

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead, Town Hall, Howell Avenue, Riverhead, New York, on Tuesday, April 16, 1996, at 7:00 p.m.

Present:

James R. Stark,	Supervisor
James B. Lull,	Councilman
Mark A. Kwasna,	Councilman
Otto Wittmeier,	Councilman
Victor Prusinowski,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Robert Kozakiewicz, Esq.,	Town Attorney

Supervisor Stark called the meeting to order and the Pledge of Allegiance was recited.

Supervisor Stark: "For the Pledge of Allegiance-- Vicky, the executive director of BID, if you would go to the podium and lead us in the Pledge of Allegiance, I certainly would appreciate it.

Again, it is always a privilege as the Supervisor along with the Board to recognize our employees in their feats of heroism, good deeds in the community. And, Chief, if you would bring up our two honored guests for the evening I would certainly appreciate it. I'm going to ask the Chief to explain exactly what happened."

Chief Grattan: "The first fellow I would like introduce to you folks is Sgt. Pat Mulcahy. Sgt. Mulcahy's squad received a call at two something in the morning, a fellow was threatening suicide and threatening to kill his girlfriend. He fired a shot, wherever he was, we heard it over the phone. Pat got his squad together and started searching. They searched for many hours starting-- I think it came in like 2:14 in the morning. Through the night they conducted their search. They finally found this individual's car at a local motel. They found out what room he was staying in and by some negotiations over the phone, coached him to come down to the desk.

Believe it or not, the individual was very happy that they had

showed up and they took him into protective custody and later up to Stony Brook University for evaluation and we really feel that by their actions they not only saved his life but possibly the life of his girlfriend.

The other individual standing nearest to you folks is Michael Purick. Mike was riding the 602 sector which is basically from Route 105 to the Southold town line. He received a call at five something in the morning, a lady was in active maternity. Upon arriving there, she was in the process of delivering a baby. This baby was a seven month old fetus, was born at that point and time in distress and by Officer Purick's actions of breathing into this baby and giving the infant CPR, we feel that that baby is alive and well today.

And, Mr. Stark and the rest of the Town Board are going to give them a proclamation commending them for their actions."

Supervisor StarK: "Thank you, Joe. Joe also came out of a sick bed tonight, too. Looks a little pale. I'm going to ask (inaudible) to participate and, Jim, if you would do-- you have Patrick? Rank has its privilege."

Otto Wittmeier: "Excuse me, Certificate of Merit.

WHEREAS, it is proper that the Town of Riverhead recognize employees who go above and beyond the call of duty; and

WHEREAS, on March 25, 1996, the Riverhead Police Department received a call regarding a possible barricaded subject threatening suicide; and

WHEREAS, Sargent Patrick Mulcahy, accompanied by members of his squad, arrived at the location and assessed the situation by gathering as much information as possible; and

WHEREAS, his investigation led Sargent Patrick Mulcahy to believe that the victim was not at his residence but in his personal vehicle, which was located within a short period of time at a local motel; and

WHEREAS, as a result of his diligent police work and regard for

human life, Sargent Patrick Mulcahy was successful in coaxing the victim from his room, taking him into custody without incident.

NOW, THEREFORE, I, James R. Stark as Supervisor of the Town of Riverhead, do hereby award this Certificate of Merit to Sargent Patrick Mulcahy for his courage and utmost concern for human life that resulted in a tragedy being averted."

Councilman Lull: "This Certificate of Merit reads:

WHEREAS, it is proper that the Town of Riverhead recognize employees who go above and beyond the call of duty; and

WHEREAS, on February 29, 1996, while on duty, Police Officer Michael A. Purick was dispatched to a call at a residence, and upon arrival, found a 19 year old female in premature maternity labor; and

WHEREAS, before the response by ambulance personnel, Police Officer Michael A. Purick had delivered a seven month term baby which was experiencing respiratory distress; and

WHEREAS, through his quick response, level of training and ability to perform under pressure, Police Officer Michael A. Purick administered mouth to mouth resuscitation thereby instilling life in the baby until the arrival of an ambulance crew.

NOW, THEREFORE, I, James R. Stark, as Supervisor of the Town of Riverhead, do hereby award this Certificate of Merit to Police Officer Michael A. Purick in recognition of his going beyond the call of duty, for his taking control of an otherwise life threatening situation and for administering the breath of life in a time of need.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the Town of Riverhead to be affixed this 16th day of April in the Year of Our Lord, Nineteen Hundred and Ninety-Six.

Michael, congratulations."

Supervisor Stark: "Thank you, Chief. Gentlemen, we continue to be proud of our force. Thank you.

Is there a motion to approve the minutes of the Regular Town Board Meeting of April 2nd, 1996, and the Special Town Board Meeting of April 4th, 1996?"

Councilman Lull: "So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Madam Clerk, Reports, please."

REPORTS:

Receiver of Taxes	Total collections as of 4/9/96 \$26,935,965.01
Building Department	Monthly report of March, 1996 total fees collected \$15,310.50
Riverhead Police Dept.	Monthly report for November, 1995
Riverhead Sewer District	Discharge monitoring report for the month of March
Open Bid Report	Food supplies, opened on 4/3/96 one bid was received from Landmark Food Corp.
Open Bid Report	Hallockville Roof Repair opened 4/8/96 - 2 bids were received. Jeff Hallock, \$11,075 and Tri-State , \$12,470
Open Bid Report	Snack vendors opened on 4/9/96

one bid was received from
Janice M. Seus

Open Bid Report

Acrylic water based traffic
paint opened on 4/15/96. Two
bids were received. Capitol
Highway Material, Inc. and
Sherwin Williams Company

Open Bid Report

Heat fused pavement markings
opened on 4/15/96. Three bids
were received. Stimsonite
Corp., Capitol Highway
Materials, Inc., and American
Reflective Products

Open Bid Report

Marvin wood replacement
window sashes opened on 4/15/96
one bid was received from
Riverhead Building Supply

APPLICATIONS:

Parade Permit

Wading River-Shoreham Chamber
of Commerce, Inc., Wading
River, New York, on 4/21/96,
Walkathon from Riverhead Town
line to Wading River Elementary
School

Parade Permit

Roanoke Avenue Elementary
School on April 20, 1996

Parade Permit

May 5, 1996, starting at 11:00
a.m. and ending at 1:00 p.m.
Wading River Civic Association,
Hill Street, Wading River -
parade starting at Phil's
Sports Bar, Wading River, Manor-
ville Road, n/b Parker Road
and continuing north to Duck
Ponds. Speeches at Wading
River Duck Ponds

Tent Permit	Garsten Motors 6/17/96 through 8/5/96 for a car sale
Tent Permit	Kinney Motors d/b/a Apple Chevrolet Olds 4/29 through 6/17/96 and 8/12 through 10/7/96 car sales
Sidewalk Sale	Swezeys annual sidewalk sale in front of store on July 11, 12, 13
Sidewalk Sale	Behind Special Size Store 7/15 through 7/23
Parade Permit	Riverhead Little League for April 20, 1996 starting time 8:30, parking lot of Town Hall and proceeding to the gazebo at Lombardi Park
Site Plan	P.C. Richard & Son for facade alterations on Route 58, Riverhead

CORRESPONDENCE:

Fred F./Paulette Sherman	Write expressing their dismay on the proposed revision of the Riverhead Town code Chapter 86
Elmer H. Zeh	Expresses his ideas against the concept of four acre zoning in Calverton
David Meskill	Supports the development of the Riverhead Centre
Charles and Natalie Rogers and William and Henry Talmage, Assoc. of Chas. Rogers	Restates and reinforces their position regarding the proposed Zoning Ordinance in the Calverton Hamlet Study

Stanley and Emily Yakaboski	Oppose the proposed zoning change of their land
Town of Southampton	Resolution 452, which is a Public Hearing. Resolution of 454, notice of an adoption.
US Army Corps of Engineers	Public Notice
County Legislature	Resolution #195

Public Hearing opened: 7:14 P.M.

Supervisor Stark: "Let the record show that the time of 7:14
has arrived. Would the Clerk please read the notice of Public
hearing?"

Barbara Grattan: "I have affidavits of publishing and posting
of a Public Hearing to be held at Riverhead Town Hall, Riverhead,
New York, at 7:10 p.m. on Tuesday, April 16, 1996, to hear all
interested persons who wish to be heard regarding the zone change
petition of Jackson McDaniel to impose the provisions of the
Residence RC (Retirement community) zoning use on a 38 acre parcel
currently zoned Residence C which change is considered to be the
exclusion of the existing zoning."

Supervisor Stark: "Peter?"

Peter Danowski: "My name is Pete Danowski. I have filed this
application on behalf of my client. As a matter of history here,
back in the fall of last year we met with the then Town Board to
explain our thoughts with regard to this project. It is an applica-
tion seeking to build 232 units of senior citizen housing at a
location on Middle Road that is probably best can be described as
just west of the Two Bears residential development.

After that meeting with the Town Board, we retained the services
of Karadona & Dear Architects (phonetic) who have their representatives,

Mr. Karadona and Mr. Dear (phonetic) present before you tonight as well as the firm of Young & Young who prepared our engineering and surveying work. We then prepared a detailed site plan, a general site plan, and a radius map and submitted an application to the Town Board for both a change of zone and special permit. I use the word, "both", because the Town Code provisions are somewhat unique in the sense there's only one special permit that's allowed in that zone and that is for the RC Senior Citizen Housing be allowed on site.

Simultaneously I filed an application for a special permit and for the change of zone. Tonight we're having a Public Hearing with regard to that issue.

Should the change of zone, special permit be granted, we still have to move forward with an appearance before the Architectural Review Board, meetings with planning staff and ultimately seeking a resolution of the Town Board at a public meeting granting us site plan approval.

Some of the detail on the site plan can only be provided after certain questions are posed to us and answers are provided. Those issues concern things like public sewer or private septic systems, a detail of landscaping-- look at the building. Some of those things will be determined as we go through the later procedure and site plan review.

Tonight we address the question of whether a change of zone should be placed on the property and whether a special permit should be issued.

With regard to that issue, we are currently in the Residence C and Agricultural A district. Residence C district is a (inaudible) formula density situation where depending on the size, number of bedrooms, we could build up to five units of density per acre. The town has also fit in their legislation to limit the application with regards to Senior Citizen housing zoning be placed on areas within the Hamlet. We fit within the Hamlet. If anyone who is here has had a chance to visit the Town Clerk's Office and examine the mapping, any one of the three maps, you will notice a key map is provided on the site plan. That key map is shown to denote the fact that if we move forward with the private septic system situation as opposed to public sewer, that we will close on a separate piece of

property which is directly to the north of the Two Bear subdivision and we will in essence transfer the density for Health Department purposes with regard to that parcel.

