

Minutes of a Special Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, November 18, 1999 at 3:58 p.m.

Present:

Vincent Villella,	Supervisor
Mark Kwasna,	Councilman
James Lull,	Councilman
Philip Cardinale,	Councilman
Christopher Kent,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Adam Grossman, Esq.,	Town Attorney

Supervisor Villella: "The special Board Meeting is now opened, 3:58."

Resolution #1037

Councilman Kent: "First of all, I'd like to call a tabled resolution #1037, approves the special permit petition of Dr. Jude Emanuele."

Supervisor Villella: "Is there a second?"

Councilman Cardinale: "Seconded."

Councilman Kent: "Brief discussion. We researched this and the Town Attorney now advises me that the applicant did comply with the requirements of properly posting the notices prior to the hearing to those neighbors who were entitled to receive notices. (Inaudible)."

Supervisor Villella: "Right. There on table."

The Vote: "Cardinale, yes, to unable; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes, to untable. The resolution is untabled."

Supervisor Villella: "Let's vote on it."

Councilman Kent: "I'll move the resolution."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded. Move the resolution."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Barbara Grattan: "Okay. Are you ready to do the new resolutions?"

Resolution #1055

Councilman Kent: "Ratifies the police captain employment contract."

Barbara Grattan: "1055-- Resolution #1055. Councilman Kent."

Councilman Kent: "It's so moved. Ratification of employment contract for police captain."

Supervisor Villella: "1055?"

Barbara Grattan: "Kwasna, did you second that?"

Councilman Kwasna: "Yes."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Kent: "Discussion."

Councilman Cardinale: "Yes. I mean, yes, go ahead and discuss it."

Supervisor Villella: "Thank you."

Councilman Kent: "Anyone want to discuss it-- (inaudible). Is-- and we'll make our comments when we vote. Is that all right?"

Councilman Kwasna: "Yeah, make your comments when you vote."

Councilman Cardinale: "I, as everyone here knows-- "

Supervisor Villella: "Why don't you stand up? Stand up."

Councilman Cardinale: "I, as everyone here knows, I have reservations about the entire contract format in regard to our non-union employees. I also have reservations regarding approving contracts before the incoming Supervisor and new Board member have arrived to add their invaluable input.

As one will also recall, I do not believe I ever voted for any contract in regard to management employees because I have reservations about the general format of the contract and I do not want to break my continuing record. I also have reservations about this contract specifically but-- and those include the fact that the reduced work days are from 238 to 234, they reduce hours from 40 hours per week to 36 hours per week. That the salary increases as-- the salary increases automatically even if the contract is not renewed by reference to statutory and especially by virtue of the fact that this contract grants a retroactive 7% increase to last year's contract, which I believe is according to our budget advisor, an illegal gift of public funds.

It might also be stated about a lot of other contracts which are-- which the town makes.

Accordingly, I am compelled to vote no."

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

Councilman Kent: "Based on the (inaudible) of Councilman Cardinale, in addition thereto, the fact that I feel the increase of the base pay which computes to \$10,660 (inaudible) and the precedent it sets with regards to workdays in the year, hours in the week, I believe it would be responsible for this Board to (inaudible)."

The Vote (Cont'd.): "Kwasna, no; Lull."

Councilman Lull: "Two specific reasons and that is they have both been already brought up. One is the retroactive pay which our lawyer has indicated to us is, in fact, a gift of public funds. And also the precedent and the change of chart days. I vote no."

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

Supervisor Villella: "I have to abstain on counsel-- Town Attorney and also outside counsel."

Barbara Grattan: "Okay. The resolution is not adopted."

Resolution #1056

Councilman Lull: "1056 ratifies the contract-- employment contract with the chief of police. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "Chief Grattan's got that. For the reasons previously stated, specifically that I don't like the contract format in general and I don't like this particular contract in particular, and in addition I believe that the new incoming members of this Board should have some input into what contract is in effect in the year 2000 and in addition to some specific reasons such as the fact that the longevity pay in this contract is extremely-- is 5% higher than previously ever given, and there are some additional benefits given that are not given previously and which I will not enumerate. I will vote no.

I would also add that this might be appropriate and I think we're going to attempt to re-work this contract if it were a termination contract not simply an ordinary contract."

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

Councilman Kent: "Again, I echo some of the comments made by Councilman Cardinale. In addition to those comments the increase in sick leave from one and one quarter days per month to two days per month and the provision that upon January 1, 2001, the chief would automatically accrue an additional 30 days of vacation time that would have to be paid out by (inaudible) and an increase in the amount of days that can accrue and be paid out at termination, I don't agree that this contract. So I'm voting no."

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

Councilman Kwasna: "I feel the Chief and the Captain should have the option whether they want to renegotiate this contract with Vinny or with the incoming Board after January 1st. What else do I want to say? I feel that the resolution that was passed I believe back in March did have the contracts-- "

Supervisor Villella: "January 19."

Councilman Kwasna: "January 19th is when it was passed? They gave Vinny the authority to negotiate contracts and ratify them was only pertaining to the contracts that were stapled to the resolution that was passed that night and for that reason I have to vote no."

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

Councilman Lull: "I disagree with one aspect of the contract and that is the carry over which Chris has already talked about. However, I do see the contract as a positive contract for somebody that's put in 36 years and is moving toward a termination contract. So, I'm going to vote yes."

