Riverhead Town Planning Board which recommended denial again for planning issues. And those were the same issues that we've attempted to bring up over the past two, three years and which I bring up again today.

So I guess what I'm saying is that there is a pattern of approving anything that's put in front of this Town Board and I think that's part of the reason why people push for a moratorium and I'd like to understand why when everyone who knows these issues, who knows planning, who makes either a profession or an avocation of looking out for these kinds of issues suggest that these things are denied, they still get approved."

Supervisor Kozakiewicz: "The issue that- one of them that was cited by the Suffolk County Planning Commission which was the fact that it's contrary to the proposal and the master plan, as you know, is not the zoning that's in place today. While that recommendation sounds good and while it has some flavor to it, it's not a reason that this Town Board can latch on to. We have to deal with the zoning that's in place today and the zoning that's before us. We can't deny a special permit because of zoning that could be put in place down the road. So that's one of the problems with that aspect of the recommendation.

As far as some of the other reasons, the resolution goes into those. Again, I think there might be some discussion from the dais today about whether we should consider some of these things further and I'm not trying to tip my hat but I think there might be some further discussion of the Headriver application particularly."

Eve Kaplan: "But I think we could- I mean obviously you're all lawyers. You know that if you were not legally able to turn down this application, to vote no on this special permit, it would be a

permitted use. It would not be a special permit use. So I think there's- that's got to factor in there somewhere. And the reason I'm always told why- "

Supervisor Kozakiewicz: "I think we're familiar what the standard is for a special permit which is different from a use variance standards. It's obviously- it's spelled out in our code as well as in the state law what type of criteria we can look into. We cannot make conclusory findings as any effort to do would land us in court. We have to be able to cite specific reasons.

The zoning that's in place identifies permitted uses which we know. There's not need to come to a public hearing and no need to come before this Town Board. But there's special permitted uses which when the zoning was put into place, will presume to meet certain criteria of the zone. It's not as if they are prohibited uses. I think we have to then examine the criteria which is spelled out in our code, 108-3 the special permit criteria, and also weight that against the state criteria and if it does not meet the criteria, then there's reasons for the denial. Whereas if it does, we have to affirm or approve."

Eve Kaplan: "That's right. What I'm always told is that the reason special permits continue to be regularly approved is that they've always been approved and as long as they continue to be approved, they always will be approved. So- "

Supervisor Kozakiewicz: "I don't think that's a fair statement. I think- "

Eve Kaplan: "That's what I've been told."

Supervisor Kozakiewicz: "- there's a general presumption by the fact that a use is designated a special permit within a certain zone that it falls within criteria which would allow it to proceed. But then each and every one must be individually examined and we must be able to determine from that specific circumstance the lot in question, the parcel in question, whether it meets the criteria or fails to meet the test. And that's what's the standard. And, of course, it's got to fall within the legal standards of what a special permit requires, not only from state law but what our town code provides for."

Eve Kaplan: "Okay. That may be true and at the same time someone has got to look at the big picture and if it's not going to be you, it's not going to be anybody. So if you're concerned with the

future of the town, with the traffic, with community character, with recommendations from planners, experienced planners, with the environmental community, with the civic community, then you will consider turning down this permit and looking at ways to avoid these-poor planning in the future. Because what it looks like right now is that whatever out of town developers put in front of you gets approved, and that's what we're here tonight- or today to see what happens. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Mr. Griffin."

Mr. Griffin: "Just a couple of real quick things and I promise I'll keep it under five. The- came up here last time, I was speaking about Crown Recycling expansion. I said I didn't know what this little Asian beetle was and since then I've done some kind of research on it and I hope you guys have also to find out that this beetle is about an inch long- "

Supervisor Kozakiewicz: "You know they withdrew that aspect of their application?"

Mr. Griffin: "No. I don't."

Supervisor Kozakiewicz: "Okay."

Mr. Griffin: "Okay, I have- well, I'll get- I didn't get that information at all."

Supervisor Kozakiewicz: "Okay."

Mr. Griffin: "Maybe you can tell me how I can find that out. Because it's not on the web site."

Supervisor Kozakiewicz: "I believe it was in the application with the file that's been filed with the Town Clerk's office."

Mr. Griffin: "Okay. Good, I'm glad of that. That takes care of number one. The second part was the web site that we discussed a few months back. At that time, you said that the new software was coming in."

Supervisor Kozakiewicz: "For the calendar. Right. It's still not here."

Mr. Griffin: "Still not here?"

Supervisor Kozakiewicz: "No."

Mr. Griffin: "Okay. Okay. Because the only thing on the web site as far as public notices still goes back to November 7th."

The last thing I have is the Cablevision thing. You've got to get this thing out of here. I mean put it to a vote and do what you said you were going to do which is tell them what to do. Bye-bye.

And finally I took some early time off from work so don't take my picture, my boss will see me. Phil, Chris, I did take time off because I wanted to publicly- "

Supervisor Kozakiewicz: "It's too late. The camera already was on you."

Mr. Griffin: "-- thank you guys for the work you did. Okay. Thanks, guys."

Councilman Cardinale: "Thank you."

Councilman Kent: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? If not, we'll take up resolutions. Oh, George Schmelzer."

Steve Haizlip: "I forgot to mention about the blood drive."

Supervisor Kozakiewicz: "Oh. Why don't you come up because that's an important thing to make mention of."

Councilman Kent: "George, it's now or never because what are you going to wait for?"

Supervisor Kozakiewicz: "You can talk to us after the meeting."

Steve Haizlip: "Well, the public and the TV camera won't have it then."

Supervisor Kozakiewicz: "No, no. I'm talking to George. George. I'm sorry. We are having three conversations at the same time."

Steve Haizlip: "Oh, oh, I see. Now I wanted- with this Cablevision you've got me so riled up of what they're doing and how they're gestapoing us, and so I went- it went over me to mention about the blood drive January 3rd. And the hours as Linda Mudford has negotiated with you will be from 8:30 until 4:00 so that's been extended from 2 to 4."

Supervisor Kozakiewicz: "So now we have to get more pints donated to make it work."

Steve Haizlip: "Well, the reason for that is we've got a fresh crop of young workers in this town and this here building and the highway department and so forth. And with the number of accidents and so forth that's happening and tragedies, we'd appreciate very much if you could work it out so they would have a chance to come up and donate. OO it will be January the 3rd, 2002, and I believe that's on a Thursday at the Ramada Inn. Thank you."

Supervisor Kozakiewicz: "Thank you. George."

George Schmelzer: "All I can do is review some questions. Do you mind?"

Supervisor Kozakiewicz: "Same questions?"

George Schmelzer: "Well- "

Supervisor Kozakiewicz: "Go ahead. I'm writing them down before you tell us the questions because I think I know them."

George Schmelzer: "Well, see, I want to know if anything's been done to change things that should be done. Have you- "

Supervisor Kozakiewicz: "I haven't had anyone agree to change the Wild Scenic Rivers boundary."

George Schmelzer: "Did you ask anybody?"

Supervisor Kozakiewicz: "I haven't had a chance to do that, no."

George Schmelzer: "You haven't had a chance?"

Supervisor Kozakiewicz: "I mean I- "

George Schmelzer: "Well, no wonder they don't do nothing if you don't ask them. You've got to ask them first."

Supervisor Kozakiewicz: "Not since you last asked me."

George Schmelzer: "Did you ever ask them?"

Supervisor Kozakiewicz: "Yes, I did."

George Schmelzer: "Who?"

Supervisor Kozakiewicz: "I think you had asked me to send off a letter and I did, in fact, send one off."

George Schmelzer: "Who was it to by the way?"

Supervisor Kozakiewicz: "Senator LaValle."

George Schmelzer: "Huh?"

Supervisor Kozakiewicz: "Senator LaValle."

George Schmelzer: "Oh, our weasel. Yeah."

Supervisor Kozakiewicz: "And I think what I'd like to do is again have a meeting and see if there's anything we can do to convince the State, because it's going to have to be done by the State. The State enacted the boundaries; the State put in place the boundaries, and it's State action that's required."

As I pointed out to you before, there was litigation brought on this subject. The Town attempted to have the legislation set aside and was unsuccessful. And I know you remember that and you recall that."

George Schmelzer: "Yeah. One fellow lost his property because of that. It was (inaudible) duck farm. He had it sold not on the dotted line but just about and then they passed this damn law and the guy walked away so he lost the farm and ended up with nothing. What he could have gotten for it was much more than his mortgage. When this law came through, the land was considered useless."

Supervisor Kozakiewicz: "Gentlemen."

George Schmelzer: "So- "

Supervisor Kozakiewicz: "Mr. Tria- "

George Schmelzer: "-- sorry for him but if some other bum got stuck or they pay him off. But LaValle wouldn't. Well, like the school. I asked him one time out here, he came out- walked out the door, I was walking in, a few feet away. He saw me coming towards him and he walked out the back door, he would like he did somewhere else in Manorville one time so he wouldn't have to answer any questions. He didn't know how he was going to equalize the payments in the three town, school district, hadn't the slightest idea. But he got the idea to put the Scenic River in and that's okay.