What that basically means as we now suggest it is, the Town of Riverhead does not have a density formula on the particular site if the change of zone will be granted. We are limiting ourselves by the application to 232 units. However, the Health Department would require us to use up more land, including land that's not necessarily contiguous, if we do not apply or be granted a public sewer application. We are willing to do public sewer. We've asked the Town for public sewer. However, I recognize the Town has some serious planning issues with regard to public sewer issue. They may not choose to grant my client's desire to have the public sewer district extended to our site. We are asking for it, however, we are willing to go forward without public sewer.

If we don't do public sewer, we will acquire the other parcel and what we are suggesting on that other site is that we would do up to two houses on the total acreage and those two houses would be placed on Reeves Avenue. That would leave a tremendous amount of open space that would remain permanently open space to the back of the Two Bears subdivision.

Also, with regard to the site itself in which we are suggesting putting the senior citizen housing, that there will be open space to the northerly part of that property as well. And I will have to point out that we did have a Town Board discussion early on this year regarding the site plan and one of the quick suggestions was to perhaps move the development plan a little bit more to the north to provide some more open space closer to (inaudible) Road, and we have amended the plan to show on the site plan that we are willing to do that.

I'm here tonight realistically to wait for comments from the public, to write those comments down, at the end of tonight's discussion, the Public Hearing, I may address some of the issues that may be raised if I have the answers for those questions. If not, I'll address them in writing at a later time to the Town Board. But we're interested in hearing from the public. Whatever questions may be posed, I will seek to answer after everyone else in the public has had a chance to address this project."

Supervisor Stark: "Thank you, Peter."

Peter Danowski: "Thank you."

Supervisor Stark: "Is there anybody who would like to make comment on this particular Public Hearing? Yes, ma'am. If you would come up, state your name."

Donna Wade: "My name is Donna Wade. I live in Bear Estates and I just have a question. Were they cutting through the cul-de-sac that will adjoin the two parcels?"

Supervisor Stark: "Go ahead and ask your second question and we will kill two birds with one stone."

Donna Wade: "Okay. And the other question was just if it is made for the adult community, would that ever change back at a later date? Is there any possibility of that?"

Supervisor Stark: "Okay. That's a good question. Rick, do you want to make comment on the second part of that one? I think I have the answer for it but I'm going to let the expert give it to you."

Rick Hanley: "The petition is for a change of zone to the exclusion of the existing zoning district on the property, which is presently Residential C and Agriculture A. If the Town Board would approve that, the exclusion would be perpetually a senior citizen housing project. I can't envision any situation such that it would change over with that change."

As far as the other question, Jim, relative to the through street, is it?"

Supervisor Stark: "Yes."

Rick Hanley: "The question was is there any connection between the two projects? And the answer is I haven't seen a site plan that shows any connection whatsoever, so it's a stand alone project."

Supervisor Stark: "Okay. Thank you. Is there anybody else

who would like to make comment at this particular time? If not, I will declare the Hearing to be closed."

Public Hearing closed: 7:22 p.m.

Public Hearing opened: 7:23 p.m.

Supervisor Stark: "Let the record show that the time of 7:23 has arrived. Would the Town Clerk please read the notice of Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall, Riverhead, New York, at 7:20 p.m., on Tuesday, April 16, 1996, to hear all interested persons who wish to be heard regarding the consideration of amending Section 108-129-D review authorized approval required, penalties, issuance of permits and certificates of occupancy and expiration."

Supervisor Stark: "Rick, do you want to handle this, Bobby? Very good."

Robert Kozakiewicz: "The proposal is to amend affected section of the zoning ordinance 108-129, site plan review. Currently the provision provides that prior to the issuance of a certificate of occupancy, the applicant must comply with the site plan that's approved by the Town Board.

The amendment proposes to add in additional words which would provide for deviation in the event after a CO is issued. Presently we would withhold the CO if there is a deviation from the site plan. Once the CO is issued, the amendment would then address if there's a substantial deviation or a deviation from the site plan after the issuance providing authority to revoke. So there's been an inclusion of the words, "or revoked-- and/or revoked,"-- I'm sorry."

Supervisor Stark: "Thank you. Is there anybody who would like to make comment-- Counselor? We have the Counselor coming up first, Steve."

Allen Smith: "Mr. Supervisor, the entire area of site plan review becomes very difficult for those of us who (inaudible) before this Board and the other Boards of the Town of Riverhead. The process at the moment allows the Building Inspector in this particular instance, who is your commercial inspector, to inspect everything including the site plan and she can, or any of her successors in the future can as the process proceeds along, correct, violate, however she may wish, any deviations that arise by reason of the site plan. And there is nothing wrong with that process, and everybody has to abide by it.

There are several aspects of what is proposed this evening that are troubling me. If you have someone, such as Splish-Splash, that spends \$40,000-- \$50,000-- \$100,000-- \$4,000,000 in this community and obtains a CO, and you begin to add language that the Certificate of Occupancy can somehow be revoked without any due process, you may make that use (inaudible) similarly licensed in this town unmarketable, because nobody will lend money for that commercial construction if, in fact, without any sort of due process, the permit can-- or CO can be revoked.

The additional issue here is there is language included that (inaudible). As built is not an imaginary term. As built is a word of art within commercial construction. I have checked with several of the architect engineers that I work with, most especially those related to the Splish-Splash project. And just limited to the project that we have proposed, including the ice skating rink, which is the cost of construction around \$4,000,000. A set of as built drawings for that project will be around \$40,000 at the tail end of the job.

If you are going to to this, I would suggest that you make some changes. For instance, there should be some sort of a threshold where this requirement comes in. You have site plans, say if I change the sign in front of my office. That's a site plan process. If you are then going to require me to get an as built in that particular instance it would be Mr. Young. I'm sure that Howie can use the money. I'm not sure what it adds to anything. So if you guys do this, I would think probably the focus of what you are after are the larger projects. Certainly something greater than Galasso's store there in Aquebogue that's under construction. But to impose this type of a requirement on the sign change, the smaller

business, is just neither practical and unfair.

Again, if you would keep this open and discuss it in executive session, I would be happy to come down at your invitation. Thank you."

Supervisor Stark: "Thank you, Allen. Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. You know, I was beginning to get very confused with this language in here so when Mr. Smith came forth and explained it, then it started to clear up some. And I'm going to use an example where you have to get a CO before you can move in. If a person builds a house, then he's got to go around planting all these shrubs, grading the ground, putting in grass, and then it's all got to come up, then grow, then shrubs have got to be taking roots, and then he can't go in his house. So I'm against something like that. So a guy should be able to go in his house, then go out and grade his ground, plant his grass, and plant his shrubs. And so that's the way I see it and I'm with Mr. Smith on this case."

Supervisor Stark: "I don't know whether that's good or bad."

Steve Haizlip: "It's good. It's good."

Supervisor Stark: "Is there anybody else who would like to make comment on this particular Public Hearing? If not, I will declare the Hearing to be closed."

Public Hearing closed: 7:29 p.m.

Public Hearing opened: 7:30 p.m.

Supervisor Stark: "Let the record show that the time of 7:30 has arrived. Would the Clerk please read the notice of Public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall, Riverhead, New York, at 7:30 p.m., on Tuesday, April 16, 1996, to hear all

interested persons who wish to be heard regarding the special permit petition from Riverhead Building Supply Corporation for the construction of a lumber yard located on the west side of Pulaski Street."

Supervisor Stark: "You handling this? Do you want a tripod Allen? I got one over here."

Allen Smith: "Okay. The site that is the subject of the Hearing is what is commonly known as the Agway parcel which included the feed mill and the petroleum storage area formerly occupied by Agway."

What is proposed by the (inaudible) under the zoning as it currently exists, is a lumber yard as is operated by the Goodale family and Riverhead Building Supply here in the community for years. The reason for the hearing is a special permit, the use of the lumber yard is a special permitted use in this zone.

What is depicted here is the building itself, the site detail is not accurate to the site, that is what the building will look like. It's a very large building, 140,000 square feet, give or take. I delivered this afternoon to each of the Board members, a site plan. The site plan again is marked preliminary, the one issue that is missing from that document which will be taken up by you as you get to the site plan review aspect of this use, are the drainage calculations and things of that nature which Mr. Young is working on over the next couple of weeks.

The Goodale family and Riverhead Building Supply is not a mystery to any of us. They intend to remain in Riverhead and this is part of the future of their operations. They currently employ approximately 230 people in the east end, and of those about 125 are in the Riverhead operations. This operation will be not appreciatively different from any of the operations that are currently spread throughout the community. Thank you."

Supervisor Stark: "Thank you, Allen. Is there anybody who would like to make comment on this particular Public Hearing?"

William Kasperovich: "William Kasperovich, Wading River. I guess I will have to continue repeating time and time again that we have a meeting where presentations are made that become available

outside so we can look at them before we sit down here and it gets put up there. Even this little picture shows a lot of things that people want every inch of their real estate for profit making. Here we show the building coming up right to the vehicular lane. The entrance (inaudible). It really doesn't show much beyond that. But what it does show is that up front they are getting every inch to the road which I say shouldn't be allowed.

A picture of this sort might show other things of intent and use. But this is just a pretty picture. But what it does show should be criticized.

Having someone up here telling me that they hire 50,000 people, employ, what have you, is of no significance whatsoever to a special permit. The special permit applies to what is the specific project, not the fact that the man has business all over the place, he's been active and what have you. That's of no significance other than trying to impress you people with the greatness of the Riverhead Lumber Yard. Anybody that's had more experience with them would be kind of afraid to get up and say anything publicly. But I think this sort of presentation is shabby and should be so looked at by the Town Board. Thank you."

Supervisor Stark: "Thank you, Bill. Is there anybody else who would like to make comment on this particular Hearing at this particular time? Harriet, Councilwoman-- former Councilwoman Harriet Gilliam. I would also like to recognize and I believe Supervisor Vince Cunucio (phonetic) from Southampton is visiting us tonight. Thanks for coming over, Vince."

Harriet Gilliam: "Good evening. Harriet Gilliam, Riverhead. As the Board considers this project, I'd like to share some conversations, discussion I had regarding this project in my capacity as former Councilperson and as former Chair of the Riverhead Hamlet Study when this project came before the Hamlet Study last year.

One of the concerns that was raised was with regard to the routing of the traffic from the proposed location on Pulaski Street to the Riverhead Building Supply location on Mill Road. And the concern about some of the residents and the area in particular of T Blvd. that this street would be used as a through way or a connecting roadway with regard to the proposed location and the

location on Mill Road.

