

Minutes of a Special Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Thursday, December 27, 2001, at 2:19 p.m.

Present:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Christopher Kent,	Councilman (arrived at 2:40 p.m.)
Philip Cardinale,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Sean Walters, Esq.,	Town Attorney

Supervisor Kozakiewicz called the meeting to order at 2:19 p.m.

Supervisor Kozakiewicz: "Let the record reflect that the time of 2:19 p.m. has arrived. I call this public meeting to order. I don't know if anybody wishes to speak. Hopefully not so we can take up the resolutions and with that said, we're going to take up the Cablevision resolution. I believe that Phil is going to take it well, anybody else wish to speak? If not, I'd like to try and get- "

Councilman Densieski: "I'd like to request the Pledge of Allegiance before we start."

Supervisor Kozakiewicz: "Oh, that's right. I'm sorry. Pledge of Allegiance. Joan, why don't you come up? Come on up."

(The Pledge of Allegiance was recited, led by Joan Griffin)

Supervisor Kozakiewicz: "All right. Go ahead, Zabby. Joan, you want to speak? All right. This is highly unusual. Usually our last meeting we just wrap up with resolutions. So, but, if you wish to speak, go ahead, Zabby, five minutes. The time being 2:20."

Councilman Densieski: "And the clock starts now."

Supervisor Kozakiewicz: "It's running. Barbara, are you keeping track of this? I don't want to be timekeeper."

Zabby: "Where's Chris Kent?"

Supervisor Kozakiewicz: "He had a closing today."

Zabby: "Um, I just wanted to comment that I'm, you know, I have been so hurt by this Board. I have been so hurt by every single member of the Board actually.

People have turned things around, spun things around, starting with Joey McClellan. Turning my lobbying into harassing, cutting off my- "

Councilman Densieski: "And your TV shows aren't spinning things around and- "

Zabby: "I don't- please, hey, I have my five minutes. Is this fair? This is what I'm saying. I get interrupted, they don't want me to speak out. Now, I had a few meetings with Bob Kozakiewicz and I heard he had others. He- in the paper, if you remember, he had this paper- (inaudible) your winning victory celebration thing, a picture of him in the Traveler Watchman, November 8th, page 3, it's interesting, you probably can get it on the internet.

And I want to say that this Town Board of Riverhead, so called men, are wimps and wusses. They can't stand up to Cablevision. And when you go in and talk to any of them, they're like dildos. I heard the new expression on the- of the youth now, they call people that just say, you know, tell you something to make you feel good but then they're deceitful and they lie and they turn around and they do just the opposite. Bob Kozakiewicz on October 17th promised to start a formal proceeding. He probably won the election. He was going to stand up to Cablevision. It says there he's going to be more firm.

I would like, you know, Giuliani just won the Man of the Year. He said that what he learned from September 11th, not to be a phoney. Not to be a dildo. Not to be a phoney."

Councilman Densieski: "Would you stop, please? This is a family channel."

Zabby: "And I'm asking for the Town Board- "

Councilman Densieski: "Would you please stop?"

Zabby: "-- of Riverhead to stand up to Cablevision and give them an ultimatum. And you're very right, Mr. Supervisor. Cardinale has put now 90 days. That's way too long. That will cut off your

ability to finally negotiate. But I believe in the franchise agreement it says 15 days. Cablevision has had seven years to remedy the breaches.

These have been negotiated already. You don't have to negotiation. You have to stand up to Cablevision. You have to stand up and give them an ultimatum. Tell them that you're going to sue them. There's a precedent already. I was hoping you would become a leader and you would get the other towns of the south- of this east end together to sue Cablevision. We could get \$15 million dollars for the channel that you allowed them to steal from us. And you've been playing political football with Cardinale since day one.

On November 9th, Cardinale wrote a letter to film work sessions. By the way, they didn't have the electric here, otherwise I could have told you how they were going to invest your money, the \$10 million dollars. But, no, no electric. And when Joey McClellan saw that, 20 days later, you met with Cablevision behind Phil Cardinale's back. You kept telling me you didn't want him to get credit for this Cablevision thing.

Now we're here at the last hour. We're sending Cardinale with knowledge."

Supervisor Kozakiewicz: "I don't know where you got that from."

Zabby: "I had- well, you know what? I happen to have all the backup, Bob, all the backup, and I'm putting you all on notice, there are lawsuits. This is the lawsuit filed."

Councilman Densieski: "Good."

Zabby: "We were depending, the public was depending on all of you, the five of you. We're going to- you'll be- we learned something from Calverton and from Wilpon. When we sue them- you as individuals, we don't sue the Town of Riverhead."

Supervisor Kozakiewicz: "I learned something from Wilpon, too. He lost."

Councilman Densieski: "Yeah, that's right. Big time."

Zabby: "Well, you know what? The town had to spend \$75,000 defending you. However, we're going to go after- "

Supervisor Kozakiewicz: "I don't know where you got that number from."

Zabby: "-- the Republican Party, \$75,000 from Phil Cardinale actually to spend money on counsel. How did you get defended? Okay?"

Councilman Densieski: "Thirty- "

Zabby: "So divert the issue. All right. Go ahead. These are games that these politicians play and I'm for getting rid of politics as usual and we are going to- the people have now PMS. And that means the people's- "

Supervisor Kozakiewicz: "Thank you."

Zabby: "-- movement system- "

Supervisor Kozakiewicz: "Your time's up."

Zabby: "-- and we're going to do away with party politics."

Supervisor Kozakiewicz: "Zabby, your time is up. Thank you."

Zabby: "Thank you very much."

Supervisor Kozakiewicz: "Mr. Tria, you wish to speak?"

Mr. Tria: "Thank you."

Councilman Densieski: "You're not going to say any unsavory words, are you?"

Mr. Tria: "I've got a batch of resolutions with no numbers."

Supervisor Kozakiewicz: "Same thing that I have, Mr. Tria."

Mr. Tria: "How are we going to keep track? That's all I- "

Supervisor Kozakiewicz: "We'll be numbering them as we go along. This is the way it's usually done at the end of the year. We have resolutions that are coming up last second because we have to balance the books and adjust things at the end of the year and that's the way the process is. This is a final wrap up meeting where generally speaking the prior Town Boards and I don't know why I'm departing from the practice, just take up resolutions and go forward."

But I'm allowing people to be heard and I can't say anything else. This is a wrap up meeting and we've been trying to get these things done last second. We had a work session earlier; we have a Town Board meeting now, and we're trying to finish up the year.

The organizational meeting will have an agenda and resolutions numbered."

Mr. Tria: "Excuse me, sir. You're using my time."

Supervisor Kozakiewicz: "Joan Griffin."

Barbara Grattan: "Mine are numbered."

Supervisor Kozakiewicz: "Okay. Actually, I've learned that Barbara Grattan's are numbered. The ones I have are not."

Barbara Grattan: "So I'll call out and call the title."

Joan Griffin: "Good afternoon, Joan Griffin. Just a short question on Cablevision. The shows now on Town Hall are on Fridays at what time, please?"