I told him you should- I told him a meeting here thereafter that when the State reviews the amount of aid, they look up the assessments and valuation and determine that way. They could have done it- I said do it with three towns within the district and have each town pay proportionately according to the percentage of students they have. Like if Southampton has 21% of the students, they pay 21% of the budget. That's so simple. But no they can't do that. It's too easy, see, so you've got to get something complicated that nobody can figure out.

So did you ever get the State to wet their hands to clean out that drainpipe?"

Supervisor Kozakiewicz: "I understand that that drainpipe has been looked at and it's been cleaned. Are you saying it's been clogged up since?"

George Schmelzer: "No. It's almost clogged, see, not quite, but almost."

Supervisor Kozakiewicz: "When did you determine this? Because I believed it was looked into."

George Schmelzer: "It's been that way for years."

Supervisor Kozakiewicz: "When did you last look at it?"

George Schmelzer: "Oh, a year ago."

Supervisor Kozakiewicz: "Okay. I believe there was some work done after that."

George Schmelzer: "Yeah, they took a branch off that was- "

Supervisor Kozakiewicz: "No. They ran equipment through that area which was in Vector channel and it tied to some channels or areas where Vector had put ditches in."

George Schmelzer: "And did what?"

Supervisor Kozakiewicz: "I believe there was a ditch that runs behind Town Hall and up to here at Howell Avenue, that area runs, it meanders through the Saw Mill Creek area and it had been worked on."

George Schmelzer: "Well, this water starts north of 58 where the pond is."

Supervisor Kozakiewicz: "That's correct."

George Schmelzer: "And runs through- St. John's has a swamp there, too, I guess it runs through that and on to here. What started me off was someone told me down the cellar there they had dampness sometimes which- "

Supervisor Kozakiewicz: "We've had a sump pump in this building since the town took possession and there was probably one prior to that time as well."

George Schmelzer: "If you had that thing cleaned out fully, the water table would drop two feet at least. You wouldn't need any pump, see? That's what I mean."

Supervisor Kozakiewicz: "Okay."

George Schmelzer: "Yeah. So what else is going on?"

Supervisor Kozakiewicz: "Tell us, George. Otherwise I'm going to ask you to sum up so we can take up resolutions or I think there's a request from one of the Board members to take a break."

George Schmelzer: "Oh. When are you going to have this so called public hearing on the so called master plan? The masters- "

Supervisor Kozakiewicz: "There's a meeting January 12, 2002 in the Town Board. That's a Saturday. It starts at 9:00 a.m. That's to reveal the remaining elements of the master plan. We're inviting anybody who's interested to come that day, Saturday, to- "

George Schmelzer: "How thick are the papers, about an inch?"

Supervisor Kozakiewicz: "I'm sure they're thicker than that at this point."

George Schmelzer: "You are going to have rules for people- "

Supervisor Kozakiewicz: "These are the 12 elements which were proposed as the master plan discussion."

George Schmelzer: "Okay. Even a lawyer couldn't keep that in his head, all that stuff. How do you expect the public to? You going to have rules (inaudible) an inch thick. Really. Isn't that too much?"

Supervisor Kozakiewicz: "I think the town has been with a master plan since 1973- "

George Schmelzer: "I didn't ask you that. I didn't ask you that. I said- "

Supervisor Kozakiewicz: "-- and the question of what it takes to get done and do a comprehensive study of the whole town which consists of 78 square miles, I don't think is going to be a five page document."

George Schmelzer: "Why can't you leave the people alone? You are going to have to get a permit for a birdhouse, too?"

Supervisor Kozakiewicz: "No."

George Schmelzer: "Well, the people- "

Supervisor Kozakiewicz: "Unless it's larger than 10 by 10 and it's the second accessory structure."

George Schmelzer: "Well, if you have an ostrich it would take that much. See, then you believe it's all right for people to get a permit for a house to live in. Huh? When are you going to need a permit to eat? Well, I guess- was there too many soldiers in Europe, they got the disease from Hitler and Stalin and we bring it over here now? That's what it is? Why should we need a permit to live in your own house? What kind of system is this? No answer. I didn't expect an answer."

Supervisor Kozakiewicz: "Happy holidays, George."

George Schmelzer: "Yeah, I know. I didn't expect any answer. When do you have that meeting."

Supervisor Kozakiewicz: "January 12, 2002 is when we have the master plan discussion with the remaining business elements. That's what- 9:00 in the morning is when it's going to start and it will go for as long as it takes to get through all of the different elements."

George Schmelzer: "Well, you'll never get through then. You'll never get through."

Supervisor Kozakiewicz: "Well."

George Schmelzer: "That's what you want, I think. Okay, thank you."

Supervisor Kozakiewicz: "Thank you. Okay. This one was coming off the floor?"

Barbara Grattan: "This is going to come off the floor. It was supposed to be in the packet, it was not in the packet of resolutions, so Sean told me."

Supervisor Kozakiewicz: "Well, I think we better take a look at this and whether we'll consider it."

Barbara Grattan: "Okay."

Supervisor Kozakiewicz: "I want to take a brief recess at this point and we'll come back in 10 minutes so we can look at this one resolution being proposed, take off the floor. Because if it's not time sensitive, it's not coming off."

Recess: 3:36 p.m.

Meeting reconvened: 3:57 p.m.

Supervisor Kozakiewicz: "Call the meeting back to order, 3:57. I understand Mrs. Patrikis would like to address the Board."

Vasso Patrikis: "Is somebody here already?"

Councilman Kent: "No."

Supervisor Kozakiewicz: "Us. Andrea Lohneiss."

Vasso Patrikis: "Well, the reason I came today, I wasn't planning on coming because I was very tired from previous commitments with (inaudible) and all that. And Monday morning they were supposed to air the North Fork Chorale, 6 to 8. I turned on my TV at 6:00 and it was half way through the whole program. That made me very upset because it was irresponsible of them, not to put it at the right time. Maybe it was because they felt something with Zabby because she covered the Chorale, but that has nothing to do anything about Zabby. That has to do about the public.

We go 22 practices for ever four concerts we give. We give nine concerts a year. This is our 66th year in existence and we are not being recognized. It's a beautiful program for everybody to watch before the holidays or during July or- and we're not being recognized. And it was wrong. I think Cablevision did it- I don't know what they did. I don't know if they played half of it. I have no idea what they did. It was wrong. That's bad business.

So, what I'm trying to say is that if we had a second channel, that wouldn't be necessary to worry about a show at 6:00 in the morning. When Zabby announced this one because she covered it, that it was going to air 6:00 to 8:00, everybody, you know, was somehow like in dismay and that was wrong and when you announce something that you're going to put at a certain time, then you do it. Because it's about the public. And if it wasn't for the public to pay the dues to have Cablevision, there wouldn't be any Cablevision, right? So we support the Cablevision.

You, all of you, the present administration and the future administration, I think that you should try hard to take care, remedy all the bridges, and there's nothing wrong. I don't see any big problem. What is there? If you are right- if we are right about something, we shouldn't be afraid to act. Do what's right. Something that is expected from them and they have to take care of it.

They have to take care about the senior citizens discount. I have to be able- I have- my church was covered, the Transfiguration of Christ Greek Orthodox Church was covered when the Archbishop came of the whole United- America, and I'm not able to show it. Why can't we show our activities on television? If we had a second channel- the 59 that you've got is a game channel. It's not what we want.

And unless you, as I mentioned before, put your foot down and ask them to do the right thing, it's not- we're not asking for anything. Just do what is right. Do what's coming to us. I mean I don't see

the big problem there. I don't see any big problem.

I mean, if you have some differences, you sit down around the table and discuss them and solve them. We cannot solve our differences unless we have a sit down- like a sit down contract when you go to buy a house. If you have a mail in contract, you have more problems. But if you have a sit down, you know, contract, then you sit down and you iron it out and settle your differences and it's going through. I mean, what is the big problem. I don't understand.

I mean I'm asking- the reason I called you yesterday and I guess you were very busy, you couldn't get back to me, it was because I wanted to ask you your support. I want your support for our community. I want you to act and get what is coming to us. Don't be afraid, Bob. We cannot be afraid if we're right. Don't have any reservations if you're right. Do what is right by the people."

Supervisor Kozakiewicz: "Thank you, Mrs. Patrikis. I'm going to ask you to sum up, it's been five minutes."

Vasso Patrikis: "Well, I'm just- the whole thing I wanted to discuss with you was just try to get the second channel or if they don't remedy all the bridges, you know, they can go."

Supervisor Kozakiewicz: "Okay. Thank you."

Vasso Patrikis: "I mean, try to do it."

Supervisor Kozakiewicz: "Thank you."

Vasso Patrikis: "I mean, I know you can do it."

Supervisor Kozakiewicz: "I heard you. Okay."

Vasso Patrikis: "You want me to come to your meetings, I will come- "

Supervisor Kozakiewicz: "No, no, no. It's just that we've heard you. Same thing. Try, try, try. Okay. At this point, unless there's objection- "

Vasso Patrikis: "Thank you very much."

Supervisor Kozakiewicz: "-- thank you, we'd like to take up the resolutions and at this point, we'd adjourn the regular town portion."

Meeting adjourned: 4:03 p.m.

Meeting reopened: 4:11 p.m.

Supervisor Kozakiewicz: "Reopen the Town Board portion. Barbara?"