And certainly at that time there was some concern from the residents as well as some acknowledgment from Mr. Goodale at the time that JT Blvd. or any of those roads in that residential area were not built to really take on the vehicular traffic of some of the trucks of the Riverhead Building Supply, and I would just like to bring this to the Board's attention that as you consider the project that you consider the practicality of rerouting the traffic to ensure that there is not a deluge of trucks going through a residential area to connect to the Mill Road location. Thank you."

Supervisor Stark: "Thank you, Harriet. That request had been given three or four years ago and for the most part, Edgar and Bobby's employees have cooperated to probably 99%-- Bobby, I can't say 100%. But it is a very valid point because there are a lot of young children in that particular development there and hopefully with the cooperation of the DEC that solution would be solved. Counselor, it looks like you were heading-- is there anybody else who would like to make comment on this particular-- yes, George."

George Schmelzer: "It looks like the guy who drew that picture had never been there. I wouldn't recognize that if you didn't mention the name-- wouldn't know what it's all about. Even left the railroad out. Everybody knows there's a railroad behind it and the railroad is needed by a lumber yard. Outside of that, when I was a little kid, five years old, I remember there was one shoe store there, the rest I think was a hole-- a water hole or a swamp. There have been various owners since then-- machine shope, fertilizer factory, now, nothing. Now, it's going to have this-- let it be. Let them build this. So what? You've got to use it for something. What's the alternative?"

Supervisor Stark: "You are in favor of this?"

George Schmelzer: "Sure. Why not?"

Supervisor Stark: "Okay. That's all we needed to know."

George Schmelzer: "People want to use their land, let them use it."

Supervisor Stark: "Okay, thank you, George."

George Schmelzer: "Why do you have all this nonsense for?"

Supervisor Stark: "Well, it's the process. Thank you."

George Schmelzer: "Process?"

Supervisor Stark: "George, thank you very much."

George Schmelzer: "Okay."

Supervisor Stark: "Bye. Is there anybody else who would like to make comment at this particular time? Yes, sir?"

Bill Ceberek: "Bill Ceberek, Calverton. Does this property back up to their property already at Mill Road, where they have the existing-- or is this something-- . It's got to be close."

Supervisor Stark: "It is very close."

Bill Ceberek: "It's what about-- the entire site is about 14 acres?"

Supervisor Stark: "Is Howie here? Maybe Howie could answer that question for you. Or Allen could. There's not much distance between the two parcels."

Bill Ceberek: "They have to have traffic between the two yards they could somehow tie in?"

Supervisor Stark: "Hopefully if the DEC cooperates with us. There's a lot of wetlands in there. The Goodales would have to contend with the wetlands. Thank you. Is there anybody else who would like to make comment at this particular time? If not, I will declare, unless you've got a final statement you want to make?"

Allen Smith: "The Goodales will agree to if the Board wishes, to enact a no heavy truck rule on any of those intervening streets. The employees have been instructed not to use those local streets with reference to these vehicles. And they have no objection to that kind of a stipulation. Additionally, I thought I said when I

came up to the microphone, that is a picture of the building. It is not the site plan. The site plan is on file with the Town Clerk and Mr. Kasperovich or Mr. Schmelzer would like to take a look at it, she's got it in her file and the building setbacks and everything are in full compliance with the code as written. Thank you."

Supervisor Stark: "Thank you, Allen. Is there anybody else who would like to make comment at this particular time? If not, I will declare the Hearing closed."

Public Hearing closed: 7:40 p.m.

Public Hearing opened: 7:42 p.m.

Supervisor Stark: "Let the record show that the time of 7:42 has arrived. Would the Clerk please read the notice of Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall, Riverhead, New York, at 7:35 p.m., on Tuesday, April 16, 1996, to hear all interested persons who wish to be heard regarding the proposed local law to delete and repeal the existing Chapter 86 (Rental Property) replacing it with a new Chapter 86 (Rental Property) of the Riverhead Town Code."

Supervisor Stark: "Let me first say that this is a Public Hearing on a proposed change. It is not a final document and no way does it-- may-- represent the final document. The reason of this Public Hearing is to gather information pertaining to this rental law. And if the audience would keep that in mind as they come up, I think we'll have a nice smooth running on this. Bobby, would you like to make some comments first?"

Robert Kozakiewicz: "Well, he stole some of my thunder as far as the fact that it's not a final document. We received some written comments which have made us take a look and seriously consider some of the shortcomings and there are at least one that was recently made aware to me and that's with seasonal rentals and how do you require an established summer cottage to comply with the state building code

as far as running water, etc.

What the ordinance does is provides for a fee for the rental dwelling unit which is defined in the ordinance, provides for a fee of \$50 per dwelling unit. This ordinance was-- or the proposed local law to change the rental code was handed to me approximately two months ago to begin working on. I looked-- started doing the research, looked around to other municipalities and found that other municipalities have similarly adopted a local law-- a local ordinance which provides some very similar things.

For example, the Town of Islip also has a fee for obtaining a rental permit and requires an annual inspection as part of that rental permit requirement which is what we are asking or proposing in the local law in this case.

We have treated seasonal rentals on a different basis, as I pointed out earlier. There are some questions as to how to make a seasonal cottage that's been rented out for 50 some odd years comply with New York State code-- present code standards. The Town Board has-- I probably shouldn't speak on behalf of the Town Board-- but I believe the feeling is that rentals and rental units pose a hazard. In some instances, we had a tragic case with 711 Harrison Avenue not too long ago and I'm sure people out there do not forget that case, more recently, and it caught my eye-- I don't know how many of your eyes it caught, was the North Hempstead case where a three story single family structure was being used for somewhere between 10 and 13 occupants. The first thing I thought of was what didn't the Village of North Hempstead do in attempting to combat that problem enforce that problem, and regulate that problem. And that's a classic example of where the ability to regulate was unable to be done and I can't comment on the legalities of the case but I've been following through as I'm sure some of you have.

So this is an effort to obtain a registration policy for those rental units that are being currently rented throughout the town to be registered with us so we get a better grasp of what is or is not out there. And, again, as was pointed out by Supervisor Jim Stark, it's a proposal. We are here to hear your comments and we'll-- I think the Board will seriously take them into consideration before it takes a step further forward."

Supervisor Stark: "Thank you, Bobby. Is there anybody who would like to make comment? Joe, please."

Joe Gergela: "Good evening Supervisor Stark, members of the Board, ladies and gentlemen. I'm Joe Gergela, Executive Director of Long Island Farm Bureau. And we have a number of concerns with the proposal.

First of all, let me tell you that we don't object to the intent to the local law. We understand the concerns, (inaudible) issues, the issue of substandard housing in the town, and we believe that a lot of these things can be addressed through existing law, matter of enforcing and people to comply with existing standards.

I had our counsel take a look at your proposal and he's found a number of things that are very suspect, very questionable. We prepared a memorandum, we addressed some of these concerns.

Number 1 is that the proposed law contains no standards by which the Building Inspector could be guided in the issuance of the permit.

The Town Board has impermissibly delegated its power to the Building Inspector without providing the Building Inspector with standards by which he may be guided in the issuance of permits. The Building Inspector is not empowered to utilize his own discretion but rather his discretion must be confined to standard or standards of performance enacted by the legislative body, in this case, the Town Board, to guide and limit the Building Inspector's powers. Without the creation of strict standards for the issuance of these compliance permits, the proposed local law violates both constitutional provisions and New York State Town Law.

Number 2 - The proposed law violates due process.

Among other things, the proposed local law permits no appeal within the Town for actions taken by the Building Inspector. As we have already stated, there are no standards enacted on which the citizens of the Town can rely or which limit the powers of the Building Inspector. The local law compounds this problem by providing no appeal process by which an individual can seek redress if they are unsatisfied with the Building Inspector's determination.

Providing an administrative appeal process is essential to making any such law conform to constitutional requirements. It is for this reason that the Town is required to have a Zoning Board of Appeals and for all other zoning regulations.

Number 3 - The "Compliance Permit" required by the proposed local law violates property owners' due process and property rights.

If the Town Board were to impose the compliance permit called for by the proposed local law, such act would vitiate existing certificates of occupancy and pre-existing rights of all landowners within the Town of Riverhead who now own rental housing. That is, anyone possessing a pre-existing right or certificate of occupancy is fully entitled, without any further permits or restrictions from the Town Board to make use of the premises as stated in their certificate of occupancy. A certificate of occupancy is a final document relating to a completed project that has been reviewed to determine compliance with the applicable fire and safety codes. There are a number of Court cases that establish precedent which are noted for you. A certificate of occupancy is the Town's approval that all town building and zoning requirements have been met. It is for this reason that certificates of occupancy have been created and issued by the town. To amend those rights or to attempt to now impose some additional requirements clearly is a violation of New York State law, and there is also another Court case that outlines that.

Number 4 - The passage of the proposed local law will effect marketability of property in the Town of Riverhead and be detrimental to land values.

By imposing an additional restriction over and above the existing certificate of occupancy on a piece of property, purchasers of property containing rental housing will have no security that such property can be used for the use permitted by the Zoning Code and previously approved by the Building Inspector's office by the issuance of the certificate of occupancy. The result of this type of regulation will obviously diminish the value of rental housing where a purchaser can no longer rely upon a certificate of occupancy that the property can be used for the purpose intended. For this reason alone, it is clear that the town will exceed its police powers in imposing these new restrictions on rental housing and

wreck havoc with the real estate market in rental housing within the Town.

Clearly, the proposed rental housing law will have a profound impact upon real estate values and rentals within the Town of Riverhead. Not only is it the Farm Bureau's opinion that this regulation is unconstitutional and in violation of New York State law, but it will also impact the marketability of title and land values within the community. For these reasons, the Farm Bureau urges that the Town Board vote against passage of the proposed local law.

A couple of other comments. We understand what the Town is trying to do. One other thing that the Town should recognize and be sensitive to is that the Town is moving its economic development towards a tourism related economy. There are needs of people in business in this Town to have reasonable housing available to those businesses to have their employees housed. And we know there is a balance of what you are trying to do here. We just ask you to go carefully with this issue."

Supervisor Stark: "Thank you, Joe. I appreciate it. Is there anybody else who would like to make public comment at this particular time? Yes, sir."

Garret Moore: "Garret Moore, Jamesport, speaking for myself and for my father, Harvey Moore. Comments on the seasonal rental section proposal. Our seasonal rental cottages are inspected by the Suffolk County Health Department. When we pass their inspection, we receive a dated permit after paying a \$340 yearly fee. We request of the Town that any seasonal rental that has a valid Health Department permit be exempt from the Town inspection and Town permit tax.