Supervisor Kozakiewicz: "Speak to- I don't know. I don't watch Cablevision. I don't watch the Town Board meetings. I don't like to watch these things. I live through them once, I try not to watch them a second time. So I don't know the time off the top of my head. I don't know. I'm going to very honest with you. Mister- maybe Rolph knows."

Councilman Lull: "It's early evening but I can't tell you any more than that."

Joan Griffin: "Early evening?"

Councilman Lull: "Yes."

Joan Griffin: "And it's on Channel 59 now? Okay. Second thing. My husband brought to mention at the last meeting about the (inaudible)."

Supervisor Kozakiewicz: "I- I'm very- the website is totally antiquated. It's got to be updated and it's deplorable and I've asked that it be addressed."

Joan Griffin: "Okay. Because the calendar last update was October 26th to November."

Supervisor Kozakiewicz: "I know that."

Joan Griffina: "Okay."

Supervisor Kozakiewicz: "I was on the site the other day and I said this is ridiculous, it should be updated for the new calendar year at the very least."

Joan Griffin: "Okay. And last thing, the Crown Recycling, Reliance, whatever it's called, that project on Youngs Avenue and- in Baiting Hollow/Calverton area."

Supervisor Kozakiewicz: "That- "

Councilman Densieski: "It's getting an environmental impact, I believe."

Supervisor Kozakiewicz: "Correct."

Joan Griffin: "Okay. Because I was looking through the old agenda since it came up as a public hearing and the correspondence isn't being kept up to date in letting the public know what's happening. Between the three agendas since it became a public hearing, it lists six letters against it, six letters for it. I just went through the files. There's 24 letters against it and a petition with 215 names- "

Councilman Densieski: "Barbara, are you listening?"

Joan Griffin: "-- there's 25 letters for it. So your agendas aren't being kept up to date with the information either."

Supervisor Kozakiewicz: "That's really not critical. The file itself is controlling what's on file with the Town Clerk's office is what's important, not necessarily the tabulation on the agenda. I give the Town Clerk's office credit for trying to do that, but the bottom line is it's the file, it's the official file of the Town Clerk that's on the special permit and the change of zone that's controlling and that file, I'm sure depending upon what the Town Board does, will become the controlling document. That's the official record that's maintained by the Town Clerk's office. That's the record that speaks for itself."

Anything else, whether it's a letter from my office that says how many were in favor or against or the agenda, is not necessarily an official document. It's what's in that file that counts."

Joan Griffin: "Okay. And last question. My husband asked if it's- about the Crown Recycling, the grinding and the wood mulching or stump crushing or whatever, and he said that you said and I heard it that very night- "

Supervisor Kozakiewicz: "My recollection is they withdrew it."

Councilman Lull: "They withdrew that part."

Supervisor Kozakiewicz: "They amended their plan or site plan to- "

Joan Griffin: "But there's nothing in writing in the Town Clerk's office."

Supervisor Kozakiewicz: "I think there was. But we can double check. I believe they amended their plan to exclude the chipping process which would be the wood and the yard waste."

Councilman Densieski: (inaudible)

Councilman Lull: "That would be the Planning Department."

Supervisor Kozakiewicz: "That's my recollection, that they came in and said that we're not going to consider any more in light of the pest. That was a concern."

Joan Griffin: "Okay. And that will wind up in that folder also, from the Planning Department?"

Supervisor Kozakiewicz: "It should be in there, yes."

Joan Griffin: "It wasn't as of 1:45 today."

Supervisor Kozakiewicz: "Okay. I can't say why that's the case. It should be in there."

Joan Griffin: "Okay. And this will be coming up for a vote in January, February?"

Supervisor Kozakiewicz: "I don't know that. If it's going to

do an EIS, absolutely not. There will be an EIS which will be- go through the typical SEQRA process so if that's where it's going, which I think it is, it's not going to be January."

Joan Griffin: "Okay. Thank you."

Supervisor Kozakiewicz: "Rolph Kestling."

Councilman Densieski: "There will be a public hearing on that."

Rolph Kestling: "Yes. Rolph Kestling, Wading River. First of all, I want to say I'm disappointed about the whole Cablevision deal, but I won't go into that. But I understand the next meeting is on January 2nd, that's the next town meeting."

Supervisor Kozakiewicz: "Yes."

Rolph Kestling: "But there's nothing- nothing in the legal notices about that. How are people going to- "

Supervisor Kozakiewicz: "The last Town Board meeting it was part of the resolution package. Yes."

Barbara Grattan: "It was part of the resolution. It's not in the paper this week because the paper isn't published."

Rolph Kestling: "Yeah, so nobody's going to know about it."

Barbara Grattan: "So it will be in the next Thursday's paper, which is (inaudible)."

Rolph Kestling: "Yeah, Thursday's paper but it will be past the meeting."

Councilman Densieski: "No, it won't."

Barbara Grattan: "No."

Supervisor Kozakiewicz: "No, it will be the day after."

Rolph Kestling: "The day after the meeting."

Councilman Densieski: "Right, okay."

Supervisor Kozakiewicz: "Yeah, all right."

Rolph Kestling: "So maybe you- "

Councilman Lull: "So, Barbara, let's get it to Suffolk Life--"

Barbara Grattan: "The first and third Tuesdays of the month, most everybody- "

Supervisor Kozakiewicz: "Yeah, well, it's the first and third Tuesdays. This is a Wednesday."

Barbara Grattan: "Okay."

Councilman Lull: "Let's get it to Suffolk Life."

Supervisor Kozakiewicz: "It's too late."

Barbara Grattan: "It's too late. All the papers are done."

Councilman Lull: "For next week?"

Supervisor Kozakiewicz: "Yeah, all the papers are done."

Rolph Kestling: "Well, maybe they can make an announcement on 1390 and get everybody- "

Councilman Densieski: "Yeah, we can do that."

Superviosr Kozakiewicz: "Yeah, okay."

Councilman Lull: "Next Wednesday, Bob."

Supervisor Kozakiewicz: "Well, it could be in the paper- all right, if we put it in- I'm not sure if we're going to have enough time to go with Suffolk Life. Okay, Rolph- Sid Bail, please."

Sid Bail: "Just a brief comment. I've never said anything on this Cablevision issue, much to everyone's joy, etc. But I don't have anything really new but in the sense that I'm always surprised at the number of people here that make references to, who watch Cablevision in the Town of Riverhead. And it seems to be- it's almost to me like a good government issue and it- for whatever the reasons it's broken down, whether it's politics, or personality, or a combination of both.

The idea of having like two channels, an educational channel, etc., I think that's excellent, the forum that we participate in, the

students of Riverhead High School. And it shouldn't be a guessing game, you know, if these things are on, when they're on. And it would seem to be something that the new Town Board ought to, you know, focus on and make happen. I don't know the magic formula for doing this but I think this really is a good government issue.

I also, you know, since this is the last meeting of the year, Chris Kent isn't here, Phil is here, you know, I've worked with them over the last four years or so and we appreciate all the hard work, etc. that they've put in. Being a Town Board member obviously is not a piece of cake as you guys can all attest. And so I'd like to thank them.