Resolution #1254

Councilman Densieski: "Establishes time of regular meetings of the Town Board."

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 #1255

Councilman Lull: "1255 conditionally approves the special permit petition of William Dries and Anthony Specchio. This is for property that is located between Tanger I and Tanger II. It's been hanging out here in the town for quite a while. So moved."

Councilman Kent: "Seconded. Discussion."

Supervisor Kozakiewicz: "Moved and seconded. Discussion."

Councilman Kent: "Based on discussions that we've had regarding this resolution, do you think it would be more appropriate that we resolve that this is denying the special permit application rather than approving it? Can we do that tonight?"

Supervisor Kozakiewicz: "If we're going to do that, then it requires us to table this resolution and redraft a new resolution. If that's the Board's desire."

Member Densieski: "Why can't we amend it?"

Supervisor Kozakiewicz: "I don't know if it's going to be able to be done off the floor."

Councilman Kent: "Okay. All right. Then let's just go with it

as it's written."

Supervisor Kozakiewicz: "Unless you have proposed language."

Councilman Kent: "No. I think there is going to be- it would probably be too lengthy because there is going to have to be some findings and things that we- "

Supervisor Kozakiewicz: "Any other discussion? Vote, please."

The Vote: "Densieski."

Councilman Densieski: "I'm waiting to see a traffic study that actually says there will be a traffic impact. I don't think we'll ever seen one that actually says something will have an impact. I can't vote for this until I know how pedestrians are going to get from Tanger I to these restaurants without getting flattened and if we do approve this there are going to be injuries and probably deaths there because of this decision.

There are probably a million other reasons that I could support or not support this, but this is the one that I'm basing my decision on and I believe there's a real safety concern here. And with that said, unfortunately because I do consider myself pro business, I'm going to vote no."

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

Councilman Cardinale: "Once again, Ed has been eloquent in his simplicity and I do agree with that as a really serious problem. I look at the criteria for special permit which also could use some work and this particular complex even as conditioned here with 200 seats as opposed to the 528 applied for in my view does not meet that criteria and, therefore, I cannot vote for its approval. So I suppose the appropriate vote is no."

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

Councilman Kent: "At the time that the town enacted the outlet overlay, there was an agreement made or at least- I don't know if it was in writing but there definitely was statements made that there will not be restaurants within the overlay zone. This piece of property through some sort of shortsightedness at that time was not included within the overlay. But I think the intent should be clear, that there should not be restaurants at Tanger outlets that will

prevent people from venturing downtown or to other parts of town in order to seek a meal. So I'm going to vote no because I think this does go counter to what we want in the character of our community, so I vote no."

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

Councilman Lull: "Yes, I think Chris is right about the history of this, I think that's right on. But I think the more important issue is the issue that Ed brought up and that is if the traffic study that was done for this particular development is, in fact, accurate, it indicates that the majority of people coming to this are going to be coming by foot. Now, if that is inaccurate, then there is going to be an incredible traffic snarl there because it's all off a driveway. The entry is all of a driveway."

If it is accurate and people- the majority of people are going to be coming by foot and they're going to be walking from Tanger I and Tanger II across the driveways in, there is a health and safety issue that we can't ignore because it's our primary requisite here. So, therefore, there's no way I can vote yes on this. No."

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

Supervisor Kozakiewicz: "I'm going to have to- actually, I have a little different vote but the reasons for my vote being different are due to the fact that in my prior life and briefly I had appeared as counsel for the applicant. I did confirm that. I wanted to make sure that there was an official document on file and there was a letter from my office at the time appearing on behalf of the applicant."

I think that what it does is if I were to vote yes it would put in question whether there was an appearance of impropriety at the very least and a question of whether there might be a conflict. Based upon those- that reason I would abstain at this point in time."

Barbara Grattan: "Resolution denied."

Resolution #1256

Councilman Densieski: "Approves site plan of Mid Road Properties, LLC. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I have a question. Discussion."

Supervisor Kozakiewicz: "Discussion."

Councilman Densieski: "We're in a moratorium. Does this meet the 30-70 or is this exempt? I'm just curious why."

Supervisor Kozakiewicz: "We I think had that question when we discussed this Thursday or actually yesterday, I believe, when we looked at site plans and there were a number of reasons why it would- we are in a position to proceed if the Board wishes to do so.

First and foremost, the residential moratorium as I understand it affects all residential building within the town of Riverhead that does not have a final conditional approval in the case of a subdivision or in the case of a condominium proposal, a special permit. This one has a special permit.

Further, the information provided by the Planning Director is that it would when examined meet the 70-30 test if we were prepared to go forward on that basis. So- "

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "-- it's a permissible action based upon the comments received and the information provided by the Planning Director."

Councilman Kent: "Question on that. Is the key- I mean, I'm sorry, I wasn't present during the discussion yesterday on this application. For condominium purposes, you're saying that the special permit is the deciding factor in that, not a condo- not the approval of a condo map or- "

Supervisor Kozakiewicz: "We didn't describe it that way. We exempted or grandfathered applications that have special permit approval."

Councilman Kent: "Okay."

Councilman Densieski: "Okay. I'm sorry I missed that yesterday."

Supervisor Kozakiewicz: "Any other discussion? Okay, vote, please."

Barbara Grattan: "Your vote, Densieski."

Councilman Densieski: "Yes."

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

Councilman Cardinale: "Abstain. I have not seen this map."

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

Councilman Kent: "I voted no on the special permit but I'm not going to vote no here because I haven't seen the map so I will abstain also."

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

Resolution #1257

Councilman Lull: "Approves the amended site plan of Sunken Ponds. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "Discussion. Same question. Does this meet the requirements?"

Supervisor Kozakiewicz: "Same answer."

Councilman Densieski: "Okay."

Councilman Kent: "This was actually approved- "

Supervisor Kozakiewicz: "Right."

Councilman Kent: "-- quite a long time ago."

Councilman Densieski: "Okay. I just wanted to make sure. So I'll vote yes."

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

Resolution #1258

Councilman Lull: "Approves amended site plan of Kemco Supply Corp. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes, I believe this is just the elevations. Yes."

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

Resolution #1259

Councilman Densieski: "I'm getting there, Barbara."

Barbara Grattan: "I know."

Councilman Densieski: "1259 approves the amended site plan of First Pioneer Farm Credit. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes, as the liaison for the Handicapped Committee, they're putting a ramp and a vestibule in so it's my pleasure to vote yes."

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

Resolution #1260

Councilman Densieski: "Amends Resolution #1225 which is just the driver's license conditioning that you need to work in the water treatment plant, you have to have a CDL license. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1261

Councilman Kent: "This authorizes the transfer of county owned property to the town of Riverhead. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "A quick- yes, I just have a quick question on this."

Supervisor Kozakiewicz: "This one actually should be the three parcels that you have on Schedule A."

Councilman Kent: "Right. So what happened with the other single- "

Supervisor Kozakiewicz: "That one's not- didn't make it into the package so it will have to be taken up later."

Councilman Kent: "Okay. That was my question. Okay."

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

Resolution #1262

Councilman Densieski: "1262 is an order calling for a public hearing on the Northside Road subdivision lateral water main for the Riverhead Water District. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1263

Councilman Lull: "Is an order calling a public hearing for Soundview Meadows subdivision lateral water main Riverhead Water District and the public hearing is scheduled for January 2nd. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Cardinale: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "1263?"

Supervisor Kozakiewicz: "1263."

Councilman Densieski: "Yes."

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

Resolution #1264

Councilman Lull: "On that same day while our consultants are here, we'll have an order calling a public hearing of Extension 56B to the Riverhead Water District for Sunken Ponds Estates, Section 3. That is also January 2nd. So moved."

Councilman Cardinale: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1265

Councilman Densieski: "Resolution 1265 is an order calling for a public hearing for Extension 65 to the Riverhead Water District, that's the Woods at Cherry Creek. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Quick discussion. Is that for the golf course? Because I don't recall housing being associated with that project. Is that just for the- "

Supervisor Kozakiewicz: "The Woods at Cherry Creek is a golf course proposal with a clubhouse and a cart house which is- "

Councilman Densieski: "Okay. That's the one on the- "

Supervisor Kozakiewicz: "South side from the current golf course."

Councilman Kent: "No residential yet."

Councilman Densieski: "Okay. Yes. Yet being the key word here. I'm going to vote yes."

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

Resolution #1266

Councilman Densieski: "I'm getting there. 1266 authorizing the settlement of Town of Riverhead versus Town of Southampton, Suffolk County Supreme Court, Index No. 99-26893. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "This is the settlement between Riverhead

town and Southampton town for the scavenger waste. Yes."

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

Councilman Cardinale: "I don't- I'm going to ultimately abstain on this vote. I don't have enough information but what I do recall is this was a dispute essentially between two partners and the proposition is a losing proposition, it doesn't make money. And we're letting one of the partners off by paying a small percentage of what is currently owed. So unless I'm wrong on one of those principals that this was basically a partnership; a partnership loses money, we were trying to get from them several hundred thousand (inaudible) of the losses and now we're saying we'll take 50,000 of the losses and you have no further responsibility. It sounds like a good deal for them and not for us."