The comments on the yearly rental inspection proposal. It has been stated that the landlord should present a house which is livable, clean, healthy and safe. Don't stop there. Guarantee to the landlord, the taxpayer, that when the tenant leaves, he will leave the house in its original condition. This could be done by running a Town clearing agency. Presently it is very difficult to evict undesirable tenants. Modernize the eviction laws so that they can be quickly dispatched. Change small claims proceedings so that

a Riverhead landlord can use Riverhead Courts to pursue a claim rather than have to go to a Court in the Town where the former tenant now resides.

You state desirability of a healthy home. With only one weekly garbage pickup during July and August? The proposed annual rental fees are high to assess (inaudible) landlords since everyone would be impossible to locate. Where this a problem with slumlords (inaudible) by viable neighbor complaints and visual sightings, then charge an appropriate inspection fee and correct the problem.

What suggestions will a Welfare Task Force bring forth to help end welfare dumping? Why charge a fee and penalize those providing decent housing because of those who are not?

I hope these proposals are further studied and modified before being enacted into the law. Thank you."

Supervisor Stark: "Thank you, Garret. Is there anybody else who would like-- I'm going to work this side of the room-- gentlemen, and then I will be around. Yes, sir. We're going from left to right tonight."

Herbert Corwin: "Hi, I'm Herb Corwin of South Jamesport. I'm a yearly renter and I have a problem as well. It seems that people are renting (inaudible) and the rents are outrageous in this area plus I know the Town wants to change from being a farming area to being a resort area, but you know, it seems that it's getting out of hand. Like the rents are high and every time you turn around there is something going wrong and I feel you people are just being scapegoats for the interests of landlords and other businesses that are coming into Town here that really aren't, you know, any good jobs for a community like this, low paying your retail or fast food restaurants. And everybody needs housing and for a person who works and has to travel maybe 30, 40 miles every day, each way, really puts a strain on the system and I know the Town wants to make sure there's good housing, but I feel that the law in this current welfare system and everybody is (inaudible) every social and economic problem that's facing this Town that (inaudible) and everyone several years ago in the Janoski administration, they closed down (inaudible) landlords sued and it cost the Town of Riverhead almost \$100,000 in a lawsuit that the taxpayers had to pay and ultimately the only winner was the

landlord and the tenants were out in the street and the taxpayers ended up paying (inaudible).

I think (inaudible) the renters in the Riverhead area because nobody is really looking out for them, the landlords aren't. I feel that more (inaudible) focused towards that area."

Supervisor Stark: "Okay, thank you."

Barbara Grattan: "Could I have your name again, please?"

Herbert Corwin: "Herbert Corwin."

Barbara Grattan: "Thank you."

Supervisor Stark: "Is there anybody else back here on the left? Way in the back."

Brad Berthold: "Brad Berthold from Northville. I was glad to hear your comments on the summer cottage. I've seen and heard several other comments today along the same vein. I'd like to ask for more lenient consideration for the owners of such cottages. A lot of the summer communities in the Riverhead area, Northville, Wading River, that area, were originally bungalow communities with primitive housing. And although a lot of those houses have been converted to year round homes a lot of them are still what we call (inaudible) cottages or fishing shacks. So a lot of them were constructed before plumbing, before electricity. Most of them or all of them really have had those improvements made, but most of them or many of them don't come up to code.

So I think in view of the input that the summer vacationers give to the Town of Riverhead, it would make it much more difficult for them to come and spend their money if the landlords had to do expensive upgrading to meet the code which is law, by the letter of it, would make them mandatory. So they're the ones that buy the gasoline, the bait, and restaurant meals (inaudible) patronize local businesses during the summer season. A lot of these are families. We don't have a grouper problem like they have-- some of the south Fork communities get. But most of these people are families, renting these houses for a week or two weeks each summer for as much as 50 years. So I think I would like to see some special attention taken

to the summer cottage type housing-- started along those lines with differential fees and some of the comments you made earlier. But I think this part is a unique part of the housing situation in the town and it's not broken so I just want to make sure they're not going overboard in trying to fix it.

So I would like to see an exception made to the summer rentals, perhaps as some of the other speakers have said about a longer permitting period or not an annual extension or a one time inspection, and something along those lines with a definition of what is a seasonal house other than just something that's rented for that particular period of time. Because there are some permanent houses that are not the same as these summer cottages (inaudible). Thank you."

Supervisor Stark: "Thank you. Is there anybody else? Steve, you had your hand up."

Steve Haizlip: "Steve Haizlip of Calverton. Is the purpose of this proposed law as you say, is for when a house is to be rented that the landlord has to post a fee so you can go in and inspect it? In other words, the Building Inspector or whoever you designate. I mean, people move out so people can go and move in. Are you going to have an inspection before the new people move in?"

Supervisor Stark: "Go ahead, Bobby, answer."

Robert Kozakiewicz: "Those were two of the things that have been proposed. Yes. You are right on both points."

Steve Haizlip: "All right, now. You know, I was a quality control man for about 30 years. And we couldn't do anything without what they call a traveler, inspection traveler. Joe Gergela, Joe, I'm not pronouncing your name right-- "

Supervisor Stark: "Gergela."

Steve Haizlip: "Gergela. He brought up a very good point. Now, if a house is 20 years old and the inspector goes in and starts saying I don't like this and I don't like that, that inspector should have a traveler to follow. Then check off what that traveler says to check, not what he likes. We had a Building Inspector in this

town that went down here to a house that was being built and it was being built to specifications from what I've been informed, but he didn't like the sundeck. It's not what he likes; it's what the specifications call out.

Now, if a house was built 20 years ago and it don't have but four-- it don't have but two receptacles in the room for electric, but now the modern houses is calling for four, well, you've got to put in another two electric because this is habitable. So, I say, if you are going to do inspections, do inspections when the house was built and what it was built to at that time. And what the CO was issued to at that time.

And, one other thing. Are you going to encroach on these people when they once get in the house, without notification, or do you just go roaming up and say I'm here, I'm coming in to inspect this house? I mean, do they get a little warning so that they can be dressed and decent?"

Supervisor Stark: "Believe it or not, Steve, we have been invited in by many of the people who are running the houses, asking us to come in and inspect it and have the house brought up to code. We are being invited in."

Steve Haizlip: "Oh, I mean, in other words, they know you are coming?"

Supervisor Stark: "They call us and ask us to come. Thank you very much."

Steve Haizlip: "Well, whatever."

Supervisor Stark: "Yes, Pat."

Pat Frankenbach: "Good evening. Pat Frankenbach, Riverhead resident. After listening to some of the comments made tonight, I guess I'm unpopular because I am in favor of this change. I believe that it will be impossible for the Town to get any kind of rein on continued Social Service placement of tenants from out of town unless legislation such as this is passed. I just want to add something before I go on. Unfortunately, any law is usually passed to take care of people who-- just on a day to day basis ignore the basic

human proprieties and unfortunately if anything, the law against stealing is not for everybody who doesn't steal, it's for those people who do steal. Unfortunately, this is the same.

I do have something that I would like to see added to this legislation. As you know, I'm sort of on a garbage kick. The one place that I found a hole in just about any piece of legislation regarding rental properties is that no where is there any means to force a landlord to supply a legal means of garbage disposal for his or her residential tenants when that tenant is in a multi-use building or a complex. Case in point. On both Peconic Avenue and East Main Street, there are several buildings with retail or commercial use on the ground floor and residential use on the upper floors. These residential tenants are not entitled to have their garbage picked up under the municipal residential plan since the property is deemed commercial and the owners do not pay a garbage assessment.

There are no dumpsters provided by at least two of these landlords so their tenants have no legitimate means of disposing of their garbage. So the tenants dump their garbage in municipal containers or dumpsters that someone else is paying for.

The only codes and laws which can marginally be applied to this matter are the disposal of household trash in municipal containers which is illegal and using someone else's dumpster which is theft of service. However, these ordinances only penalize the tenant who cannot be expected to supply his own disposal method.

Take, for example, Mr. Tuccio's building at 17 East Main Street. There are potentially 12 tenants. It is unfeasible to think that we should have twelve separate rented containers behind the store. Mr. Tuccio should provide a dumpster for all of his tenants at that location. It should be written in to his overhead on that building just as it is overhead for any commercial building.

A means of disposing of household garbage is as much a living condition issue as running water and electricity. The gaping hole in all legal matters that could apply to this situation is that there is no vehicle to insure the landlord supplies this service.

I strongly urge you to close this loophole by adding a clause that would require a landlord to supply a legitimate means for

garbage disposal for residential tenants in either a multi-unit structure or in a mixed use structure. By doing so, this legislation would eliminate the higher taxes paid by the downtown district caused by the household trash in the municipal can and also stop these tenants from placing their garbage in dumpsters that other property and business owners are paying for.

This change would hopefully cut down on the large amount of illegal dumping throughout the Town.

This is not a benign issue. I personally know of at least 14 dwelling units downtown that currently have no means to legally dispose of their garbage. Please do not put this off. I was told several times while this change of legislation was being considered that this issue would be addressed and it has not been. And I implore you to correct this oversight.

Thank you."

Supervisor Stark: "Yes, I was going to ask you to do that, Pat, to make it easier for the transcriber.

Anybody else that-- Timothy?"

Tim Yousik: "Tim Yousik. I would just like to comment on what Pat Frankenbach just said. I have a couple of businesses in town, notice that this addition that she would like to see put in is important. My dumpsters are constantly filled by tenants in commercial buildings that don't have a place to put garbage, especially the one behind Digger O'Dells. It's an ongoing problem. It's very expensive.

I am now up to having the dumpster dumped twice a week instead of just once, which is all I really do need. I tried blocking the dumpster, they pile it up on top. It really is a problem and something that should be looked at.

The only comment I have is when it comes-- and this probably is not going to be very popular-- but when it comes to summer rentals, although some of them are bungalows, and I used to say in them as a tid, when my grandmother had them, not that they should meet necessarily today's code, but there's got to be some sort of safety

regulations put on. You can't have people living in death traps either. I don't think they should be necessarily exempt. Obviously, the rules need to be a little bit more lenient though. Thanks."

Supervisor Stark: "Thank you, Tim. Is there anybody else who would like to-- yes, sir? I would like to interject here as this gentleman is coming up, I will strike up a conversation and work cooperatively with our sister town to the south as some portions of their town are very close to us. I actually consider that they live in Riverhead, Vince, but I think we're going to try and work cooperatively on this and I'm glad to see that Vince came over tonight. So I appreciate it."

Dave Mackney: "I think what happened here is when a person decides that he wants to rent his house, he should really worry about the people that he's renting the house to."

Councilman Lull: "Could you give your name, please?"

Dave Mackney: "As far as fire laws and everything else and he should want to have that place, you know, in good shape so that the people who live there don't have a problem with burning up. And the second thing is if they have five or six families in there, there's not escape routes. If they die in a fire, then whose fault is it? It's the landlord. And that's just something I wanted to add from other people. I have a prepared text to read."