And I'd like to thank the rest of the Town Board members and wish you a Happy New Year. Thank you."

Councilman Densieski: "Same to you, Sid."

Supervisor Kozakiewicz: "Thank you."

Councilman Cardinale: "Thank you, Sid."

Councilman Lull: "Thanks, Sid."

Supervisor Kozakiewicz: "Anybody else? Okay, we'll take up resolutions."

Resolution 1306

Barbara Grattan: "Resolution #1306 authorizes the contract between the Town of Riverhead and Fundamental Business Services, Inc. (FBS). Councilman Densieski."

Supervisor Kozakiewicz: "Actually, the proper entitlement should be authorizes an amendment to the contract between Town of Riverhead and Fundamental Business Services. There was already authorization to enter into this contract. We did that earlier in the year. This agreement allows FBS or Fundamental Business Systems to assist us with respect to parking summonses and an amnesty program. So it should be an amendment to the current agreement."

Councilman Densieski: "With that said, I'll move 1306."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1307

Barbara Grattan: "Resolution #1307 Meadowcrest at Settler's Landing water extension, capital project. Councilman Lull."

Councilman Lull: "So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "Absent."

Barbara Grattan: "I think he's not going to answer. Lull?"

Councilman Densieski: "Keep waiting, he might come."

Councilman Lull: "Yes."

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

Resolution #1308

Barbara Grattan: "Resolution #1308, amends Resolution #1298 authorizing the Town Clerk to publish and post a help wanted ad for account clerk typist. Councilman Densieski."

Councilman Densieski: "So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, but where is this for? Because I asked Bob earlier and didn't get the answer."

Supervisor Kozakiewicz: "This was the resolution we did at the last Town Board meeting for accountant- accounting department, and we forgot to visualize or realize that December 27th was not an issue, because the News Review is not published today."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "So we have to amend to allow for the publication on the date set forth, January 3."

Councilman Lull: "It is for an account clerk typist to replace a senior account clerk typist who is appointed to the position that had been vacated previously as accountant."

Councilman Densieski: "Right. Well, like I said when I voted no the first time, I think- "

Unidentified from the audience: "Can't hear you."

Supervisor Kozakiewicz: "Please."

Councilman Densieski: "As I said the first time I voted, I'm going to vote no because I think there's enough help down there. I think they could manage just fine with the help they have."

Barbara Grattan: "So what's your vote?"

Supervisor Kozakiewicz: "No."

Councilman Densieski: "That would be no."

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

Councilman Cardinale: "I'm going to- this is a replacement position?"

Supervisor Kozakiewicz: "This is a position that was already authorized by prior resolution but we didn't properly- "

Councilman Cardinale: "And Personnel recommends it, I guess?"

Supervisor Kozakiewicz: "All right."

Councilman Cardinale: "I'm going to vote yes, I suppose."

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

Resolution #1309

Barbara Grattan: "Resolution #1309 authorizes service agreement regarding Calverton Sewer District. Councilman Densieski."

Councilman Densieski: "1309, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1310

Barbara Grattan: "Bear with me, I've got one here. Resolution #1310."

Councilman Lull: "1310."

Barbara Grattan: "1310. General fund budget adjustment. Councilman Lull."

Councilman Lull: "Perfect example of what your problem was with today's- today's list here, Mr. Tria. The one you've got probably is handwritten."

Barbara Grattan: "Yup."

Councilman Lull: "And we have one which is typed because handwritten was the figures as on 9:00 this morning. This is the figures as of noon. That's why this is- exactly. So moved."

Supervisor Kozakiewicz: "Moved by Councilman Lull. Is there a second?"

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Kozakiewicz, yes. Resolution is adopted."

Resolution #1311

Barbara Grattan: "Resolution #1311, Councilman Densieski, which is extends the contract with Arthur J. Gallagher & Co. and Triad Group."

Councilman Densieski: "1311, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "What is this contract?"

Supervisor Kozakiewicz: "Insurance."

Councilman Cardinale: "This is the annual re-up on the insurance?"

Supervisor Kozakiewicz: "Yes."

Councilman Cardinale: "Yes."

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

Resolution #1312

Barbara Grattan: "1312 Town appoints temporary conservation employees. Councilman Densieski."

Councilman Densieski: "1312, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "This appoints two people to-- George Bartunek and Jim Cain, to conduct a review of the town's wetlands inventory."

Yes."

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

Resolution #1313

Barbara Grattan: "Resolution #1313 is an ambulance fund budget adjustment. Councilman Densieski."

Councilman Densieski: "1313 so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1314

Barbara Grattan: "Resolution 1314, recreation program fund budget adjustment. Councilman Densieski."

Councilman Densieski: "1314 we're on, Barbara?"

Barbara Grattan: "Yes."

Councilman Densieski: "So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1315

Barbara Grattan: "Resolution 1315 which is an animal shelter donation fund budget adjustment. Councilman Densieski."

Councilman Densieski: "1315 so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1316

Barbara Grattan: "Highway Department budget adjustment.
Councilman Lull."

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Barbara Grattan: "Cardinale?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Is this within the Highway Department?"

Supervisor Kozakiewicz: "Yes."

Councilman Cardinale: "Yes."

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

Resolution #1317

Barbara Grattan: "Resolution #1317, Water District budget adjustments. Councilman Lull."

Councilman Lull: "So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and second."

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

Resolution #1318

Barbara Grattan: "Sewer District budget adjustment. Councilman Densieski."

Councilman Densieski: "1318 so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1319

Barbara Grattan: "Resolution 1319, Councilman Densieski."

Councilman Densieski: "1319, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "You know what it is? It's a Refuse and Garbage District budget adjustment."

Councilman Densieski: "Oh, I'm sorry. Did you read that one?"

Barbara Grattan: "No. I got it. I just didn't read the title."

Councilman Densieski: (Inaudible)

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

Resolution #1320

Barbara Grattan: "1320, Street Lighting District budget adjustment. Councilman Densieski."

Councilman Densieski: "1320, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1321

Barbara Grattan: "1321, Councilman Lull, which is a Business Improvement District budget adjustment."

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Second?"

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1322

Barbara Grattan: "1322 is an Ambulance Fund budget adjustment. Councilman Densieski."

Councilman Densieski: "1322, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1323

Barbara Grattan: "1323, Risk Retention Fund budget adjustment, Councilman Lull."

Councilman Lull: "Second- so moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1324

Barbara Grattan: "1324, General Town Debt Service budget adjustment, Councilman Densieski."

Councilman Densieski: "1324, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "1324 moved and seconded. That's General Town Debt. Okay."

Barbara Grattan: "General Town Debt Service budget adjustment."

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

Resolution #1325

Barbara Grattan: "Resolution #1325, Water District Administration Building renovation capital project budget adjustment, Councilman Lull."

Councilman Lull: "So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1326

Barbara Grattan: "1326, Darren Development water extension capital project budget adjustment, Councilman Densieski."

Councilman Densieski: "1326, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1327

Barbara Grattan: "1327, The Preserve at Baiting Hollow, Extension #66 capital project budget adjustment, Councilman Lull."