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

Supervisor Villella: "I have to abstain again from counsel but also I think we should renegotiate and see two year or actually-- '99, yeah, '99 and year 2000, renegotiate for a retirement contract if that's what he would like to have. So I have to abstain."

Barbara Grattan: "The resolution is not adopted."

Resolution #1057.

Supervisor Villella: "Which one is that?"

Barbara Grattan: "This is a general fund budget adjustment, New York State Retirement."

Councilman Kwasna: "All right. So moved. \$28,000 one?"

Barbara Grattan: "So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "This budget adjustment goes from New York State Retirement Fund to an unrelated safety inspection and safety inspection miscellaneous expense fund?"

Jack Hansen: "(inaudible) and miscellaneous expense and that was to re-do the offices of the building department based on what we got sited by the Department of Labor."

Councilman Cardinale: "So this is off budget?"

Jack Hansen: "We didn't budget it for carpeting-- it's cabinets, it's redoing the office to make it a much more efficient operation."

Councilman Cardinale: "This was required?"

Jack Hansen: "This was part of a requirement of OSHA."

Supervisor Villella: "OSHA."

Councilman Cardinale: "So if I understand it, we are taking from a budgeted account which we didn't need the money from and giving it to an unrelated other office account which we do need the money to go to."

Supervisor Villella: "Because we were bad."

Councilman Cardinale: "Which we don't like to do but which is necessary to do. Is that correct?"

Jack Hansen: "We have an order from the Department of Labor to make remediation in that office as far as extension cords and carpeting and that's part and parcel of redoing the entire-- "

Councilman Cardinale: "So we really have no choice. We had to find the money somewhere and this is where it's from."

Jack Hansen: "It's not a discretionary-- "

Councilman Cardinale: "Thank you. Yes."

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

Villella, yes. The resolution is adopted."

Resolution #1058

Barbara Grattan: "Resolution #1058 is Herricks Lane water extension. Councilman Lull."

Councilman Lull: "You know, why don't I take Herricks Lane water extension-- we have four capital project budget adoptions, all coming from developers fees, all going to engineering expenses. Do them all at once. So I'll move all four of them."

Councilman Kwasna: "And I'll second them."

Supervisor Villella: "Moved and seconded, do all four at once. Are we going to name-- what numbers are you going to put on them?"

Barbara Grattan: "Okay, 1058 is Herricks Lane; water extension 55 is 1059; 1060 is #57; 1061 is Hubbard."

Councilman Cardinale: "Seconded."

Barbara Grattan: "No, it's already been seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. These resolutions are adopted."

Resolution #1062

Barbara Grattan: "Resolution #1062, Councilman Kwasna. That ratifies attendance of police personnel at seminar."

Councilman Kwasna: "All right. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Kent: "It's a police seminar."

Councilman Cardinale: "Where did they go?"

Supervisor Villella: "Connecticut."

Barbara Grattan: "They're going to a watch seminar-- "

Councilman Lull: "That was in Connecticut, I think, wasn't it?"

Councilman Cardinale: "It's in the budget? Did we budget for this?"

Councilman Lull: "It's already been done."

Councilman Cardinale: "Yeah, right. Yes."

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

Resolution #1063

Barbara Grattan: "Resolution #1063. Councilman Kent. Adopts final 2000 budget."

Councilman Kent: "After six weeks of discussion, amendments, reamendments, I move the final 2000 budget."

Supervisor Villella: "What are you blowing over there?"

Councilman Kwasna: "I'll second it."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I'm struggling to say something (inaudible) and reflective (inaudible). One. The budget process is no less frustrating for having been through it once before. Two. If this were a one person board and I were that person, this would be a significantly reduced budget. Three. Budgeting-- I am-- three, budgeting an item does not require this incoming Board to spend the money budgeted, that gives me some solace. And, four, I guess some solace from the fact that this budget results in a lower tax rate as compared to the preliminary budget which would automatically go into effect if I were to vote no as I'd very much like to on the final proposed budget. So it being an imperfect world, I vote yes."

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

Councilman Kent: "It's going to be easy; I'm voting yes."

The Vote (Cont'd.): "Kwasna, yes; Lull, yes; Villella, yes.
The 2000 budget is adopted."

Councilman Cardinale: "I'd like to give a hand to the Supervisor because I am advised that a normal \$50,000 house will be treated to a \$2.60 (inaudible)-- "

Supervisor Villella: "Oh, we could go eat now."

Councilman Cardinale: "\$2.60 less for the typical house. And I think we should all go out to McDonalds."

Supervisor Villella: "No, that's not true."

Jack Hansen: "All right. \$15.00, \$15.00."

Councilman Cardinale: "\$15.00 for a house? \$15.40. So they don't have to go to McDonalds, they can go to the chicken place."

Supervisor Villella: "Spicy's, Hy-Ting."

Councilman Cardinale: "Hy-Ting. Anyplace where you can get a dinner for \$7.50 or less."

Barbara Grattan: "Adjourn the meeting."

Councilman Kent: "I move we adjourn the meeting."

Councilman Cardinale: "Second to adjourn, yes. Yes. To adjourn."

Meeting adjourned.

*Barbara Grattan
Town Clerk*