Supervisor Stark: "Yes, just give your name for the record here first, please."

Dave Mackney: "Dave Mackney. I read in the newspapers that certain realtors are in opposition to this law. As a matter of fact, I'm for the law. These realtors are afraid that the town is finally coming to grips with a situation that is bad for everyone in the Town of Riverhead, but these slumlord realtors who, in fact, become rich on the backs of the poor, beleaguered taxpayers."

I have one concern that what happens when the Building Inspectors actually go to the site, that unlike Steve, that he would want them to know that they are coming. Well, if they know that they are coming, they have five families living there, they'll only have one by the time the Building Inspector gets there. So I think-- I

have a operation going up there, and I'll open my doors, I'll give you the \$50, whatever else. But everybody else, all these slumlords also have to open their doors. I'm completely in favor of this law and I think it should help Riverhead move forward. Thank you."

Supervisor Stark: "Thank you, Dave. Is there anybody else? Henry."

Henry Talmage: "Henry Talmage, Sound Avenue, Riverhead. First of all, I would like to say that there are definitely some-- I recognize that there clearly some abuses in the rental situation in Riverhead and I commend the Board for attempting to rectify the problems that exist.

Some of the concerns that I have though that a law like this has the potential of treating anybody who rents property in this Town and treating them in the same category as a slumlord. And clearly that's not the case for the majority of the rentals that happen within the Town. One of the issues brought up before was codes, not just-- what I'd like to make a case is that there are also in addition to summer rentals and so called welfare housing, there's also a lot of housing that's rented out to families which are-- there's a shortage of that. If anything, the Town needs more of that. I mean you have a house that was maybe renovated last in 1970 that doesn't meet code, and yet it's, you know, has a respectable family in it, the landlord keeps the place kept well, you know, smoke detectors, all the things that are important for safe living are covered and yet it could-- this law could result in some major expense so that house could then be upgraded to the current code and what may happen is you will have people say, hey, I'm just not going to rent this house anymore. I'm going to sell it to somebody who is looking for it. And that would make the shortage of rental units even worse than it is right now for the families who are trying to get started in this community and eventually buy a house or build a house or whatever.

And, in effect, make the situation worse for the people you are trying to help. I mean, you eliminate a lot of the rental units that are there, the costs go up, therefore, the rents go up on the ones that are left. And I think that should be a consideration.

Also, what also concerns me is that the intentions of the Board

as normal as they are, could turn into a bureaucratic mess if it's just turned over to a department within the Town without the appropriate amount of feedback going back to the Board in terms of what's actually happening in day to day lives, between the landlords and tenants.

I would suggest if this does go forward that at least for a period of time, there be an advisory committee of some sort where landlords, real estate agents, large landlords, small landlords, real estate agents, tenants, community groups, business districts, whatever, are involved so that you can see first hand what happens when you implement a program like this. Hopefully, it will be mostly good, but there are going to be snags along the way and I just hope that the Board will consider them as it goes and be able to react to any changes that need to be made once the program is put in place. Thank you."

Supervisor Stark: "Thank you, Henry. Is there anybody else who would like to make comment? Way in the back. Wearing a second hat tonight?"

Michael Conroy: "Michael Conroy, Aquebogue. Tomorrow marks the one year anniversary of me living here, in the Town of Riverhead, and I was born and raised in the city of Pittsburgh and I'm usually here as a reporter for the Traveler-Watchman on a need to know basis and basically I've seen it work. In the city of Pittsburgh they were toying around with it for several years and finally came to the decision and in the late 80's for about three years in a row, they became the most livable town, the most livable city in the United States.

My suggestion to you as a resident is to keep it fair and I think it can work for you."

Supervisor Stark: "Thank you, Michael. Is there anybody else? I am going to, yes, sir-- I'm going to be leaving this Public Hearing open until Friday, May 3rd, for additional written comment. As I previously stated, this is only in a proposal state. We need every input that we can possibly get. We will be continuing our research with out municipalities. We will start our communication with our sister town to the south to see we get tough, we don't want to shove them all over to Vince. We want to have a uniformity or continuity

between the both bordering towns. So, we will be leaving this open until the closing of business on Friday, May 3rd."

Ray Kreiger: "My name is Ray Kreiger, Oakwood Drive in Manorville. First of all, I'd like to say, once again, I didn't see this in the legal notices because we don't have the opportunity to get the Suffolk Life in our part of Manorville. All right. We get the Moriches edition only. I came back from visiting relatives in North Carolina, was catching up on my mail and I happen to see this in the News Review. That's how I found out about this.

One of the things that the paper kind of leads people to believe is that all of the landlords in the town are slumlords. All right. That's the impression that I get which, of course, like one of the previous people had said, you know, it's not true. A lot of people are upstanding citizens and some people you have to realize-- I'm sure you do-- don't only do it for a living, but they do it to supplement their income. They might have one rental that's left over from an estate or something and they are using it to supplement their income.

If a person has a single family residence that was given a certificate of occupancy for a single family residence and it's being rented by a single family, there shouldn't be any problem with it. What the Town needs to do is to go after the people who have converted garages, basements, second floors, where it's-- the certificate of occupancy is for a single family residence and there may be two or three families living in there. That puts a drain on the services in the Town and the Town isn't collecting the proper money for the services provided.

One of the things I feel in reviewing this proposal, is that a landlord by coming forward is going to be giving up every right to his property except the right to pay the Town. There's a section in there about written notice on file for inspections. It's-- it doesn't even really have to be there. The Town has already stated that they're coming in no matter what. They'll get a search warrant if needed. You know, to me it's almost like a violation of your rights. It seems that you are giving up quite a bit.

What is the Town going to do to protect the landlord. You are trying to protect the tenants, and I can understand that. Everybody

should be protected. They shouldn't have to live in some kind of squallor or unsafe housing. But what will you do to protect the landlords from the tenant who has a vendetta against the landlord for whatever reason. I mean if they can call up the Code Enforcement Officer and say I have no windows in the back of my home. The whole back end has been knocked out. Why? Because the kids that happen to live in there went crazy one night and knocked them all out? I'm sure you understand what I'm getting at. There has to be some kind of protection. A tenant who goes around and pulls all the batteries out of the smoke detector because they smoke too much, it's-- they cook in there or whatever, so they take it out. Now, the Building Inspector comes along, the landlord is responsible for that as a violation?

You know, there's going to have to be some kind of protection for the landlord also.

One of the other things is the fees. You are listing the fee as \$50 right now. What happens three, four years from now when the budget is not balanced? Is this going to be one of those areas, well we can get an extra \$100, \$200 per apartment. It's every year. You want the money every year.

And then who will do the inspections? It says in the proposal that the Code Enforcement Officer or I believe it says his designee. One of the things I'm concerned about is that the designee will not be or have the proper qualifications. You know, what happens if this person is-- happens to get this job through some means, doesn't know a screwdriver from a wrench, comes in and starts telling the landlord what's wrong with his properties?

One of the other things is, I'm sure by now you've realized it, I own a property. My wife and I went out on a limb and bought a piece of property with a mobile on it. My mom was living in it. Now, she's in a nursing home. I still own that piece of property. I have to get some kind of money back from that to help offset the mortgage on that. But the thing is, with this inspection now, am I -- I'm going to have to take a day off from work. What happens if the Building Inspector is overloaded that day, doesn't make it? So now I take another day off from work and something else comes up. You know, some considerations are going to have to be made for a person. I don't do this as a business. Like I said before, it

supplements an income.

All I'm saying is that the Town Board please be considerate of people like myself and the thing is, if you could try and get, like I had said before, those are legal apartments. If we can clean up the illegal apartments, I think the Town would be a much safer and better place to live."

Supervisor Stark: "I agree with you. Thank you very much. Is there anybody else who would like to make comment?"

Bill Ceberek: "Bill Ceberek from Baiting Hollow. I agree with the proposal. You know, periodic inspection is necessary. You probably have to deal with each case as you go along as they develop a track record. If after the first year you visit a number of these places and they all come up clean, fine. Nothing has to be said. But say the next year, you have a number of violations. All right. You bring it up to the landlord's attention and maybe he'll correct them. The next time you make an inspection, these violations won't go away. You will start to accumulate and each landlord will develop a track record and that's where you can change all your attention. Because if he fails-- if he passes the first time, you are lucky. If he fails the second time, well, and then the third time and fourth, then you know where to put the pressure on. So I think that would be one way to handle it."

Supervisor Stark: "Thank you. George, you had your hand up."

George Schmelzer: "Yeah, I just thought has this Town ever put in-- in this building-- access from the cellar?"

Supervisor Stark: "What was that again, George?"

George Schmelzer: "Do you have exits directly from the cellar?"

Supervisor Stark: "Yes, we do."

George Schmelzer: "You do? When did you put them in, recently?"

Supervisor Stark: "Been there a long time. All you've got to do is walk up the stairway."

George Schmelzer: "That's not directly to the outside. You are violating your own fire code. You wouldn't let any other private building do it that way. You didn't let the building you rented on Second Street do it, that was okay. Why don't you practice what you preach? Do as I say, but don't do as I do. Anyway, here on 86-12, are you afraid it's not constitutional? What do you make up something you're afraid is not constitutional?"

Supervisor Stark: "Go ahead, George."

George Schmelzer: "Yeah. And what is the real purpose of this? To get rid of the welfare? I don't know if it will get rid of any welfare or not. You might make it so good that all the welfare will want to live in the Town of Riverhead because no matter how they ruin a house the Town will come along and get the owner to fix it. It's a damn good place to live, all these welfares. They'll come here more than ever. Why shouldn't they? I had this friend from welfare. They put holes in the wall, put garbage in the cellar until it caught fire. Then I turned them in, they gave me a summons, the County did. That's them. Got anything here that gets thrown out and banished in the Town? Welfare clients. If you did that, maybe it would be better than this. I'll wait until you get done there."

Supervisor Stark: "Go ahead, George, I'm listening. We're all listening. What did you say, George?"

George Schmelzer: "How about making an ordinance that Welfare clients who damage buildings that need to be repaired can be banished for good for a certain number of years?"

Mark Kwasna: "That's up to the landlord, George."

George Schmelzer: "Huh?"

Mark Kwasna: "That's up to the landlord."

George Schmelzer: "Up to the landlord, huh."

Mark Kwasna: "Do you rent to those people anymore?"

George Schmelzer: "No."

Mark Kwasna: "Then you solved your problem, didn't you?"

George Schmelzer: "Rent to good people that have (inaudible). So right now I'm going to rent it to my son and daughter. Do I have to get a permit to rent to them? That's the way it will be, huh. It's the system. So then if I own a house, (inaudible) who lives with me, maybe it would be better for her to live with me because I own the house."