Councilman Lull: "So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #1328

Barbara Grattan: "Resolution #1328, Councilman Densieski, which is Joint Scavenger Waste District budget adjustment."

Councilman Densieski: "1328, 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 #1329

Barbara Grattan: "A Senior Citizen Day Care Center fund budget adjustment, Councilman Lull."

Councilman Lull: "So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "Mr, Kent, too?"

Supervisor Kozakiewicz: "Mr. Kent."

Councilman Kent: "That's all right. I'll abstain."

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

Supervisor Kozakiewicz: "You're abstaining on that one?"

Councilman Kent: "Sure, what the heck."

Supervisor Kozakiewicz: "Are you abstaining on that one? Okay. Yes."

Barbara Grattan: "And, Lull, you were a yes, right?"

Councilman Lull: "Yes."

Resolution #1330

Barbara Grattan: "Resolution 1330, approves amended site plan of Gemini Realty, which is Councilman Densieski."

Councilman Densieski: "1330, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "Did we see the site plan? I don't remember seeing it, so I'll abstain. I'll abstain."

Supervisor Kozakiewicz: "Yes, earlier today."

Councilman Densieski: "Two fences (inaudible)."

Councilman Kent: "Two fences? All right. Yes."

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

Resolution #1331

Barbara Grattan: "1331- wait a minute- 1331- she's got authorization to pay bills. So these resolutions came afterwards. Yes."

Councilman Cardinale: "Yes."

Councilman Densieski: "21- "

Supervisor Kozakiewicz: "1331 which is to pay bills."

Barbara Grattan: "1331, pay bills."

Councilman Densieski: "I'll second."

Supervisor Kozakiewicz: "Who moved it?"

Councilman Cardinale: "I did."

Barbara Grattan: "Cardinale."

Supervisor Kozakiewicz: "Cardinale, second from Lull. Okay, moved and seconded."

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

Resolution #1332

Barbara Grattan: "We've got now Resolution #1332."

Supervisor Kozakiewicz: "Is that a CDA resolution?"

Councilman Cardinale: "Yes."

Barbara Grattan: "Okay, that's why. All right. We've got another one here."

Supervisor Kozakiewicz: "I don't have that one."

Councilman Kent: "1332?"

Supervisor Kozakiewicz: "Yes."

Barbara Grattan: "1332- "

Councilman Densieski: "Andrea, is 1332 a CDA? Oh."

Barbara Grattan: "Community Development Agency Calverton budget adjustment. It's not? It's our resolution, the town."

Supervisor Kozakiewicz: "It's the town, okay."

Barbara Grattan: "Okay, 1332, Community Development Agency Calverton budget adjustment, Councilman Densieski."

Councilman Densieski: "Discussion. So what exactly, after this transfer is- "

Supervisor Kozakiewicz: "I don't have it. This is the one we talked about today."

Councilman Densieski: "Right."

Supervisor Kozakiewicz: "Let me just make sure I understand it so we go through it."

Councilman Lull: "After the money is transferred- after this is passed, Ed, it- "

Supervisor Kozakiewicz: "There will be still \$5,000,000 that will be left in the CDA account as a result of this."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "All right."

Councilman Densieski: "There will be a \$5,000,000 balance in the CDA account. That's what you're telling me on the record?"

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "Okay. I think we should have left the higher budget in the CDA account. I think we should have left 75 or 80% in the CDA account. The argument is too long to get into here and now but I guess saving 50% of it is okay. Well, I'll vote yes. I'll move it."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Lull: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "Ed, are you suggesting we leave more?"

Supervisor Kozakiewicz: "Discussion?"

Councilman Densieski: "Yeah."

Councilman Kent: "You want to just transfer in the amount that we need for this year (inaudible)?"

Councilman Densieski: "No. I would be willing to do a little bit more so that we can guarantee like Jack says our (inaudible) at the end of the year. But I think 500- \$5,000,000 is not enough. We should leave more in the CDA. Would you be willing to amend that?"

Supervisor Kozakiewicz: "We spoke about this one after you had left."

Councilman Kent: "Right. This is- okay."

Supervisor Kozakiewicz: "I think your suggestion, Chris, was to do the half, \$5,000,000, \$5,000,000, and we spoke further. I know Phil thought we should put the entire amount into the- a debt service or a debt reserve fund and the Board wanted some flexibility in line with capital improvements or capital reserve fund down the road and- "

Councilman Kent: Phil, let me- Phil- "

Councilman Cardinale: "Yes."

Councilman Kent: "You weren't present when we were discussing this with Tom Rothman. The- putting it all into debt service fund means that you're dedicating it all to past capital improvements. By putting some into a capital reserve fund, you can dedicate some of the money to future capital improvements that would be specifically approved by the Town Board. Or, you could- "

Councilman Densieski: "For example, if you don't mind, for example, the master plan that everybody is so patiently waiting for calls for capital projects for a budget and this would do that without impacting the taxpayers. That's why I don't think we should put all that amount- "

Councilman Kent: "It would lessen the impact to the taxpayers. It wouldn't take it all away."

Councilman Densieski: "Right, okay, it would lessen the impact. Is there any willingness on this Board to increase the amount left in the CDA?"

Councilman Kent: "Well, I think there's only two of us who are willing to do that. Phil, you're expressing you don't want any of it left?"

Councilman Cardinale: "My- I only see one advantage of leaving any capital budget reserve account and that is if you came upon really bad interest times, you might take the money from there for a capital budget. But otherwise you could borrow the money for any future capital project anyway and my concern is that if we don't put it all into debt reserve fund or pay off existing debt if that were possible and I'm told it isn't because we don't have a debt that can be paid to any great extent. If we do that, we will be assured that it will be used to reduce the debt and, therefore, reduce taxes.

My concern is if we leave it in the capital budget fund- "

Councilman Kent: "There's too much discretion."

Councilman Cardinale: "-- there will be too much discretion to do projects which I might not support, such as a \$2,000,000 skating rink."

Councilman Densieski: "That may be true, but shouldn't the elected officials be responsible for it?"

Councilman Cardinale: "Yeah, but as you might have noticed over the last four years, I don't have a great deal of confidence in elected officials."

Supervisor Kozakiewicz: "That's been something that you've been consistent on. That's for sure."

Councilman Lull: "Phil, I tend to agree with you and I have been operating on the understanding that money that comes from the sale of property at Calverton was going to be used primarily for debt service, and I agree with what Chris says that it only deals with past capital improvements, but that's not quite the case because it really deals with future budgets with how we pay for those past, those past

capital improvements and we pay for them into the future. And we are mitigating that by putting the money into a capital reserve- to a debt service reserve fund.

I believe we should put 100% of it in. I believe that's the case. If there's not three of us to agree that we should do it at 100%, I'm willing at this point to do it for 50% and fight the battle in the future with the new Town Board what to do with the next 50%, leaving that in the CDA."

Supervisor Kozakiewicz: "Any other discussion?"

Councilman Cardinale: "Yeah. Could I just get a clarification on- I know that there is 12.7, the 7.7 that we're dealing with here and the 5 we're leaving in the CDA. But we started with 17 and if I got it right, I know we had to pay 3 back which left us 14- "

Supervisor Kozakiewicz: "Sounds right."