Councilman Densieski: "Phil, I don't think it's quite as simple as that. If it was, I wouldn't have voted yes for it. Explained to us by our counsel, I think I recommend and he recommends that we vote yes because otherwise it could go the other way."

Councilman Cardinale: "Yes, I think that may be true. I was unable to speak with Isler directly, but I will abstain for- because I'm concerned about this, what I just said."

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

Councilman Kent: "There were some other factors involved. When looking more closely through the use of engineering consultants, it was hard to determine how much of our own sewer plant was being diverted through the scavenger waste. Using their- using Southampton town's consultant, we actually owed Southampton town money because of the benefit that was being derived by our sewer plant by diverting flow through the scavenger waste plant.

What we're doing now is basically divesting ourselves of our partner and taking on the plant solo and we will be able to use as much- we will be able to divert as much of our sewer- sewage through the plant as we want in the future without anybody really caring.

Also, there was an accounting nightmare because we had been charging back 5% I think it was or some percentage of our entire town administration to the scavenger waste facility which Southampton felt was not their responsibility to pay our administrative costs.

So in looking at the big picture, although we settling a close to \$300,000 debt for \$50,000, in the long run, once all the testimony was given and all the evidence was presented, we actually might not have received anything and may actually have been liable to the Town of Southampton. So I think this is a worthwhile settlement and I vote yes."

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

Councilman Lull: "Southampton carters will still come here, they just have to pay a tipping fee, that's the same as before. Yes."

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

Supervisor Kozakiewicz: "As has been pointed out there were a lot of issues that were discussed with counsel Thursday afternoon and those were, in fact, litigation issues, questions of proof, and counsel recommended that we proceed forward."

The problems that we've been encountering with this particular litigation have always been twofold: what do we do with the past and how do we deal with the future. And the proposal here ends the relationship with Southampton so we've neatly dealt with the future and based upon all the legal issues, proof issues that we discussed with counsel, it puts an end to the past and based upon those reasons and many more, I vote yes."

Resolution #1267

Councilman Lull: "Authorizes the Supervisor to execute an agreement between Riverhead Improvement District Management Association and the Town of Riverhead. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I recall reading the agreement which is not attached today but was at the work session. My recollection is that it's an agreement by which we pay, the town pays the Business Improvement District, Riverhead Business Improvement District Management Association, for administrative services that it performs for the BID, in fact, and that it was \$44,000. The alternative would

be to run it ourselves which I believe would be less expensive and more productive. So I vote no."

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

Councilman Kent: "I don't really recall seeing the agreement and so I'm going to abstain."

Barbara Grattan: "You're voting what?"

Councilman Kent: "Abstain."

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

Councilman Lull: "Phil, did I hear you right? Riverhead Town could run something cheaper and more efficiently than somebody else- "

Councilman Cardinale: "Well, you do have to consider who's running the organization now which is, you know, Tim Yousik."

Councilman Lull: "I'll vote yes."

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

Supervisor Kozakiewicz: "I'm glad you picked up on that one, Jim. In any event, I think these are monies that are raised if my memory serves me right through BID through their own taxes that we collect and we then pay over to them through a management agreement is the arrangement and that's the what we've done and we've worked out with the state as far as a way to deal with the question of the BID Management Association and how that deals with the BID itself, the BID district of which we're the overseers. So this is a fair way to deal with it and I vote yes."

Resolution #1268

Councilman Lull: "Authorizes the Supervisor to enter into an agreement with the New York State Armory for use of the building for various Riverhead Recreation Department programs. So moved."

Councilman Kent: "Seconded. Just a question."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "Is this for this year's use or are we doing

this for next year?"

Supervisor Kozakiewicz: "This is for 2002."

Councilman Kent: "Oh. Can we change that then? Because this- "

Supervisor Kozakiewicz: "Yes."

Councilman Kent: "-- it says that it was- "

Supervisor Kozakiewicz: "It should be 2002."

Councilman Kent: "I wasn't sure if this was paying for the year we're in now or- "

Supervisor Kozakiewicz: "No, no."

Councilman Kent: "Okay, okay."

Supervisor Kozakiewicz: "With that amendment- "

Councilman Kent: "Yeah, second."

Supervisor Kozakiewicz: "Vote. Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, this is for recreation programs. Yes."

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

Resolution #1269

Councilman Densieski: "Authorizes the Supervisor to execute an agreement between the Town of Riverhead and a Riverhead town employee. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Cardinale: "Discussion."

Supervisor Kozakiewicz: "Yes."

Councilman Cardinale: "Could somebody refresh my recollection? There is no agreement. What does that involve?"

Councilman Densieski: "I believe it was a lawsuit between- "

Supervisor Kozakiewicz: "This is one that was the subject of- "

Councilman Kent: "No, it's an agreement."

Supervisor Kozakiewicz: "-- arbitration. There was a grievance involved- "

Councilman Cardinale: (Inaudible)

Supervisor Kozakiewicz: "No."

Councilman Densieski: "Sick time."

Supervisor Kozakiewicz: "Sick time upon departure and there was further examination and it was discovered that payment had been made as put forth by the claimant and this is to settle the differences with that particular party."

Councilman Kent: "This is in our favor. It's in our favor."

Councilman Cardinale: "Okay, fine."

Supervisor Kozakiewicz: "Any other discussion?"

Councilman Cardinale: "Yes."

Supervisor Kozakiewicz: "Okay. None? Vote, please."

The Vote: "Densieski."

Councilman Densieski: "Didn't I already vote?"

Barbara Grattan: "No."

Councilman Densieski: "Yes."

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

Resolution #1270

Councilman Lull: "Authorizes stipulation of settlement. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Kent: "I have a question on this one."

Supervisor Kozakiewicz: "Discussion."

Councilman Kent: "Is this for the (inaudible)?"

Supervisor Kozakiewicz: "Yes."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "Discussion? Vote, please."

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

Councilman Kent: "I'm going to vote no on this one. The- I disagree with how we're interpreting the clause in the contract. I believe that he's not entitled to a full 4% since the CSEA approved their increase was in July, not in January. So the best he could get is what they got over the annualized so it would be less than what we're providing under the settlement. So I vote no."

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

Supervisor Kozakiewicz: "I think it's a question of what the intention of the parties were when the agreement was entered into and clearly I think from past contracts the agreement that had been entered between the Town and the CSEA collective bargaining unit generally did not provide for an increase halfway through the year.

Since it's somewhat difficult to determine the intent and I think the language is at best vague and can be interpreted in different ways, this is a way that we've talked about with counsel to settle this matter, bring it to a conclusion, and I vote yes."

Barbara Grattan: "Resolution is adopted."

Resolution #1271

Councilman Cardinale: "This directs the Supervisor to take specified action regarding Cablevision franchise agreement. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'm going to make a motion to table. I think the new Board should take this up. Even though I appreciate what Phil's trying to do and I think he's right, I don't think this Board should do it at the last meeting. So motion to table."

Supervisor Kozakiewicz: "Is there a second to table?"

Councilman Lull: "I'll second to table."

Supervisor Kozakiewicz: "Okay. Motion and second to table. Vote on the table."

The Vote: "Densieski."

Councilman Densieski: "Yes, to table."

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

Councilman Cardinale: "I would urge the Board not to table this. One convincing reason I hope for the two attorneys on the Board and which hasn't been mentioned in the public yet is that our contract with Cablevision which is being disregarded on a continuing breach basis, has been disregarded on a continuing breach basis in regard to the senior citizen discount, for example, and in other manners-matters, for more than six years. So we can only go back, even if we started litigation now, six years. So every year we delay, every day we delay, every month we delay loses some portion of claim. Because we can start now and go back only six years from when we start. And we're eight years into the breach. So certainly we've given them a lot of time and a lot of warning. So I urge you consider that."

I also urge you- this is a complex issue. I've dealt with it for four years. Cablevision is a recalcitrant corporate bully. Vic Prusinowski did- not being an attorney- did a lot of work on this before I came into office and was thoroughly frustrated when he handed it over to me in 1998. Bob kept it with me for the first year of his term and then, I think, out of some sense of frustration also picked up the reins with Joey and thinking perhaps with the status of the office of Supervisor and his Executive Assistant they would get greater respect. They have not. So I think at this point, a year and a month or two into this, he's as exhausted and as angered by Cablevision's actions as I am and they basically have shown a tremendous disrespect for the town and its citizens.

So I think to delay action again is a bad mistake. We already have on record Rose as indicating that she would not countenance this activity. She thought we were a bunch of idiots for doing it in the first place. She said that in one of the debates, that if she were in office it wouldn't have gone this long. So we know we're not doing anything that the new incoming people would object to.

There's a legal- we're not supposed to be- we're not supposed to be doing any negotiation with them under section- Resolution 1084 we passed. If that's the case, there's really no downside to passing this.

We're not negotiating with them anyway under 1084. This would increase the authority of that position by saying not only are we not negotiating with you, we're suing you and we're going to win and if we don't win, we're going to make you wait until the judge says one way or the other before we continue our negotiations.

We also- we also could and I think should attempt to the second half of this which is to disenfranchise them, not because I'm necessarily confident that we will succeed or that we will want to succeed at the end of this but it will certainly get their attention because no other town has done that and I think our doing it will be helpful to rallying the rest of the east end to take the position that someone took in is it Network- "

Supervisor Kozakiewicz: "Brunswick."