Supervisor Stark: "You did several years ago."

George Schmelzer: "Yeah, yeah. (inaudible) Inspector come on and check people's morals. How can an Inspector check people's morals? You tell me how."

Supervisor Stark: "Okay, George."

George Schmelzer: "It's right in here. Do you want me to find it for you?"

Supervisor Stark: "Yes, would you, George?"

George Schmelzer: "Well, it's on 86-7 about the second line down at the end of the line. It says, (inaudible). How is an Inspector going to check somebody's morals? It's in there, so you must know what you're doing."

Supervisor Stark: "Yup, we do."

George Schmelzer: "How could he check morals? I don't know. You know how they could do that? Please tell me how."

Supervisor Stark: "I'll tell you later. I don't want to bore these people with a long discussion."

George Schmelzer: "No. You are boring them now by dragging it out."

Supervisor Stark: "No, you are dragging it out."

George Schmelzer: "If anybody rents a house they must give permission to an Inspector to come in without a warrant. He doesn't

have a right to (inaudible) people like that. That's legal extortion. Even New York City can't do that to people. Really. Supposing you have a house-- "

Supervisor Stark: "Okay. George."

George Schmelzer: "Wait a minute."

Supervisor Stark: "No, no, George. You're lingering on."

George Schmelzer: "I'm not lingering. You don't answer any questions."

Supervisor Stark: "Well-- "

George Schmelzer: "If you would answer them, there wouldn't be any lingering."

Supervisor Stark: "You're lingering on."

George Schmelzer: "Suppose an owner owns a piece of property and someone else owns the building. Who's responsible?"

Supervisor Stark: "What was that again, George?"

George Schmelzer: "An owner of the land is not the owner of the building. Who's responsible? The owner of the land or of the building?"

Supervisor Stark: "The owner of the building."

George Schmelzer: "Of the building. Yes. But the owner of the land has nothing to do, huh?"

Supervisor Stark: "Nope."

George Schmelzer: "Okay. How about a mobile home park?"

Supervisor Stark: "The owner of the building."

George Schmelzer: "Yeah. You have no regulation for a mobile home park?"

Each mobile home owner is responsible for himself, right?"

Supervisor Stark: "They are homeowners."

George Schmelzer: "Huh?"

Supervisor Stark: "They're homeowners."

George Schmelzer: "Oh, yeah. There's other stuff in there, too, but-- "

Supervisor Stark: "George, again, this is just a proposal. We're starting to work on it, define it, make it more definitive, add to it, take away from it, and we are looking for suggestions. You have given some good suggestions here tonight. I appreciate it, and you are certainly more than welcome to come in tomorrow. We'll discuss it further. This Hearing will stay open until Friday, May 3rd, a closing date."

George Schmelzer: "Are you considering having any rules against bad tenants?"

Supervisor Stark: "I would hope that the landlord would use the better judgment."

George Schmelzer: "You didn't answer that question."

Supervisor Stark: "Yes, I did, George, and you fully understood what I answered. So, please."

George Schmelzer: "So, I expect next time you come up with some proposal against bad tenants, right? I'll hold you to it, too."

Supervisor Stark: "Well, we'll see what we can do about it."

George Schmelzer: "That's a very sleazy answer I figure."

Supervisor Stark: "No, I don't think it's sleazy. I think it's a little creative for you though."

George Schmelzer: "Well, you don't want anything creative."

Supervisor Stark: "Thank you, George."

George Schmelzer: "Okay."

Supervisor Stark: "Yes, sir."

Garret Moore: "Garret Moore, again. I read this proposal over here and Mr. Kwasna says rent to nice people. So anybody here can come in and within days walk out with property, steal property, furniture. I put in this proposal-- presently it is very difficult to evict undesirable tenants. That is very important. Because it takes four to five months to run an eviction through with lawyers and the sheriff's department. Because I've done it. Think about it. Thank you."

Supervisor Stark: "Thank you, Garret."

Garret Moore: "It's hard to get nice people sometimes. They really do fool you. Remember that."

Supervisor Stark: "I certainly do."

Brad Berthold: "Brad Berthold, again. I was just made aware of one of the provisions of law in penalties for (inaudible) laid on for not registering, not applying for a permit. Some of the comments were made about the problem with the Town is an illegal apartment or illegal renting. And I just want to make-- I am sure the Town is aware of that some of the towns in Nassau had similar problems and decided to crack down on illegal tenants. You could see real estate ads in the paper, possible mother and daughter. That means a code for you can rent an apartment in a house which is set up as an illegal apartment."

But when they investigated in more depth, they found there was such a large proportion of illegal housing in some of the towns, that if they stopped that, there would be a tremendous shortage of housing. A lot of widows, for instance, who had large houses who were unable to pay their real estate tax, so they rent out an apartment to a young couple that is just starting off, or to relatives or to things of that nature. And when they took a survey they got some kind of realistic grasp on how many illegal apartments were in the town and what proportion of the town's population were lodged in

illegal apartments. They sort of threw up their hands because they said if they crack down on this according to the letter of the law, we would have a tremendous shortage of housing and a lot of people would be put out of their present housing in the town with no alternative. So that's a can of worms that you might look into applying this law.

I'm not sure that anyone in the Town does have a realistic handle on what the percentage of the population is that lives in what might be illegal housing."

Supervisor Stark: "Thank you. Yes, Bill."

William Kasperovich: "William Kasperovich from Wading River. With all the people who got up here to talk, it took Steve to talk about who is to inspect the inspector. Right now, this evening, the people who do the inspecting, have nobody checking them out. Nobody is inspecting the inspector. A few times that I have brought up serious matters I just about had my head handed to me. I had all sorts of personal vendettas set up against me. Not to mention the political jazz, the favortism. The attitudes of you gentlemen that are sitting and governing our lives is passed on to the inspectors and this has not got a good record-- historical record. The record is very poor.

You want to change the entire picture, but you are not saying who is going to inspect the inspector. And you are forgetting that a man's home is his castle. It is his domain. What is legally correct and proper when once put in law, is there for anybody to interpret. We (inaudible) that George brings up about not having an outside access to our cellar. I'm sure he doesn't do this maliciously. he does this to make a point that if you go to the letter of the law, we are violating the law.

Now, I'm not saying that there are allowances and limits but we to date have let the inspectors do whatever they felt they had to do. Maybe inspection of the inspectors has been practically nil except when it came to political patronage, political favortism, political concerns-- "

Supervisor Stark: "Bill, I'm going to ask you to confine your-- "

William Kasperovich: "Well, when I-- "

Supervisor Stark: "I'm going to ask you to confine-- no, you are going to listen to me this time. I'm going to ask you to confine your remarks to the rental proposal. This is not a critique of the personnel in this building. This is a proposal that's here. This is what the Public Hearing is about. Please, do me a favor."

William Kasperovich: "I am very sorry that I am disturbing your-- "

Supervisor Stark: "You're not disturbing me but you are disturbing a lot of other people."

William Kasperovich: "This is disturbing your conscience and so you are pushing me off to the side."

Supervisor Stark: "No."

William Kasperovich: "Are you going to tell the people that your inspectors here have been doing a admirable job? When this is not true. Or do you want to ask your attorney privately about specific situations, please do."

Supervisor Stark: "Bill, Bill."

William Kasperovich: "But I'm not going to do it publicly. Because when I say it in public, when I'm getting to a point that is -- that disturbs you gentlemen, I get pushed off the side somehow. Or I talk too long."

Supervisor Stark: "There's no doubt about that."

William Kasperovich: "Thank you."

Supervisor Stark: "This has been your attitude for a long time towards me."

Councilman Wittmeier: "Mr. Kasperovich, it's not my attitude towards you but it would be appreciated if you would stick to the subject. We will gladly listen to you on any other matters when the time was appropriate."

William Kasperovich: "There's a proposal that puts power into hands of the inspectors. But you are not putting in who inspects the inspector. That's the point."

Supervisor Stark: "Okay. Thank you, Bill. Is there anybody else who would like to make comment? Now, we will leave this Public Hearing open as I said until closing business hours on May 3rd, and for right now we will take a 10 minute recess and reconvene at 10 minutes to nine."

Recess

Meeting reconvened at 8:53 p.m.

Supervisor Stark: "Again, let me remind you that the Public Hearing on the rental ordinance proposal will be open until closing of business hours on Friday, May 3rd. Is there anybody in the audience now that would like to make comment to the Town Board on any particular subject, I will now recognize them. George."

George Schmelzer: "At the last meeting you had this sign ordinance proposal. Since then, I've noticed you've got about several signs for Splish-Splash in all directions in Calverton, which I don't find you fault with, as long as you treat everybody in the Town the same. And Tanger has one that looks to me about two feet high, five feet long. You don't mention any size in your ordinance. I don't have no objection to that but why is it okay for them to do it, but nobody else? The people in Jamesport don't want a couple of signs so you proposed this ordinance, and also Wading River doesn't want it I suppose but a certain one can do it, that's okay, but others can't. How come?"

Supervisor Stark: "Well, that Public Hearing has been held and I don't know whether you held any discussion of it at the work session."

Councilman Prusinowski: "Well, we were going to do something on signs but we didn't get a chance to do it."

Supervisor Stark: "It will probably be further discussed at the next work session and comments such as yours will be taken into consideration."

George Schmelzer: "I can accurately say cussed and discussed."

Supervisor Stark: "Okay. Thank you, George."

George Schmelzer: "Okay. Thank you."

Supervisor Stark: "Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. Mr. Supervisor and the rest of the Councilman. I noticed that another house on Route 25 is being torn down. I believe-- I'm not sure, but some of you may be aware of it, the old Trimbol (phonetic) house, just above Mr. Z's farm stand. Now, everytime one of these houses come down, there's no longer a dwelling so as the old (inaudible) house that I brought up here, two houses was torn down. Every time they tear these houses down, there's no dwelling to pay taxes on. So they are all going to come in and they want tax abatement now because they don't have the dwelling, they only got the land now. So the houses are really a relic, especially Trimbol one and you couldn't live in it anyhow. But as long as it's up in the shape of a dwelling, it gets taxed. So my point is, you are going to start splitting that tax among all other citizens that do have houses left. So I don't know if there is any laws on the books or anything to that effect or not. But it's something and there is going to be more and more of them being torn down to go after the tax abatement. So I want to get that on record."

Supervisor Stark: "I wouldn't call it tax abatement, Steve, I would call it when they reduce the value of the property for the house on the property then they would get a reduction in their taxes. If you notice your tax bill, you have a value on the house and you will also have a value on the property."