Councilman Cardinale: "-- and I know that we had 1.-- 1 million that we peeled off to utilize this year for a tax reduction, that would have left 13, and I believe- "

Supervisor Kozakiewicz: "I'm sorry, say that again."

Councilman Cardinale: "I know we needed 3 million to pay back--"

Supervisor Kozakiewicz: "Two years, two years of CDA, right."

Councilman Cardinale: "So that made it 14, I then know that we utilized a million of it at the Town Board meeting, I guess the budget meeting, to reduce taxes. That makes it 13 left. And is there- "

Supervisor Kozakiewicz: "There's also the commission."

Councilman Cardinale: "Right. But that's what I'm asking."

Councilman Kent: "The commission is in here."

Councilman Cardinale: "The commission is in there. That's my concern."

Supervisor Kozakiewicz: "Yeah, right."

Councilman Cardinale: "So, if we're down to 13, 12.7, I guess

it. We're down to 13 so our expenses were about 300 in addition to the- so basically what we're doing here is we're paying the commission-- from the 13- we're paying the commission- "

Supervisor Kozakiewicz: "This is paying the commission."

Councilman Cardinale: "-- of about a million, putting around 6 and ½ or 7 into debt reduction--"

Supervisor Kozakiewicz: "Correct."

Councilman Cardinale: "-- it can never come back, which will always assure- "

Councilman Lull: "Which 1.6 of which immediately goes to this year's."

Councilman Cardinale: "-- that we have a collateral of 6 and ½ million dollars, collateralizing our debt and, therefore, hopefully get us a better rate. And we're leaving 5 million in the CDA as I understand this, to discuss later as Jim says to continue to fight for the position that he and I hold but he may lose that in the new Board but he's willing to take the chance as I am to get 6.6."

Supervisor Kozakiewicz: "I think that's a fair synopsis. I'm not sure if the numbers are exactly right, but it's a good synopsis."

Councilman Kent: "Close enough for discussion."

Supervisor Kozakiewicz: "Right. If there's no further discussion and if there's no motion to do anything else, let's take up the vote."

Councilman Densieski: "Well, I'd be willing to make a motion that we- "

Supervisor Kozakiewicz: "Is there a- I mean, is there a second?"

Councilman Kent: "What's the motion?"

Councilman Densieski: "Well, I'll amend it to take out 3.6 instead of the- in other words to leave a balance of 8 million instead of 5 million in the CDA. I'll make a motion to do that."

Supervisor Kozakiewicz: "So you're moving to amend?"

Councilman Densieski: "Correct."

Supervisor Kozakiewicz: "And that would be the bottom line. Is there a second?"

Councilman Kent: "I'll second it."

Councilman Densieski: "And let me just clarify my opinion. I don't believe that this Board has enough financial advice. We had one meeting with one bank today to correctly spend that money, whether it be debt service or short term or long term investments. Right now the interest rates are so low, I don't agree with long term investments. We met with one company for an hour, one bank for an hour. I don't think we have enough expertise to wisely invest that money today. So let's keep 8 million in the CDA and we'll put the remainder of that money- "

Councilman Kent: "The money that remains in the CDA would still be invested in some way."

Supervisor Kozakiewicz: "The- it's invested."

Councilman Densieski: "And we could still put it- we could still use it towards debt service."

Supervisor Kozakiewicz: "So we had this discussion. Vote on the amendment, please."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I think Ed is bringing up a second issue not relevant to this vote and that is whatever we do with the 12.7 million dollars we have left, it has to be properly invested and we've discussed an investment policy update. That has to happen because no matter what account we put it in, it has to be better invested than in 30 day CD's.

However, the real issue in this vote as I see it is how much of the 12.7 left is going to be placed in the debt reserve fund whereby it is simply going to stay there, locked up as it were, to increase the credit rating of the Town and to assure that other Town Board members can't spend it readily. So I would prefer to leave the number at 6.6 rather than to reduce it to the 3.6 that Ed indicates, although

I think he has good point on the investment issue but that will be handled in another time. So I vote no to table."

Councilman Densieski: "That was to amend, Phil."

Barbara Grattan: "To amend."

Councilman Cardinale: "To amend, rather."

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

Councilman Kent: "I'll vote yes to amend."

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

Councilman Lull: "And I'll vote no to amend and I'll second what Phil said already. We have had discussions today already about the Town investment policy which dates back to 1989. I almost said what Bob said earlier today and that's 1889, it's not that old. But dates back to 1989. The town attorney and the accountant will be in touch with the New York State Comptroller's Office and we will be updating that policy. But I vote no on the amendment."

Supervisor Kozakiewicz: "I also vote no to amend."

Barbara Grattan: "The resolution is not amended."

Supervisor Kozakiewicz: "The resolution is to take- 1332."

Councilman Densieski: "We've just used our money without knowing what the best advice is."

Supervisor Kozakiewicz: "No. This is a question of- this is not a question of investment. This is a question of a policy decision by the Board- "

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "-- whether it chooses to- we had the discussion."

Councilman Densieski: "All right. I spoke out of line, I apologize."

Supervisor Kozakiewicz: "All right, all right. Vote, please,

on the original resolution."

Barbara Grattan: "On the original resolution."

The Vote: "Densieski."

Councilman Densieski: "Now this is a half- 5 million in reserve?"

Councilman Lull: "Right."

Councilman Densieski: "That's what we're voting on?"

Supervisor Kozakiewicz: "Well, the 1.6 which already was anticipated as part of the 2002 budget plus the balance thereof which would be approximately 10, taking 5 million of that and transferring it into a general fund debt service fund or account and then the balance, the 5 million remaining in the CDA account."

Councilman Densieski: "With that said, I think it's unwise of us to put that much in debt service before we've had our financial advice, but since we did compromise and negotiate at least to get 5 million left in the CDA, with that said, I will support that decision. Yes."

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

Councilman Cardinale: "Yeah, I'm going to vote yes. I think that more of this balance that's utilized as here to pay existing pay in effect or collateralize existing debt and reduce future expenditures- interest rates is a good idea and that is because I have so little faith in what the- this or any future Board might do with it if that were not the case. So I vote yes."

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

Councilman Kent: "I'll vote yes."

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

Resolution #1305

Barbara Grattan: "Now I understand, Bob, we had a resolution, 1305, which was pulled?"

Supervisor Kozakiewicz: "That's right."

Barbara Grattan: "Okay. Let's make 1305 then appoints the Registrar, Deputy Registra and Sub-Registrars in the Town Clerk's Office. I think I'm going to be missing a number."

Supervisor Kozakiewicz: "That's-- I'm sorry, what was the number?"

Barbara Grattan: "1305."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "So we'll make appoints Registrar, Deputy Registrar, Sub-Registrar- "

Councilman Densieski: "That's formerly 1333?"

Barbara Grattan: "Formerly- "

Councilman Lull: "Formerly 1333, right."

Barbara Grattan: "You've got it. Councilman Densieski."