Councilman Cardinale: "Yeah, I'm tired- well, that's the case. I was thinking of the movie Network. I think it was Network where I'm mad as hell and I'm not going to take it anymore. Because that's really what the east end ought to be saying."

So for these reasons I want you to consider this carefully the rest of the members that haven't voted, not to table. To take a stand to vote for it today. I think we would be doing ourselves a service. And furthermore if the members of the incoming Board felt otherwise, they are two-fifths of the Board. All they need is Ed and they could rescind this anyway.

So I would urge you to do it and do it today. So I vote no to table."

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

Councilman Kent: "No, to table."

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

Barbara Grattan: "Yes did you say?"

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

Supervisor Kozakiewicz: "Boy, I've had a lot of disagreements and a lot of difference of opinion with Councilman Cardinale over time. Much of what he said though certainly rung true. And whether I agree when I took over the reins with Cablevision discussions or not, I have reached a certain level of frustration with respect to the Cablevision matter as has Vic Prusinowski before Phil, and I think Phil during his tenure in charge of the Cablevision Committee.

I also heard the idea that we should consider giving Cablevision some time to cure a breach and I think that the idea is not one that's unwarranted or not one that does not make sense because here we are, we're asking them to do the right thing. We're asking them to cure what we see as past failures with respect to the current franchise agreement including but not limited to the honoring of the senior citizen discount provisions. And that certainly has been something that's a thorn in every town board's side since they took that unilateral action.

I suggested the disenfranchising and I think that's going to be an expensive process but I think it's something that may become necessary in order to catch Cablevision eyes. I would vote to table and I will vote to table today. But what I would like to do and if Phil would like to work with me in the next week on this, is to talk about giving them an opportunity to cure and to put in a realistic timetable. I don't think 15 days with a holiday schedule is

realistic. I just don't see it. But if Phil, you would take me up on this, and consider what would be a time to give them a drop dead, and then I would think also, we have to- if we're going to give them a chance to cure, we're going to have to be able to communicate with them. And we should address that in some fashion. That we give a time period by which we communicate with them, we set forth what our beef is clearly and convincingly in correspondence or through counsel and we give them a definitive time. And I think that's something that we can talk about in the next week and reconsider this.

But at this point, drafted as it is, I would table it. And I do table, vote to table."

Barbara Grattan: "The resolution is tabled."

Resolution #1272

Councilman Cardinale: "1272 is a- directs the Supervisor to take specified action regarding Suffolk Theater. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Once again, I think Phil's heart is in the right place. He's trying to do something with the Theater but by having an absolute auction- an absolute auction means that no matter what the price is, it goes. Well, I disagree with that. I don't think that's a good business decision especially that we're in negotiations with Five Town Colleges. There's a possibility that they might come and take the- take the Theater. So, why should we give it to them?"

If we are going to do the auction which I'm not necessarily opposed to, I think we should have an auctioneer come to the work session, tell us what he's going to do, how he's going to advertise it, and then do that. I don't think this is a bad idea but I think we should do all the necessary arrangements ahead of time and know what we're getting in to and I don't think it should be an absolute auction because getting rid of it at any price for \$100,000 and not knowing what the use is, I don't think that's a good business decision. So I'm going to vote no."

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

Councilman Cardinale: "The- I took some time and effort and thought in making what's a - in drafting what's a very brief resolution. The alternatives- and I think simply reading it rebuts much of what was just said.

I'm offering a resolution that says Whereas, the Town purchased this property for \$400,000 in 1994, the point being that if we were going to find a use for it, if we were going to sell it with a broker, we certainly had eight years to do that.

The town has invested an additional \$800,000 and then for nearly a decade this property has stood vacant, unused and removed from the tax rolls. Bob indicated by what was a clear decision that he wanted to spend a good deal of money to refurbish it and that was rejected, 3 to 1.

So what do we have? We have a theater continuing to stand vacant, unused and removed and from the tax rolls and is visibly deteriorating. We have no money coming in. We have no prospects of its early sale and trust me, if we cannot sell without killing three deals for every one we make in Grumman, vacant land, if we broker this property and it comes to the Board each offer, it will be very, very difficult with the way the Board operates to actually consummate a sale. This is a difficult property to sell. A less difficult property such as Grumman we've had nothing but trouble selling that. Why- how do you think we're going to do on a less desirable property?

Because as it comes to the Board you peel off one vote because he doesn't like the use and you peel off another vote because that individual doesn't believe the price is high enough and ultimately you drive your brokers crazy when you broker deals through a Town Board.

This way what will happen is the property will be on the market for five months, plenty of time. The broker- the auctioneer will have responsibility for his fee, which is generally six to ten percent, to create a market, to send out advertising, to utilize all the devices that are at their hands to get interest and about Memorial Day weekend or sometime in May, all those people who are interested in the utilization of that building for either a dinner theater, a performing arts center, a supermarket, a drug store, or any other use, will be available. They'll be there.

And if it's worth 100, let them have it for 100. Get it back on

the tax rolls. If it's worth 500, let them take it for 500 and get it back on the tax rolls. And if the Five Towns wants to purchase it, let them take it for whatever it's required to bring it in.

I predict that if you don't do this right now, that and I'll come by in June of next year, I'll stop by the new Town Board, that building will still be in town hands. And if Bob doesn't watch out, it will be an issue a year and a half from now when the next campaign starts."

Councilman Densieski: "Phil, I just want to make a point about- "

Councilman Cardinale: "Because we're not going to sell it otherwise."

Councilman Densieski: "But if we do sell it, it does not guarantee that it's going to go back on the tax rolls. If a church pays for it or some other not for profit, once again, it's not on the tax rolls."

Councilman Cardinale: "But at least there's a use bringing some activity to Main Street. Right now we have an empty hulk of a building without any use, without any taxes. We can't do any worse."

Councilman Densieski: "We have two churches and (inaudible)."

Supervisor Kozakiewicz: "I just want to remind you guys we're in the middle of a vote, okay?"

Councilman Densieski: "I understand."

Councilman Cardinale: "Yeah. This is my urging of the Town Board not-- to vote yes on this and I am going to, of course, vote yes."

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

Councilman Kent: "Phil makes a good argument. He's a- and I know he's been a strong advocate on the town selling this property. I have to vote no on this though because I don't believe absolute auction is the best way to get rid of this property and we're going to leave it to the Supervisor and the new Town Board members to come up with the best possible solution to benefit the town with this- for the use of this property. So I am going to vote no."

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

Councilman Lull: "Yes, I'm still remembering the decision that was made on the two downtown movie theaters that existed in Port Jefferson. One of them went to sale and the other went through either CDA or whatever organization it was. Out of one of them came Theater 3 which has been a tremendous boom to downtown Riverhead. Out of the other came Blockbuster Video which took people away from downtown.

I have no feeling that we should give up on this right now. We have too much at stake in trying to organize something downtown. It's not a time to take a move now. In the future, maybe? But not this plan. No."

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

Supervisor Kozakiewicz: "No."

Barbara Grattan: "The resolution is not adopted."

Resolution #1273

Councilman Densieski: "1273?"

Supervisor Kozakiewicz: "1273."

Councilman Densieski: "I was on another already. Authorizes the attendance at the Government Finance Officers' Association National Training Seminar. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, here I go making friends again. Jack Hansen is the financial officer and Jack knows everything. He probably knows more than is good for us and I think Jack could probably go there and probably teach this class. I think we have a better use for the \$2,200. Sorry, Jack, I vote no."

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

Councilman Cardinale: "\$2,200 is a lot of money for a four day

conference. Unfortunately I don't know how it's broken down. It just says not to exceed \$2,200. Unless somebody would like to explain it to me, I'm not going to vote unless I know what the \$2,200 is being spent on. So I'll abstain."

Councilman Kent: "Do we want an explanation?"

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

Councilman Cardinale: "Yeah, I would like- "

Councilman Lull: "It was in the package yesterday."

Councilman Densieski: "Yeah, it was included."

Councilman Lull: "Yeah, it should have been in today's."

Councilman Kent: "I think Jack still has a lot to learn, so I'm going to vote yes."

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

Councilman Lull: "Yes. What with Suffolk County divesting themselves of everything in town and handing it over in one way or another to Riverhead so we'll be responsible for it at accounting time through GASBY, yes, certainly, yes."

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

Supervisor Kozakiewicz: "I'm not going to get- we did have as part of our packet when we looked at this a breakdown of what was being discussed at the GFOA meeting, the registration fees for those respective seminars. Looking at the first one which is day one, I guess, February 11th, for example the GFOA member fee was \$280. For 13 through 15, it was \$380. February 12th, 280. There was also a description of the accommodations which are single or double, 165 a night."

Councilman Kent: "Four Seasons?"

Supervisor Kozakiewicz: "No, Four Seasons- "

Councilman Cardinale: "So a lot of that is seminars- "

Supervisor Kozakiewicz: "Seminar fees and room and board. So."

Councilman Cardinale: "Thank you."

Supervisor Kozakiewicz: "I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1274

Councilman Densieski: "Appoints a marriage officer who is none other than Barbara Grattan. Can you perform weddings with broken arms?"

Barbara Grattan: "I certainly can."