Steve Haizlip: "Can I reiterate, you beat me everytime, Jim. So, I'll reiterate and I'll say tax abatement on the dwelling. Now, when you said that people can talk about any subject that they wish, I'll make this brief and I don't want to bore you. But I read something in the paper down in Virginia and I guess it might have been in the paper here, I'm not sure. Where I think it was five young men upstate in a place called (inaudible), and they committed a bad act on a young lady. Now they go to Court. So when they go to

Court, the judge fines them \$750 each, and they are free to go. But the young lady, she wasn't satisfied, so she complained. Now if the Attorney General of the state, by direction of Mario Cuomo, because that's how bad I hate him, I won't even say ex-Governor, I'll say Mario Cuomo, and he directed Oliver (inaudible), says, find a way around this. So he says, oh, but those young men were tried by the wrong judge. Now, the County Attorney didn't object when it was being tried; he was there, too. Now, where in the constitution does it say that if you are tried by the wrong judge, you can get tried twice? The constitution reads you cannot be charged twice for the same offense.

Now, the judge-- one of them just went to Court again and the judge that took the case should have never took the case because this young fellow's name was (inaudible), he was found innocent. This thing was over with. I'm sorry for the young lady and that she had to, you know, go through all this pain and suffering. But that's the type of judge and he found him innocent and fined him or just fined him (inaudible). And now you say you can't be charged twice. They're doing it. Right up in (inaudible). Okay.

Now, my last comment. Next to the last meeting, I brought up the subject about Montauk bus and Vic mentioned to me that we are trying to get them in here for compliance. So if you remember, I wrote you a piece of correspondence on that. I don't want you take no offense, but getting back to people is very impossible. You never hear anything back. But anyway now I see a medium size tour bus, red and white, parked there. I don't know if this is going to be a camouflaged for me or not and just leave it there and make it look like it's in compliance so to speak. But my question is whether you want me to ask you the question or whether you want me to ask you the question, or should I direct it to Vic, he gave me the last statement."

Councilman Prusinowski: "Why don't you ask the Town Attorney? He's in charge of enforcing the codes of the town. Steve, let me tell you something. We're working on it and these things don't-- these things take time."

Steve Haizlip: "All right."

Councilman Prusinowski: "And if that's not satisfactory for

you, that's all I can say. You know, we're very frustrated up here and that's all I want to say tonight, because I'll say too much."

Steve Haizlip: "Well, Vic, I'm terribly sorry that you're frustrated, but as George emphasizes and Mr. Kasperovich emphasizes, we have to live up to what people say they're going to-- no, let me rephrase that. People should live up to what they say they are going to do and not hoodwink us. And there's a case there where it's going on."

Councilman Prusinowski: "Well, we have a written site plan."

Steve Haizlip: "Well, all right. I'll drop it and go sit down, Vic. If you are going to keep me posted."

Supervisor Stark: "Certainly are."

Steve Haizlip: "Okay, Jim. Thank you."

Steve Haizlip: "Thank you."

Supervisor Stark: "Bill."

William Kasperovich: "William Kasperovich from Wading River. I'm sure we all want to forget the deluge of water we had come down upon us but many years ago in other parts of this country, I would use this opportunity to, the next morning, to drive around to see what puddles and what flooding has not subsided. And I think we should take this (inaudible) tomorrow morning and see what puddles are there and not receding reasonably by nature of conditions. And there's two criterias I go by. One if the flooding covers both lanes, that's on top of the list. If it covers one lane, either side, that's second on the list. And if it's there a half lane a week later, that's third on the list. So this is primarily for safety. This is primarily for dangerous situations and we have such things in this township that have been there for decades and people just get used to it.

We have situations where the Highway Department attempted a remedy and it didn't work so it's (inaudible). We have other situations where we're anticipating developments (inaudible) what to do. Keep in mind that if we overlook any of this safety or the

hazards, your people, your constituents, then it's on your hands. Thank you."

Supervisor Stark: "Thank you, Bill. Nick. Then we will take up the Resolutions."

Nick DiPierro: "Nick DiPierro. I can't let the evening go by without saying hello so the Supervisor and all the Board members. I haven't been here for a while. But I guess about a year ago I was up here and I said something about the possibility of the Calverton site, one of my favorite topics. Pursuing the possibility about a foreign car maker occupying the site, I thought I read in the paper last week, or not occupying that site but looking into having a car manufacturer working in some of the buildings. Okay. It's getting to the point where we have very little jobs here in the town. We do have retailing sector which gives \$7 an hour job.

We (inaudible) last week that foreign manufacturer that may be interested. Is that some glimmer of hope or is that a rumor?"

Supervisor Stark: "I think it's the reporter's dream. I have not as Chairman of the Community Development Agency had anybody approach me about-- Toyota I believe you are talking about."

Nick DiPierro: "Is anyone in any position of authority approaching any manufacturer of automobiles, parts, or anything like that to possibly use that site?"

Supervisor Stark: "We have had very-- several site visits by a lot of different types of corporations, a lot of recreational type projects, project Calverton, some people interested in building golf courses, again, we're still sitting in that kind of holding pattern where we are trying to get a definitive answer out of the navy as to when a possible transfer or lease in furtherance of conveyance will take place so that we actually can turn around and say to those who might have interest in it, yes, now we can offer you something. But until that happens, we will continue to let anybody who wants to make a site visit to see what's there. You know what's there. It's been a lot of years there. There are a lot of them that are looking at the buildings, the office buildings, the warehouses, you know, the hangars, especially the big one. So until we get to a point where we can actually say yes, we have an agreement-- a written agreement with

the navy and we can, in fact, then turn around and say, all right, some date, some time, we're going to have a lease in furtherance of conveyance, we now are ready to market it."

Nick DiPierro: "Okay. I understand, too-- "

Supervisor Stark: "I guess we are kind of unofficially marketing it by site plans."

Nick DiPierro: "I understand that there was a DEIS meeting held at the Ramada Inn last Tuesday which was very poorly attended. I also was told that it was only advertised in the News-Review. It wasn't advertised in any of the local papers. It wasn't put up on any storefronts or anything like that and hardly anybody knew about the meeting. What I was told that the navy wants to get an opinion of-- from the people in the Riverhead town, what they (inaudible), what they've gotten out of all the meetings that were held so far, and what they think of all the recommendations that were made for the site, and I was wondering why that wasn't brought to the public's attention that there was a meeting or there was going to be a meeting."

Supervisor Stark: "I was out of Town last week, so don't blame me, but I believe it would be, if the Department of Navy was holding such a public information meeting, it would be up to the-- the obligation of the navy to advertise in whatever paper they see fit to put a legal notice out."

Nick DiPierro: "Okay. We're also here in Riverhead Town-- I would think that the people here in Riverhead Town would be interested in attending that meeting and people would want to know by our local media, not by the Newsday."

My final comment, about a month or two ago, maybe longer, it was in the paper that project Calverton, and I don't know what side of the fence I'm on on this one, I'm not saying I'm for or against, project Calverton said they had a better offer, someplace else for their racing track. Okay. In effect, I think to me it looked like they were making a threat. Do something or get off the pot. Okay. I hope that no one here on this Town Board takes any such what appears in my mind to be a threat to move out of Town by project Calverton who says they could bring many, many jobs to the area as

an incentive to push this along. I don't know if I'm wasting my breath on saying this or not, I don't know whether your minds are made up on anything."

Supervisor Stark: "No. Let me assure you that project Calverton and those principals involved have made no threats to me, as Supervisor, or I can probably speak for the Town Board, that they fully understand the predicament that we are in. They are probably frustrated because they would like to have an answer. We are probably frustrated because we can't give answers yet and won't until we have some definitive agreement with the navy as to when that conveyance either by deed or by lease in furtherance of conveyance takes place. I would say that project Calverton has been a very professional and businesslike operation."

Nick DiPierro: "Okay. I guess it's just a matter of not being able to get where they want when they want-- "

Supervisor Stark: "It's frustration. They see the potential of it. We certainly have gotten a lot of feedback, pro and con, from the community. But we're still not in a position to make any kind of offer, deal, or anything else."

Councilman Prusinowski: "I just want to say because this is very important. The navy is following the federal law as laid out by Congress. They can no longer take property and just turn it over to the local municipalities without doing a full financial review. Once that document is prepared, once the findings are done, then the navy can begin the conveyance process. That's federal law. So everybody is frustrated, everybody wants the property rented. We're doing the best we can to get that resolved. That particular part of it is completely out of our hands. And I think everybody has got to understand that because there is so much information and rumor going around about why isn't it being done, and this and that. There is a law. If you watch 60 Minutes or 20/20 and all those shows. For years the navy-- the government used to leave the property, it used to be polluted, contaminated, nuclear waste, whatever. They are not allowed to do that anymore. So they have to prepare this document, have a finding, and have remediation. And once that's-- all that process is going through, then they will know exactly what part of the property-- whether it be all or part of it, they can convey the title to the Town. Then we can go out and sign leases and market it.

And you know from working there, you know how the government works. But this is their following procedures set down by Congress."

Nick DiPierro: "All right. Okay. And people who are trying to get-- should understand this."

Councilman Prusinowski: "And they are told that."

Nick DiPierro: "Right. Okay. But I'm just saying what I read and I guess I interpret it as putting pressure on the Town Board."

Councilman Prusinowski: "I don't know why because the reporters are all-- everybody goes to the-- we've had about five or 10 information meetings where there are consultants. There was meetings here in this Town Hall with the navy. Everybody knows this who is in the loop at least, or who is part of it and it's widely reported-- I mean it should be widely reported in the press, but it's not. It's great to say Toyota called up and they want to get here and now it's our fault because they're not here. Or we lost Steven Spielberg which we were never even in the picture for Steven Spielberg. Some guy in East Hampton keeps writing us letters and stuff. There is a process, it's a valuable piece of property. I think in the long term it's going to be rented or leased or purchased and I think it is going to be a valuable asset to the Town."

Nick DiPierro: "Is there something the Town could do on a monthly agenda as to what is going on at that site and put all these other rumors to rest. Just put out one little sheet or something like that."

Supervisor Stark: "We could ask our press to come see us more often."

Nick DiPierro: "No, I don't mean press. I mean the Deputy Supervisor."

Supervisor Stark: "Well, you know, it's like basically you can tell a story in a room full of people. By the time it goes around and comes back to you, it's going to be a different story. Again, we have had many, many site visits. We have had a lot of different types of projects that are interested in the property, and looked at the property to try to evaluate their potential, to be put use on

that property. But, again, until we have some definitive schedule or an agreement with the Department of Navy, this Town is sitting here as frustrated as you, myself, all of us, that we see and recognize the potential of the Grumman property. We see it as new heights for the economy and the taxbase and the potential job market for our community and surrounding communities. But, again, Washington is working very slowly. I will be traveling to Washington some time in the next two, two and a half weeks to meet with the Department of the Navy and our legislative representatives there to see if we can get the ball moving a little faster."