Councilman Densieski: "Appoints Registrar, Deputy Registrar, and Sub-Registrars in the Town Clerk's Office and that is Diane Wilhelm and Melissa White. So moved."

Barbara Grattan: "And Barbara Grattan."

Councilman Densieski: "Barbara Grattan, I'm sorry."

Councilman Lull: "And also includes- I'll second it, and it includes (inaudible)."

Supervisor Kozakiewicz: "These are the same figures for 2001, correct? Same amount?"

Councilman Lull: "Yes."

Barbara Grattan: "2001 and 2002."

Supervisor Kozakiewicz: "Same amount?"

Barbara Grattan: "Same amount."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Yeah, Bob had anticipated my question. What I believe we're doing here is doing it now rather than at the organizational meeting because somebody might actually die before we do the organizational meeting and it is the same numbers as 2001. I vote yes."

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

Supervisor Kozakiewicz: "After much of a discussion of whether this should be an organizational meeting item or not, I'm not so sure whether it makes considerable difference."

Barbara Grattan: "It would be (inaudible)."

Supervisor Kozakiewicz: "I would prefer it at the organizational meeting, but yes."

Barbara Grattan: "The resolution is adopted."

Now, I guess we have some tabled resolutions."

Supervisor Kozakiewicz: "We have a couple tabled resolutions."

Councilman Lull: "We have a couple new ones first before the tabled. Do they come before the tabled?"

Councilman Densieski: "Yeah."

Supervisor Kozakiewicz: "Do you want to take a brief break? Those are- there's two proposed resolutions to authorize contracts. I don't know if there's any need to take a break at this point to talk about these or whether we want to talk about them at this point in time off the record. Do you want to take a break?"

Councilman Kent: "Yeah, let's take a break, I guess."

Supervisor Kozakiewicz: "All right. I mean is there a motion to adjourn for a recess?"

Councilman Lull: "Yeah, sure, I'll move to take a break."

Councilman Kent: "I'll second."

Supervisor Kozakiewicz: "Okay."

Recess: 3:10 p.m.

Meeting reconvened: 3:32 p.m.

Supervisor Kozakiewicz: "Ready? Let the record reflect the time of 3:32 having arrived. Apologize to the public. We had a rather lengthy discussion concerning personal issues which was the reason we went into executive session. I think we tried and we got partially there. Anyway, we'll take up from where we left off, I guess."

Barbara Grattan: "What have we got?"

Supervisor Kozakiewicz: "I think we had two resolutions we had tabled and we also had two others."

Barbara Grattan: "Okay. What do you want to do?"

Councilman Densieski: "Table- "

Barbara Grattan: "All right. Let's do tabled resolution #1301, approves the special permit of Headriver."

Supervisor Kozakiewicz: "This is Headriver."

Barbara Grattan: "Yup."

Supervisor Kozakiewicz: "Yeah, I think that's going to stay on the table."

Barbara Grattan: "It's going to stay on the table."

Supervisor Kozakiewicz: "Yes."

Barbara Grattan: "Okay. Then what about Resolution #1271 which was tabled. Directs the Supervisor to take specified action regarding Cablevision franchise agreement."

Supervisor Kozakiewicz: "It's my understanding that one has

been laid on the table, was laid on the table last meeting, 20- what was that the 22nd?"

Barbara Grattan: "18th."

Supervisor Kozakiewicz: "18th, okay, I'm losing track of time here. It's just flying by, it's so much fun. And, Phil, I know you were looking to bring off the table and amend it?"

Councilman Cardinale: "That's correct."

Supervisor Kozakiewicz: "Okay."

Councilman Cardinale: "Yeah."

Supervisor Kozakiewicz: "Is there a second to take it off the table?"

Councilman Kent: "Yeah, I'll move to take it off the table. I think it needs to be amended also."

Supervisor Kozakiewicz: "Okay."

Councilman Lull: "Well, it is amended."

Councilman Cardinale: "I think on the back of the- or attached to the tabled resolution there is a- "

Councilman Lull: "Oh, the amended one is there. Yes, you're right."

Councilman Cardinale: "-- an amended resolution. The extent of the amendment is that both Resolve clauses based upon comments at the earlier tabling, we added the words that- we conditioned in effect, the resolution directing commencement of litigation and commencing disenfranchising process with- unless within the next 90 days all breaches of the current franchise agreement are corrected and reasonable compensation for past breaches is received.

I did that because when the Supervisor indicated he wanted- he needed some latitude to discuss the breaches and the compensation for past breaches, I thought that was not an unreasonable request. It would also serve even with the 90 day condition as an effective ultimatum to Cablevision that unless they can resolve these breaches which have been long standing for the past eight years, and which as I

pointed out last week we are losing time on now because we can only go back six years, so every month we delay we lose that month.

I think that this would serve as an ultimatum with the condition and that the PSC if we have to go forward has been willing to assist us with the disenfranchising process and I think it has come to the time when we really should do this with Cablevision.

As I pointed out last week, we now have three perfectly intelligent Town representatives totally frustrated with Cablevision. Vic Prusinowski was pulling out his hair when I picked this up in 1998. Thought that he could not deal with them because they were not straight forward. I dealt with it for three years, concluded the same. Bob has dealt with them for a year and I think has concluded the same.

Let's give them 90 days to try to prove to this Town that they are actually going to correct the breaches and actually going to pay compensation for taking from the senior citizens what they were entitled to and from the public what they were entitled to with the station. And let's- if they don't do it, let's proceed. I prefer that it was not necessary but I believe that it is necessary. So with that, I would move you to take it off the table and vote on it."

Councilman Densieski: "Second."

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

The Vote: "Densieski, yes."

Supervisor Kozakiewicz: "Now just a little bit of discussion. The 90 days allows for the Town and Cablevision to finish and finalize and provides an ultimatum date to get this thing reconciled. Is that correct? Is that the way you read this?"

Councilman Cardinale: "Yeah. I- within the 90- it gives you 90 days to resolve the breaches and to resolve the resolution of the breaches so that if you and they talk and they say okay we understand that this is a breach, we will resolve it in this manner and we will pay this reasonable compensation for the past breaches, that would be what I would understand to be a resolution."

Supervisor Kozakiewicz: "Is that limited authority as far as what I'm authorized or the attorneys are authorized to do?"

Councilman Cardinale: "I- "

Supervisor Kozakiewicz: "I mean I just want to make sure I understand that. Because I know there's a prior resolution which specifically forbids or prohibits any negotiation with Cablevision."

Councilman Cardinale: "Right. The- "

Supervisor Kozakiewicz: "Just so it's clear."

Councilman Cardinale: "I think the previous resolution which was 1084 indicates that we were going to cease negotiation of the new franchise agreement and I don't think that would be impacted because what we would be doing over this next 90 day period, would be setting forth the breaches as I understand it of the current agreement and indicating we want those resolved within the next 90 days or we're going to sue on those and we are going to seek to disenfranchise Cablevision from any future activity in the town. So the question- I think what you're really asking and this may be- "

Supervisor Kozakiewicz: "Would it require further resolution, assuming the issues get resolved that are set forth in this proposed resolution and the changes- "

Councilman Cardinale: "Yes."