Councilman Densieski: "Okay. Then I'll move it."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "Okay. I thought there was no second for it, Barbara. Moved and seconded. Vote."

Barbara Grattan: "We can always get (inaudible)."

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

Resolution#1275

Councilman Densieski: "1275 is one, two, three, four pages of budget adjustments. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1276

Councilman Lull: "Polish Town beautification project budget adoption. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes. I want to thank Andrea Lohneiss for finding some money for us for the shutter program in Polish Town. If you've looked at the houses that we've completed, they are really nice. The Civic Association did a nice job and everybody involved, so thank you and I'm going to vote yes."

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

Supervisor Kozakiewicz: "Not only did they do a good job, but I know they're very proud of what they did. When I met the Polish Town Civic recently, they have a display of all the shutters on the various houses and you could tell they were very happy with the outcome. And I also want to commend Andrea for finding additional money so we can continue this. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1277

Councilman Lull: "It's a budget adjustment in the Sewer District. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1278

Councilman Densieski: "Water District budget adjustment. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1279

Councilman Lull: "It's \$100 budget adjustment in the joint scavenger waste district. So moved."

Councilman Kent: "I think we can stop calling that joint."

Councilman Lull: "I think it's the last day we can call it joint scavenger waste district. Right."

Supervisor Kozakiewicz: "Until the stipulation is signed and we receive the money."

Councilman Densieski: "The check's in the mail."

Councilman Lull: "Yeah, right."

Supervisor Kozakiewicz: "Is there a- was there a second?"

Councilman Kent: "Second."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Okay."

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

Resolution #1280

Councilman Densieski: "I'm going to make a motion to table 1280. I thought we spoke about getting a financial professional to advise on what to do with the remnants we had left of the Grumman money. This is going to put it into general fund debt service. I recommend that we get a financial professional to advise the Town Board on exactly what to do. So I want to make a motion to table this."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Kent: "Yes, second to table."

Supervisor Kozakiewicz: "Motion and second to table. Vote, please, unless there's discussion."

The Vote: "Densieski."

Councilman Densieski: "Considering the fact that I think we need a professional to tell us what to do with the money or at least advise us on what to do with the money, I'm going to vote yes to table."

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

Councilman Cardinale: "Yes. I was intrigued and I'm going to vote to table for the reason he indicated but also another. How-- the sale is now down to \$12,716,000 of which \$1,116,000 is going to go to a commission expense and only \$11,600,000 is going to be transferred to the general fund debt service. I'd like to discuss how that happened exactly how we went from \$17 to \$12,716. I have not, for example, seen any other closing statements. I'd like to table it for that reason."

I'd also like to- I think it's a good idea- I have- I had served- I serve on a State Board of Directors which has about the same budget as the town and he's never had any money to play with to speak of, Jack, before, as far as what he does with it when he invests it. So he keeps it in CD's safely for 30 days at like 1%. But when you have this kind of money, you should have a written investment policy and you should have sharp advisors advising you and if- I still have some hope that we will eventually sell as I've urged, the balance of the property at Grumman. And that property certainly should not be in more than 30 day CD's. It should be properly invested for the benefit of the town.

So for the reason that Ed gave and as elaborated by what I just said and by reason I'd like to see between now and the end of the year an explanation of how we got to \$12,716,000 from \$17,000,000, I will vote to table."

Barbara Grattan: "Yes, right? Yes, to table."

Supervisor Kozakiewicz: "Yes to table."

Councilman Cardinale: "Yes to table."

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

Councilman Kent: "I agree that we need some professional investment advice on how to properly invest this money so that we can maximize its income- the income generated from it but I think we need to take this up rather quickly. I think we should take it up at our next meeting which I think we have a Special Town Board meeting on the 27th of December so I will vote yes to table with the clear understanding that we have to do something within the next few days to try to figure out what we're going to do with the money. So I'll vote yes to table."

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

Councilman Lull: "Phil, you should have in your mailbox a breakdown of these figures. They've been in there the last couple days."

Councilman Cardinale: "I must have missed them."

Councilman Lull: "So we had discussed in work session what we could do- should do, would be to, yes, go ahead with the suggestion that Eddie made and that Phil seconded to get a financial advisor in here to suggest what should be- could be done with this money but at the same time the money should be transferred into the general fund debt service into that fund so it can begin its work and can help us with the January money."

In other words, I believe we should do both. If we can accomplish both by passing the resolution making the- making the deposit to that fund on the 27th, can we do that? Okay. If we can make that commitment now and if we can do at the same time agree to a plan at our next Board- our next work session- our next Board meeting, agree to a plan for a- for some- for the advice that we had suggested we would get in addition to making this deposit, then I suggest that we could do that.

I'm still going to vote no to table because I really believe we need to get the money and should get the money into the fund, into the reserve fund. I still believe that money should be done immediately but I also believe that we should follow through with the investment counselor. So, whichever. If we can do this whole thing by the 27th, I think we should do it."

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

Supervisor Kozakiewicz: "I would likewise vote no to table. I

understand there is an investment policy which was set forth by prior Town Boards and I would ask that that policy be distributed to the Town Board members so they understand it so that we can take it up on December 27th in light of the fact that it has the requisite number of votes to table it at this point.

So with the understanding that we will address it on the 27th and deal with the respective issues raised today, I still vote no. But I know it's tabled."

Barbara Grattan: "The resolution is tabled."

Supervisor Kozakiewicz: "Right, yes."

Resolution #1281

Councilman Densieski: "General town debt service budget adjustment. So moved."

Councilman Kent: "Second."

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

Resolution #1282

Councilman Lull: "Budget adjustment in the water debt service. 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 #1283

Councilman Densieski: "Is a risk retention fund budget adjustment. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1284

Councilman Densieski: "Calverton Sewer District budget adjustment. 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 #1285

Councilman Lull: "Budget adjustment in the Ambulance District. 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 #1286

Councilman Densieski: "Business Improvement District budget adjustment. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1287

Councilman Densieski: "Recreation program fund budget adjustment. 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 #1288

Councilman Lull: "Animal shelter donation fund budget adjustment. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1289

Councilman Densieski: "I'm sorry, I just want to- I know there's a couple people that do this that probably deserve mention, I think it's Dr. Nigro and Dick Winslow."

Councilman Lull: "These are monies that came in from them and from other sources."

Councilman Densieski: "Okay."

Councilman Lull: "Half of the money-

Councilman Densieski: "Well, thank everybody that donated."

Councilman Lull: "Yes. Half of the money goes to capital; half of it goes to spay neuter."

Councilman Densieski: "Oh, thank you. Sorry to disrupt you. Street lighting district budget adjustment. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1290

Councilman Densieski: "Ratifies authorization to post and publish notice to bidders to provide and install skatepark equipment. So moved."

Supervisor Kozakiewicz: "Seconded?"

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded. Vote, please."

The Vote: "Densieski."

Councilman Cardinale: "Discussion."

Supervisor Kozakiewicz: "Yes."

Councilman Cardinale: "On the skatepark equipment, that was not part of the \$1.2 million dollar budget, right?"

Supervisor Kozakiewicz: "That's correct."

Councilman Cardinale: "So- "

Councilman Kent: "No, the 1.2- the budget was 975, wasn't it?"

Supervisor Kozakiewicz: "975 was the bond amount."

Councilman Kent: "Oh, was the bond amount."

Supervisor Kozakiewicz: "And then there was an additional number from park and rec fees."

Councilman Kent: "Right."

Councilman Cardinale: "So where is the- we're going to post and publish for bidders, where is the money coming from?"

Councilman Kent: "This is actually- "

Supervisor Kozakiewicz: "The proposal is from park and rec fees."

Councilman Kent: "The proposal is to come from park and rec

fees. We don't know how much yet though."

Councilman Cardinale: "Wasn't this going to come from advertisement? I'm sorry from donations?"

Councilman Densieski: "We have received some donations but not enough to cover it."

Councilman Cardinale: "All right. Thank you."

Supervisor Kozakiewicz: "Any other discussion?"

Councilman Kent: "This is strictly to find out how much it's going to cost."

Councilman Cardinale: "I can hardly wait."

Supervisor Kozakiewicz: "Vote."

The Vote: "Cardinale."

Barbara Grattan: "I guess- didn't we get you?"

Councilman Densieski: "No, we didn't."

Barbara Grattan: "I thought we did."

Councilman Densieski: "We didn't."

The Vote: "Densieski, yes; Cardinale."

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

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

Resolution #1291

Councilman Kent: "Wow, haven't heard me move a resolution tonight, I don't think. Authorizes the Town Clerk to publish and post notice to bidders for Riverhead Water District- water mains and appurtenances Project 00-53- Birchwood at Wading River, Section 1. So moved."

Councilman Densieski: "I'm glad you got that one."

Councilman Lull: "Second."

Councilman Kent: "That was the only one I got. Had to make the most of it."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "-- can even say it."

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

Councilman Kent: "There's no such thing as small parts, only small actors. I vote yes."

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

Resolution #1292

Councilman Lull: "Awards bid for office products and furniture. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "Discussion. I don't know if you're reviewed this. I'm just curious what this is for."

Supervisor Kozakiewicz: "We put out a bid for our office supplies and our office products, for pens, staplers, yes."