Nick DiPierro: "Okay. In the meantime, maybe our Deputy Supervisor could update us monthly, a short column as to what's happening at the Calverton site."

Supervisor Stark: "Very good. Thanks, Nick."

Councilman Prusinowski: "Some of the tenants that come out to visit the property don't want to be exposed to the press. This is in negotiation. So a lot of people come to the property, they don't want press coverage. Just so you know that. These are private international corporations and entities. They don't want the coverage. And a lot of times you are going to call headquarters and they are going to deny it. Okay. So just so you know that."

Supervisor Stark: "Confidentiality."

Councilman Prusinowski: "Exactly."

Supervisor Stark: "Thank you."

Nick DiPierro: "Thank you."

Supervisor Stark: "All right. Let us take up the Resolutions. Timmy?"

Tim Yousik: "Jim, I'll keep this brief."

Supervisor Stark: "Yes. No problem."

Tim Yousik: "I've got a couple of questions. The bus stop on Main Street. Any movement on that?"

Supervisor Stark: "Not yet, Timmy. Not at all yet."

Tim Yousik: "Okay. The test lights that were put up by Papa Nick's."

Supervisor Stark: "I haven't been around in weeks but they do tell me that they-- "

Tim Yousik: "My question is-- "

Supervisor Stark: "We are going to continue down the street a little bit further as some of those light fixture or exchanges come in and then we are going to take a serious look. I think we will probably discuss it at the BID."

Tim Yousik: "All right. Then I will just comment that I urge the Town to please take a good look at it. It looks great. It's something this Town needs."

Supervisor Stark: "Good. I'll take a look at it on the way home tonight."

Tim Yousik: "Two more topics and I promise I'll go away. Three."

Supervisor Stark: "You've got four tonight."

Tim Yousik: "I had four here."

Supervisor Stark: "Okay. It's a new day."

Tim Yousik: "Coming from Laurel and going to VanDyke & Yousik. When you go pass the greens-- going pass the greens from Route 25, you can look at houses that have garbage piled up to their windows. This is my backyard. Something has got to be done about that."

Supervisor Stark: "On April 27th, which I believe is a Saturday, members of the community of the Gables are having a major clean up of their entire community."

Tim Yousik: "Great. Quick question. If some of those houses -- especially the ones that are visible from 25 do not clean up, is the Town prepared to go in there and do something?"

Mark Kwasna: "We are going to site them."

Tim Yousik: "I'm glad to hear that because it's really awful looking. All right. Last but not least, Project Calverton. I would just like to say something about that briefly. I can see these guys being in this Town for a couple of years working hard to put a proposal together for this Town on a piece of property that you don't own yet. I understand that. But I urge this Town to please meet with them, take a serious look at their project, and there has to be some way even if it's a verbal commitment at this point to say yes, we're interested or no we're not."

You guys have got these-- the Town Board has got these guys hanging by a string and it's starting to get a little unfair. I understand the problems. Sometimes, like you said, everybody is frustrated, your hands are tied to some extent but we've got a group of guys in here that are serious. They've got a nice proposal and they are on a time limit. Everybody has to be at some point. So I think-- I urge this Town Board to take a better look at their project in the real near future and put something together. Hope it can be done at least at this point."

Supervisor Stark: "Okay. Thank you. Yes, sir?"

Bill Ceberek: "Bill Ceberek, President of Calverton Civic Association. I believe I can make this real short, if I can make a suggestion if I could use one or all members of the Town Board to take a one hour or a two hour trip with me around Calverton on a day like today. It would really be worth it. It would be one hell of a ride and, also, I hear all these properties that have been vacant all have been unattended and not taken care of. I think Mark was approached by somebody today who had a serious problem and had been dealing with it for 10 years, and some improvement has been made. I guess stuff was just pushed from one side of the yard to the other. But I suggest that if you pick the day and the time, I'll take off from work and go with one or we can all go together and I think it would be worth it."

Supervisor Stark: "Thank you. Let us take up-- "

Steve Haizlip: "Steve Haizlip from Calverton. I would like to have Resolution 290 added to my statement about the demolition of

houses and abatement of taxes on a particular dwelling."

Supervisor Stark: "Let us take up the Resolutions."

Resolution #264

Councilman Prusinowski: "Authorize the Town Clerk to publish and post a notice to bidders. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #265

Councilman Lull: "Authorizes the Town Clerk to publish and post notice to bidders for an MG Ground Storage Tank and Booster Pump Station. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #266

Councilman Kwasna: "266."

Supervisor Stark: "I want to insert 265A. You can do that?"

Barbara Grattan: "Sure, I can do that."

Councilman Kwasna: "I'll do them both if you want."

Supervisor Stark: "All right. If you would."

Councilman Kwasna: "265A is Wading River Creek Dredging capital budget adoption. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #266

Councilman Kwasna: "Awards bid for Wading River Creek dredging project. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? Discussion will be that we are going to dredge the Wading River Creek. We are also going to start litigation very shortly against Lilco. As the Supervisor and the one who has to prepare the budget for 1997, I hope you all pray for a very calm summer, fall and winter because I seriously doubt that we are going to be able to afford the continuation of spending \$30,000 to \$40,000 a year on Lilco's property and some of Brookhaven.

We are going to do it this year because we gave some indication of intention to do it last year. Again, as I say, we will start litigation such as Asharoken. We do seriously believe that the erosion and the closing of the creek entrance as a result of the Lilco groin that has been put out. It's well known that years ago in order for them to get their entrance into their discharge basin, that they had to move the mouth of the creek and that they had accepted the obligation of continually dredge that so that the marshland would be flushed so that the environmental life that was there would continue and also that our residents of the Town of Riverhead would be able to use that to exit and come back in with their boats for recreation pleasures. It is a very, very expensive

project fighting Mother Nature.

I wish I could have an answer for everybody in the Town of Riverhead for a safe entrance to the sound and a safe entrance back out of the sound. I at one time had recommended maybe we could work between Lilco and Brookhaven ourselves to build that boating ramp or allow that boating ramp to be over on the Lilco property where there is ample parking.

Once you get inside the harbor, you have a safe exodus from the waters. But the groin is still presenting a problem to those houses on Creek Road. It is with that in mind that this Board is voting to dredge this creek primarily for the safety of those houses so that we don't end up with Westhampton dunes. We are also dredging it for the recreational purposes of our residents from that area of the Town and if you know anybody from Brookhaven who have their boats there, tell them boater beware. We will be there. We will instruct our police department. This is going to be monies expended for residents of the Town of Riverhead. So with that, I'll ask for any other discussion."

Councilman Lull: "There is a third reason for making this dredging and that is to make sure that the wetlands are continually flushed, the wetlands that lay at the end of the creek owned by the Nature Conservancy are endangered as the creek closes in. It is not fighting Mother Nature; it's fighting mother Lilco and that is what we have resolved to do for next year.

We have also enlisted the help of the Wading River Civic Association to do some historical research for our lawyer who is going to be pursuing this case."

Supervisor Stark: "Any other discussion? All those in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #267

Councilman Wittmeier: "Authorizes the Supervisor to execute change order for Peconic River Waterfront Improvement Project. So

moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #268

Councilman Prusinowski: "Authorize publication notice to bidders for sidewalk and drainage modification. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #269

Councilman Lull: "Reduces letters of credit of Tarra Development Corp. for Tall Oaks Estates. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #270

Councilman Kwasna: "270, 271, 272 appoint part time and full

time parking attendants to Riverhead Recreation Department. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #273

Councilman Lull: "Awards the bid for the Hallockville roof project. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #274

Councilman Kwasna: "Authorizing allocations of funds and submission of application. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #275

Councilman Wittmeier: "Approves site plan of P.C. Richard & Son facade alteration. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #276

Councilman Prusinowski: "Authorizes the Supervisor to execute agreement. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #277

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

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #278

Councilman Kwasna: "Amends site plan of Raymond Diem - Mr. How Lawn Maintenance Facility. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #279

Councilman Wittmeier: "Appoints provisional senior citizens assistant in Nutrition Center. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #280

Councilman Prusinowski: "Authorizes a promotion in Justice Court, Dale Young, who is doing a very fine job there for us. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #281

Councilman Lull: "Authorizes a promotion in the Water District -- okay, 281 and 282, okay, promotion for Gary Pendzick and Mark Conklin based on their civil service marks. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #283

Councilman Wittmeier: "Authorizes the Town Clerk to publish and post public notice to amend existing Riverhead Town Code Section 58-4 Dogs. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #284

Councilman Prusinowski: "Releases performance bond. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #285

Councilman Lull: "Releases the performance bond of the Long Island Lighting Company. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #286

Councilman Kwasna: "Awards bid for snack vendors. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #287

Councilman Wittmeier: "Awards bid for food. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #288

Councilman Prusinowski: "Appoints members to the Senior Citizen Advisory Council. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #289

Councilman Lull: "Authorizes submission of scope of services and allocation of match. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #290

Councilman Kwasna: "Authorizes the Town Clerk to publish and post public notice to consider the demolition of buildings owned by Mitchell Armstead pursuant to Chapter 54 of the Code of the Town of Liverhead entitled Unsafe Buildings and Collapsed Structures. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #291

Councilman Wittmeier: "Approves application of Swezeys Department Store. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #292

Councilman Prusinowski: "and 293. Budget adjustment for the Sewer District and the Sewer District pump station approval. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #294

Councilman Kwasna: "Authorization of Accounting Department personnel to attend the 1996 spring municipal purchasing seminar. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #295

Councilman Wittmeier: "Awards bid for acrylic water based lead free white and yellow-- "

Supervisor Stark: "296, 297."

Councilman Wittmeier: "-- traffic paint cold application. And that's 296 and 297. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #298

Councilman Prusinowski: "Approves special permit of Riverhead Osborne Realty. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #299

Councilman Lull: "Authorizes the Town Clerk to publish and post public notice to consider an amendment to Chapter 48 Beaches and Recreation Centers of the Riverhead Town Code. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #300

Councilman Kwasna: "Approves application of Kinney Motors d/b/a Apple Chev-Olds. So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #301

Councilman Wittmeier: "Budget adjustment to the general fund regarding the dog warden. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #302

Councilman Prusinowski: "Approves application of Swezeys Department Store for a tent sale. So moved."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #303

Councilman Lull: "Approves the application of Garsten Motors for a tent sale. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #304

Councilman Prusinowski: "Motion to pay the bills."

Councilman Lull: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #305

Councilman Prusinowski: "Authorize the Town Clerk to publish and post notice of Public Hearing regarding amendment to the zoning use district map."