Supervisor Kozakiewicz: "-- I guess the question I have is would there be a further resolution necessary as you see it to rescind 1084 to allow also the franchise agreement to be negotiated as part and parcel of these issues that are before us today."

Councilman Cardinale: "Yes. I think that you'd have to rescind 1084 if you want to recommence the franchise- the new franchise agreement discussions but under this you could commence immediately discussion of the correction of the existing breaches. That's basically the distinction."

What Cablevision has tried to do as you know, is they've tried to tie the breaches to the new agreement when really there is no connection. They are- our question, I guess, to Cablevision is this. There are existing breaches. We wish them corrected and at the point that they are corrected we would proceed to the new negotiations. Because a new contract with a party that is in breach of the old contract is of little value on a pragmatic basis. That's, so- that's basically what I'm proposing, is that we deal with the breaches over

the next 90 days. If you come to a conclusion on that and they've corrected and given us compensation, we proceed from there.

Obviously I would think that the next step would be to negotiate a new agreement once we resolved the old one. And this is what the PSC has advised as a good strategy. And they've advised that to other towns as well. And that is basically- I understand the clarifications because that's really a strategy issue and it really depends on how you feel."

Councilman Lull: "So, therefore, a resolution to supersede 1084 would depend upon how things are going with this one?"

Councilman Cardinale: "That's correct."

Supervisor Kozakiewicz: "So I thought it would be if, in fact, moving forward with respect to this would make very little sense to try and come back and revisit it although a future Town Board could, in fact, to that. I think you would agree as far as 1084."

Councilman Cardinale: "Oh absolutely. It's conceivable although I would not chose that strategy that if you were making progress on this that you would, you know, rescind at any time the other one. I would urge you to not rescind 1084 until you have resolved the franchise breaches under 1271 and gotten resolution. Because I think that's what Cablevision is strategically trying to do. They are trying to combine the two and I don't see that they have a relationship except that I prefer not to be in a contract with another party who is in breach of a current agreement, I would not want to go into a new agreement with them.

They'd like to do it all at once. I think we should do it in that order."

Supervisor Kozakiewicz: "I understand that and I know- I don't want to get into the legal advice that's been provided by counsel with respect to negotiation mechanism here. This is not the time or place. I think one of the things I had a problem with the past resolution was obviously the 15 days given the holiday so it was being, I think, unreasonable as far as any effort to cure. I guess there's still some vagueness with respect to at what point is this satisfactory. I- but, understanding that we can revisit 1084, understanding that if we make progress we can get this all tied up, I guess it's time to go ahead with an ultimatum or time period set to get this resolved."

Councilman Cardinale: "Great. I think that will be helpful. And as you say, the new Board is going to take a fresh look I'm sure at the whole thing. Now it's moved and seconded to table- to take it off."

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "To take it off the table."

The Vote: "Densieski, yes; Cardinale."

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

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

Barbara Grattan: "Now, who wants to introduce it?"

Councilman Densieski: "I'll introduce it. I'll let Phil do it, it's his resolution."

Councilman Cardinale: "I would urge the Board to vote as indicated so I move this resolution 1271."

Councilman Kent: "I'll second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes. I'm glad see Phil got a Cablevision resolution before he left. So for Phil's sake, I'll vote yes."

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

Councilman Cardinale: "Thank you, Ed. I will vote yes for the reasons indicated."

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

Supervisor Kozakiewicz: "I agree with the action. I would like to, as I've said to Phil in the past, I would like to get- a point we're at an impasse. I guess this allows that to still proceed, as I'm hearing if we want to revisit 1084 and understanding that and understanding this gives them an ultimatum, yes."

Barbara Grattan: "The resolution is adopted."

But I've got a big question. Does anybody have a good copy of it?"

Councilman Cardinale: "Yes."

Barbara Grattan: "Good."

Councilman Densieski: "Who gave you a good copy?"

Councilman Cardinale: "Got it?"

Supervisor Kozakiewicz: "I got it."

Councilman Cardinale: "This is- "

Barbara Grattan: "Thanks. This is with the amendments and everything else in it, right?"

Supervisor Kozakiewicz: "That's correct."

Barbara Grattan: "Okay. Now I understand we've got two more resolutions?"

Councilman Lull: "1333."

Resolution #1333

Barbara Grattan: "Resolution #1333, authorizes Supervisor to execute contract agreement."

Councilman Lull: "So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Is there a second?"

Barbara Grattan: "Who seconded that, Densieski?"

Supervisor Kozakiewicz: "Lull and Densieski."

The Vote: "Cardinale."

Barbara Grattan: "Densieski, let's get him first."

Councilman Densieski: "Okay. I don't really care for department head contracts. When I first came here I did a report about changing labor counsel. I recommended that we do that, but we didn't. This is the policy that we have, department head contracts. I personally think it should be done by resolution but this is the policy we have, so with that being said, I will support this resolution. Yes."

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

Councilman Cardinale: "What is the resolution?"

Councilman Densieski: "Authorizes Supervisor to execute contract- "

Councilman Cardinale: "Oh, it's Mr. Hanley? And Leroy Barnes."

Barbara Grattan: "Well, this is just one."

Councilman Cardinale: "Just Richard Hanley. As I've indicated before, I mean no disrespect to any individual, but I feel more strongly even than Ed that a resolution is the proper method of going about this, not a contract. I think- we were talking a moment ago and it's very difficult to set contract conditions of employment and salaries of department heads.

But one of the things that's totally lacking is- two things that are totally lacking in the system we use are consistency in the sense that we want to try to keep to a minimum preferential treatment of individuals, over individuals for no stated clearly definable reasons.

And the other thing is incentives. I've struggled to try and get some sort of a system where incentives are given to our top direct management staff and to base their compensation on their performance. It is really difficult.

Leroy, for example, has had some interesting ideas not in his contract about well we could do it like we do in business. The more money that comes in, the more the guy is entitled to. Well, that's a little- that doesn't work in the municipal context. I think that we should try very hard in the next years to try to tie these management contracts to incentives that make sense so that we can tell these people at the beginning of the year, here is what we want you to accomplish. To the extent you accomplish this, you will be rewarded financially. It's hard to do that but I think it should be done.

I'm going to abstain on this contract as I have on every other contract for four years."

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

Councilman Kent: "I'm also going to abstain. I had been- I've been speaking to Bob about these contracts for about the last week and I really had suggested that we try to do all the department head contracts at the same time. I don't like singling out certain ones and rewarding them with contract approvals and leaving others without a contract. And since we only have two before us and there are nine contracted department heads or people with department head type contracts, I don't think it's fair to the other seven to have two adopted and leave the other seven with no contract.

So I'm going to abstain. I had told Bob yesterday that if we could do them all or at least those that were negotiated fairly between the employee and the town, I would probably move to approve them all. But I don't think we should be singling out certain department heads, approving their contracts, and leaving those others waiting. So I'm going to abstain."

The Vote (Cont'd1): "Lull."

Councilman Lull: "I'm going to vote in favor."