Councilman Densieski: "Okay, general, town-wide. Thank you. Yes."

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

Resolution #1293

Councilman Densieski: "Which number are you on, Barbara?"

Supervisor Kozakiewicz: "1293."

Barbara Grattan: "1293, if you don't get it, we'll get

Councilman Kent."

Councilman Densieski: "A resolution authorizing the issuance of an additional \$5,000 serial bonds of the Town of Riverhead, Suffolk County, New York, to pay additional costs of the reconstruction of the roof of the highway barn administrative office building on Osborne Avenue in and for said town. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I don't know if anybody out there pays attention on how many resolutions it takes to simply put a roof on or- we probably kill three trees, you know, just trying to get one job done around here. So I vote yes."

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

Councilman Kent: "Yes. The long and the short of it is that this is an extra \$5,000 to get that roof put on. And I vote yes."

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

Resolution #1294

Councilman Densieski: "Establishes secondary yard waste fees- fee it should say, I imagine. What this is is we're going to be able to take the yard waste up to the Youngs Avenue yard and there will be a \$25.00 per vehicle fee for that. And let's try it out and see what happens. We can always change it if it doesn't work. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "You're on 1294, Jim?"

Councilman Lull: "Oh, I'm sorry. Yes."

Councilman Densieski: "Yes."

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

Councilman Cardinale: "This means that for \$25.00 you could take like a tractor trailer up there?"

Councilman Densieski: "No, it's- "

Supervisor Kozakiewicz: "Resident."

Councilman Densieski: "-- the resident's sticker."

Supervisor Kozakiewicz: "We haven't gotten into the issue of landscapers and commercials."

Councilman Densieski: "Non-commercial."

Councilman Cardinale: "Okay, yes."

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

Councilman Kent: "It's going to be a \$25.00 fee and then you're going to purchase coupons, I think, right? Aren't we going to do that? No? We're just going to have a one time fee and then you're going to have a sticker on your car."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "And then you can dump all you want."

Councilman Densieski: "It's going be like an EZ Pass."

Councilman Kent: "Okay. Yes."

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

Resolution #1295

Councilman Kent: "Approves six month extension for a temporary sign permit of the Horizon. It's a condominium unit. I get the important ones. Yes. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1296

Councilman Lull: "Barbara, can I interrupt for just one second?
Councilman Cardinale asked- "

Supervisor Kozakiewicz: "That was my response. No."

Councilman Lull: "Sorry about that. Councilman Cardinale asked a question. Eddie, would you answer the question that he raised? Because it's an important question. If he was not aware of it, it may be better off raised- "

Councilman Densieski: "Which one is it?"

Councilman Lull: "About are they going to pick up yard waste?"

Councilman Densieski: "Yes, they are going to pick up yard waste as long as it's properly packaged on the side of your yard. But if you have a big bundle or a trailer or leaves or a pickup load of grass clippings, you can take it down to the landfill. But they are still going to do what the contract says as far as- "

Supervisor Kozakiewicz: "Residential carters."

Councilman Densieski: "Curb pick up."

Councilman Kent: "Or if you just want to go down there and hang out and talk like back in the olden days like we used to do, down at the landfill."

Councilman Lull: "Except you can't scrounge through the dump."

Councilman Densieski: "And then have a yard sale."

Supervisor Kozakiewicz: "Back to Resolution 1296."

Resolution #1296

Councilman Densieski: "Authorizes the Town of Riverhead to grant permission to erect a memorial flagpole. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "Yes. I'd just like to tell everybody what this is all about. Mr. and Mrs. Kelly of Reeves Beach lost their son tragically in the World Trade Center disaster. He was one of the life savers from New York Fire Department and they are going to erect a stone monument and a flag on the corner of Sound Avenue and Park Road and they are going to incur all the cost and the expense of the maintenance in the installation. And I'd also like to thank Brian (inaudible) for all his help in getting this done. It's a nice thing for the family. So with that said, I'll vote yes."

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

Resolution #1297

Councilman Densieski: "Approves temporary sign permit of the Wiz. 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 #1298

Councilman Lull: "Authorizes the Town Clerk to publish and post a help wanted ad for account clerk typist. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Discussion."

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "The way I understood this we were going

to hire somebody to do Gatsby 34 (phonetic). Then we promoted somebody from down there who's going to get additional money to do Gatsby 34. Okay? Now, we're creating another new position- "

Councilman Lull: "No. Eddie, we took the person- "

Councilman Kent: "We got rid of the accounting position."

Councilman Lull: "-- the person that we appointed to the accounting position was a senior account clerk typist. She is now being replaced by a clerk typist."

Councilman Densieski: "I thought that by law we were required to have an accountant or whatever down there."

Supervisor Kozakiewicz: "We had looked to hire an accountant with the idea of dealing with Gatsby 34 and other issues. We had one, I think that person stayed two days, a week, and then the second individual stayed seven days."

Councilman Densieski: "Okay. So we are not required by law to have that position then?"

Supervisor Kozakiewicz: "I- don't believe we ever said that it was a legal issue- "

Councilman Densieski: "As I was led to believe."

Supervisor Kozakiewicz: "-- but I don't recall a conversation back then. What we're- we have "x" number of positions which were set forth in the town budget for that department. One of them was- one of the positions to have been filled was the accountant position which we have not been able to have any success in finding a willing party to serve in that capacity. We then took the individual who is a senior account clerk typist and with a promotion that person is going to be assigned those duties and, therefore, that position that that person has now is being proposed to be filled by this position."

Councilman Densieski: "Let me tell you about the employees downtown in the accounting department. I can't think of one of them that's not an excellent employee. There's some really good ones down there. And even Jack. And I think that we can transfer some of the duties around and eliminate this position. So I'm going to vote no."

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

Councilman Cardinale: "The- I think that Ed makes a valid point in passing by mistake as it were."

Councilman Densieski: "Thanks, Phil."

Councilman Cardinale: "Well, that is- "

Councilman Densieski: "I'm going to miss you, too."

Councilman Cardinale: "-- we made a decision last meeting- yeah, I'll be thinking of you four hours into this meeting. We made a decision two weeks ago, because of what Bob said we can't get an accountant apparently to work with Jack or take the job. That we would make a principal account clerk typist who would do some accounting chore and we- this one will fill her place which is fair because ultimately it saves money for the town but the one thing we- because we'll have a principal account clerk typist and then this replacement. But we won't have an accountant down there. We will not have a CPA. And Jack is very knowledgeable, he's been here many, many years but there is some value, I think, in having two accountants because one will look over the other's shoulder, particularly some value in having a certified public accountant. So I'm not so sure that that last policy decision made two weeks ago was a wise one and I think that's what was being pointed out.

However, on this single vote before us, I think it's fair to replace that which we've moved. So I'm voting yes."

Councilman Densieski: "Mr. Supervisor, may I have the floor one more minute?"

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "I'm sorry, Phil."

Councilman Cardinale: "Sure."

Councilman Densieski: "I'd just like to point out that we had to rob some of the proceeds from the Grumman sale we didn't have an 8% tax increase this year. We have got to start cutting back all over the place and this is one way that I think we can actually do it."

Councilman Cardinale: "Absolutely. Right we should cut back."

Councilman Kent: "Well, then we should abolish the position."

Supervisor Kozakiewicz: "Okay, vote."

Councilman Cardinale: "Well, that's really what he's got in mind."

Councilman Kent: "Okay, so I'm going to vote. I'm going to go along with Ed not to advertise for this position. Because I won't be here to interview anyway."

Barbara Grattan: "So you're voting no."

Councilman Kent: "I'm voting no."

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

Supervisor Kozakiewicz: "This is almost like Outer Limits. This is a strange one. Phil is saying yes and Chris is saying no. Yes."

Barbara Grattan: "Okay. What have we got here? We've got one, two, three."

Councilman Cardinale: "I think what's really strange is I'm voting with Bob and Jim."

Councilman Kent: "I wanted to- I wanted to give some meaning to that."

Supervisor Kozakiewicz: "Bizarre."

Barbara Grattan: "You did vote yes?"

Supervisor Kozakiewicz: "Yes, he did."

Barbara Grattan: "That resolution is adopted."

Resolution #1299

Councilman Kent: "Accepting a resignation of Rene Ward in the Seniors Department. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Maybe we won't need this position either. Yes."

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

Councilman Kent: "We can abolish- you want to add a Resolve clause abolishing the position when we accept the resignation? I did that a couple weeks ago. I vote yes."

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

Resolution #1300

Councilman Densieski: "Authorizes the Supervisor to execute a commuter parking lease between the Long Island Railroad/Metropolitan Transportation Authority and the Town of Riverhead. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I believe the rent is \$1.00."

Supervisor Kozakiewicz: "One dollar which is waived."

Councilman Cardinale: "We're waiving it?"

Supervisor Kozakiewicz: "No, that's what they're waiving. Paragraph 7. The annual rental will be \$1.00. Payment waived."

Councilman Cardinale: "So we get the parking for \$1.00. That's good. I'll vote yes."

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

Resolution #1301

Councilman Densieski: "Jim, I'm going to move that we table this resolution. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded to table."

Barbara Grattan: "Densieski and Kent."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Yeah. I think it requires some further discussion. Yes, to table."