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

Supervisor Kozakiewicz: "Actually this is something that's caused me a lot of lost sleep and a lot of angst because this is probably the most difficult part of the job, dealing with department heads and trying to reach a number that's fair and appropriate for everybody. And it has been a terribly difficult process.

There are a couple others that I think were ready for resolution today but, you know, we're just not at that point. I think that the process- I agree in part that we've set a path, a path started many, many years ago with contracts being made, part and parcel of the package, compensation package if you will, with department heads. I think it goes back to Allen M. Smith as Supervisor, if my memory serves me correct. So this is something that was started way, way long ago and it is an extremely difficult process, something that I don't enjoy at all. I think all of our department heads do a pretty good job, some better than others. Some not as good as others.

And the bottom line is how do you value them and how do you come to a number. We had a compensation package that included certain entitlements to certain hours and the contracts or the agreements that we've been trying to negotiate and reach, have taken out those extra entitlement hours and as a result there's been an offset to compensate the respective department heads for that provision coming out. And that is a number. That is a real number that ends up being a compensation benefit or perk in each of these agreements which these department heads are in some cases reluctantly, in some cases not as reluctantly, in some cases very reluctantly agreeing to take out.

I think these set a basis for I hope future contracts to be negotiated and resolved and, again, I agree, I wish we had them all ready to go, they're not quite there. I vote yes for this one."

Barbara Grattan: "The resolution is adopted."

Resolution #1334

Barbara Grattan: "Resolution #1334, authorize the Supervisor to execute contract agreement."

Councilman Lull: "So moved."

Barbara Grattan: "Densieski."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "Lull."

Supervisor Kozakiewicz: "Lull and then Densieski seconded."

Barbara Grattan: "Lull at first, okay."

Councilman Densieski: "Yes."

The Vote: "Densieski."

Councilman Densieski: "Yeah, a quick comment. I have to give Bob credit because Bob as- every contract that's come up since Bob has been here has taken out the overtime for department heads. If you go to outside industry, the industry standard, department heads don't make overtime. They get paid extra money over the employees and

they're expected to put in as much time as needed to get the job done. And I would say that most of the people do do that here but I don't think they're entitled to overtime and the Supervisor stuck to his guns on that. I think he deserves some credit. Whether they like the contracts or not, he did get rid of the overtime that was put in by another administration. So I want to congratulate him on that. And I'll vote yes on this contract."

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

Councilman Cardinale: "For the reasons indicated in the last remarks, I'm going to abstain. I'm just going to add one thing because I know there's a vote on this Board to go to resolutions, at least one and there's two more people who are coming on to the Board. The reason I have resisted these contracts for four years aside from the fact that it was Allen Smith who started them, is that- "

Supervisor Kozakiewicz: "I'm not sure you knew that until I just said that a few moments ago."

Councilman Cardinale: "-- is that there is a propensity for non-substantial preferences to work their way into the working conditions so that a lot of- some of the clauses regarding working conditions-- in Vinny's administration, frankly as well, there was a tendency to do that. To have preferences that were not related to the substance or to the work done or to the individual doing it, but just because you liked the person or disliked the other person.

The other thing is the absence of as I said earlier incentives, tying performance to payment. What I would suggest so they know what I'm talking about, the next- the two new people, because I know that Ed does. Just pass a resolution with the working conditions and pop a number in there and an incentive provision as to how you're going to judge the salary based upon these incentives so that all your working conditions are always going to be the same, which would be very much akin to the CSEA unit and you are only really going to be dealing with the number that you're going to allot these people for their performance, their value to the town, and the manner in which you're going to judge that performance before they kick in any incentives.

So with that said, I will abstain."

The Vote (Con't.): "Kent."

Councilman Kent: "I'm going to also abstain on this one because

I think as I said before all my other comments that these contracts should all be done at the same time. But in response- somewhat to continue with the discussion that Phil raises, I think that's what these contracts do really. They're very similar, if you read these contracts, they're boilerplate, they all have the same conditions of employment, they all have the same vacation, they all have the same sick time and then at the end, the number is just plugged in. And that's all that's different with each one of these contracts.

And I think you could put incentives in these contracts. You could put in expectations of what you expect from these employees.

I'm also sad to claim that during my tenure that merit raises were taken out from town employees and instead they're given automatic step increases and I think that created a bad precedent and I think the department heads are going to just feed off of that the same way. We've taken merit out of the employment of the town. Though I do believe the employees work hard here, I just don't believe the town recognizes it by granting merit raises. Instead we've set up a system where everybody is going to receive percentage increases regardless of how hard they work and you're going to have to bring a proceeding to get somebody- take somebody out of the town employ.

So I don't think it's a good thing you're setting up as far as that goes. We've taken merit out of Town Hall. Maybe we can restore it back at the department head level and maybe it will filter back down to the employees.

As far as these contracts, they're pretty much all the same. Bob has gotten rid of the comp time and we've compensated the department heads for giving it back. But I'm going to abstain because I think we should have done all at the same time."

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

Councilman Lull: "I just- to build on something Chris has said. Yeah, we did do away with the merit raise plan. What is in place of the merit raise is essentially a very complex employee evaluation to be done by the department head every year and those are on file. And those are on file for us to use in any situation which involves a promotion or a movement from one department to another.

We have those evaluations. And those evaluations are a combination of objective and subjective. They're quite thorough. And the employees themselves have a chance to respond to them and those

responses are also included in the files that we can refer to them.

However, building on something that Phil said, we would like to see a solid approach to this which is universal. But just taking five different ideas for department heads. Some department heads have and have to have professional degrees. Some of them have and have to have professional licenses. Some of them have to have State licenses which brings about a great number of hours to keep those State licenses in force. Also you need to consider probably how many employees. We have departments that have two or three employees and departments that have 40 employees. The other question is the number of different sub-departments or sections within the department that the person is asked to juggle his hats or her hats and take care of.

It's a very complicated issue to come up with a single approach but I don't think it's something we should give up on and I think as Ed has mentioned several times, that perhaps getting some sort of outside approach to help us come to an agreement on these might be something to do in the future. But I'll vote yes on this one."

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

Supervisor Kozakiewicz: "There's a lot discussed before these votes. We've talked about the CSEA and the merit issue. I sat through at least two Town Board meetings where we talked about merit and it's a good idea in the contract. I don't think it necessarily worked in practice. Furthermore, it was part of the negotiation process whereby the CSEA bargaining unit felt that that was something- we're mixing apples and oranges a little bit here- felt it was something that they could give up in return for an automatic step entitlement which is similar to what other unions are provided for.

With respect to this particular agreement, my comments that I made on the prior resolution, I would say the same thing here. It's my hope that we can get a final resolution of all the contracts. Some are going to be easier; some are going to be not so easy, and but, hopefully, this gets the process going forward. I vote yes."

Barbara Grattan: "The resolutions is adopted."

Councilman Densieski: "Motion to adjourn."

Supervisor Kozakiewicz: "Second."

Councilman Densieski: "Happy New Year everybody."

Supervisor Kozakiewicz: "Thank you."

Councilman Lull: "2002."

Meeting adjourned: 4:00 p.m.

*Barbara Gutton
Town Clerk*