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

Supervisor Kozakiewicz: "For all the reasons and some of the questions that are still pervasive with this, yes."

Barbara Grattan: "That resolution is adopted."

Supervisor Kozakiewicz: "To table. Resolution to table is adopted. It was tabled."

Resolution #1302

Barbara Grattan: "Resolution 1302, Councilman Kent, to pay bills."

Councilman Kent: "I move that resolution."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "I don't pay myself or anything in there, am I? That will be in January."

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

Barbara Grattan: "How about- "

Councilman Lull: "1302?"

Supervisor Kozakiewicz: "No. It would be 1303."

Councilman Kent: "Which one?"

Councilman Lull: "Oh, 1303, yeah."

Councilman Kent: "Oh, yeah, yeah, this one, yeah."

Supervisor Kozakiewicz: "There's one that's tabled which is Chapter 64 but there's also one which I talked about earlier which was the- what's that?"

Councilman Densieski: "Senior center."

Supervisor Kozakiewicz: "No, that one came in too late. We'll take that up later, Crescent on the Sound."

Councilman Lull: "I was going to table that one."

Councilman Kent: "Darren Development which is now Crescent on the Sound."

Supervisor Kozakiewicz: "I'm sorry. What was that?"

Councilman Kent: "No. I think we have to take that- "

Supervisor Kozakiewicz: "The bond expire December 31st."

Councilman Kent: "We can take it on the 27th."

Supervisor Kozakiewicz: "So we can take it on 27th. Okay."

Councilman Kent: "That's kind of an important one because that property changed hands. We did see this. We had it in our packet yesterday."

Supervisor Kozakiewicz: "I didn't remember seeing it. It was in the packet?"

Councilman Kent: "Yes."

Barbara Grattan: "For some reason it was not in our- "

Councilman Densieski: "Bob- "

Councilman Kent: "What this resolution did was the property transferred and we were- "

Supervisor Kozakiewicz: "Why don't we make it clear what's being voted on because I see some you know gestures out there from Mr. Tria, principally, who is raising an issue with respect to the process, I assume."

Councilman Kent: "Do you think we could do this #27 Scott? Because I have the resolution actually because it was in our- "

Supervisor Kozakiewicz: "This is a resolution that was apparently in the packet yesterday when we met to review resolutions. It's to replace letters of credit because there was a transfer of property. Is that- you are going to have to speak closer to the mike."

Scott DeSimone: "There was a transfer of the subdivision map pending January 15th, closing date. There are bonds currently ready to expire as of December 31st. This resolution would authorize the contract vendee to provide replacement security subject to approval of the Town Attorney as to content and form. And we do have security. The current bonds are expiring December 31st."

Councilman Densieski: "You sound pretty adamant like this should happen tonight. Are you advising us to do this tonight?"

Scott DeSimone: "The security that he's going to be replacing are- is going to be a letter of credit from a local bank, they're a strong bank. I have no problem with where it's coming from. Anything can happen. To give him one day to bring in replacement security, I don't want to leave the town unsecure."

Councilman Densieski: "It sounds reasonable."

Councilman Cardinale: "And it was also, it was, in fact, on the work session."

Councilman Kent: "It was in our packet yesterday."

Supervisor Kozakiewicz: "I didn't recall seeing it, so, since it was there and somehow did not get placed in the packet, then we'll add that to- "

Councilman Kent: "And I think there is some necessity here to protect the town's interests by- "

Supervisor Kozakiewicz: "So that one will be 1304."

Scott DeSimone: "And I would just make it subject to--"

Barbara Grattan: "Oh, wait a minute. 1303."

Supervisor Kozakiewicz: "1303 would be the rescission of the general construction bid award for senior citizen human resource center and 1304 would be this particular substitution and release of security in connection with the subdivision entitled Darren Development, Crescent on the Sound, Wading River."

Scott DeSimone: "Subject to review of the Town Attorney."

Supervisor Kozakiewicz: "Correct. Okay."

Councilman Lull: "In addition to that, there was also-- was it part of that resolution or a resolution for a sign-- for a temporary sign permit."

Councilman Kent: "Well, forget-- you can take--"

Supervisor Kozakiewicz: "That's a separate resolution."

Councilman Kent: "Take that up separately."

Supervisor Kozakiewicz: "Okay. Saying that, why don't we take up Resolution 1303."

Barbara Grattan: "And we'll give that to Councilman Kent."

Councilman Kent: "1303? Oh. Rescinds general construction bid award for senior citizens human resource center. I think that was explained earlier. 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 #1304

Councilman Lull: "Authorizes the substitution and release of securities--security posted in connection with subdivision entitled Darren Development Crescent on the Sound, Wading River, New York. So

moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "On the advice of counsel, I'm going to vote yes."

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

Barbara Grattan: "What do you want to do with the tabled resolution guys?"

Supervisor Kozakiewicz: "Is there anybody who would move to take that off the table?"

Councilman Kent: "Yeah, I move to take- "

Supervisor Kozakiewicz: "This is 1129, I believe."

Councilman Kent: "I'll move to take it off the table having had extensive discussions with Fire Marshal Johnson. He wanted us to get this moved. It's adopting a local law to repeal and replace Chapter 64 entitled Fire Prevention of the Riverhead Town Code. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded to take it off the table."

The Vote: "Densieski."

Councilman Densieski: "Yes, to take it off the table."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. Resolution brought off the table."

Councilman Kent: "I'll move the resolution now to adopt a local law to repeal and replace Chapter 64 entitled Fire Prevention of the Riverhead Town Code. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Cardinale: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "First of all, I want to say that fire safety is very important and I think you know is probably a priority or should be a priority. And I want to thank the Fire Marshal for really harping on this issue. He's spent a lot, a lot of time on it.

New York State is revamping their code right now. I don't know why we have to have more coverage than the state even says us to have. I feel this is anti-business. I'll give you an example. They're going to have a lock box. If you're a small businessman you're going to open up your business, you're now going to have a lock box where your key for the front door is going to be in a box out front.

If my building is on fire, come down and put a hammer, a sledgehammer right through the window and put it out. I don't think putting a key out, the (inaudible) to putting a key out or the wisdom of putting a key out front is all that wise. I find Chapter 64 to be completely- not completely, but partially anti-business. There are some things that are very good in it and very important. But I can't see giving a friend or a neighbor a \$2,500 fine- up to a \$2,500 fine because he didn't meet one of the codes or got a summons. And that's what you can get. Right now it's \$250.00 but if we pass this and you've got a small business in town, you are going to be paying.

And as usual I find Riverhead to be anti-business and I have a real problem with that. Although I do appreciate all the efforts for fire safety, I would appreciate some efforts to be business-friendly. With that said, I'm going to vote no."

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

Councilman Cardinale: "I want to just write down that quote of fire safety is very important because I want to remember that despite your vote. I kind of agree with Ed which scares me."

Councilman Densieski: "Twice this year."

Councilman Cardinale: "Yeah, I know. I do. I do kind of agree

with him- "

Supervisor Kozakiewicz: "I think that's twice in two years."

Councilman Cardinale: "Yeah. However, I also believe that the implementation of the law is more- is in most instances, is more important than the actual specific language. For example, it is unlikely that anyone is going to get more than a \$200 fine out of our Justice Court for doing a lot worse things than fire safety breaches. So practically speaking, these fines are not going to occur for those who are trying to comply with the statute.

There have been significant changes in it subsequent to the public hearing where the business interests had their say. I think that it's a livable code and I'm going to vote yes because I think the higher purpose is fire safety and I do not believe that this is an invitation to abuse. So I'm going to vote yes."

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

Councilman Kent: "I'm also going to vote yes. The Knox box that Ed was referring to is only for new businesses that are developing. I think it can be part- incorporated into part of the cost of developing your new business in town and it provides access when you may not want to bust through the door. Maybe there's only a small problem. The only one who will have access to those boxes are the fire department and it will provide one standard master key to get into all the boxes in town. It saves them from having to find the keys that they now hold for all the businesses in town. So I think it actually solves a lot of problems and the ultimate purpose is fire safety and I think that should be a top priority so I'm voting yes."

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

Councilman Lull: "I don't know why everybody is saying they think that fire safety is very important. Health and safety is our major, major duty here. Yes."

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

Supervisor Kozakiewicz: "This one has certainly gone around. We've had a lot of discussion. I think we've re-visited this one three times at public hearings to address comments from speakers. With respect to the Knox box, I also understand and if this is not true, I will certainly take it up. But it's applicable to new

businesses that have a sprinkler system, not to new businesses that are not sprinkled. So it would be something that would require a sprinkler system. And the idea as pointed out is to provide a box, knox box, K-N-O-X, like Fort Knox, and my understanding is the keys which would be a master key if you will from the fire districts, would be linked to fire alarms and burglar alarms so that it would not provide a free trip to go roam around a particular business. And it would be something that would be investigated.

On the balancing and all the issues that have been set forth, I likewise vote yes."

Barbara Grattan: "The resolution is adopted."

Councilman Kent: "I move we adjourn."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and second and wish everybody a Happy Holiday."

Councilman Densieski: "Have a nice one everybody."

Meeting adjourned: 5:25 p.m.

*Barbara Grattan
Town Clerk*