

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, May 19, 1992 at 7:00 p.m.

**Present:** Joseph F. Janoski, Supervisor  
Victor Prusinowski, Councilman  
James Stark, Councilman  
Frank Creighton, Councilman  
Harriet Gilliam, Councilwoman

**Also Present:** Patricia Moore, Town Attorney  
Barbara Grattan, Town Clerk

Supervisor Janoski called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Minutes were approved for a Special Board Meeting held 1/30/92, Regular Board Meeting held 2/4/92, Special Board Meeting held 2/10/92, 2/18/92, and 3/3/92. 5 Yes.

**REPORTS:**

**RECEIVER OF TAXES** Monthly report to the County Treasurer for 1991-1992 Tax Year. Total collection given to County Treasurer \$24,295,092.70.

**PINE BARRENS COMMISSION** Annual report for 1991

**OPEN BID REPORT** 1992 Heated Asphalt Transporter  
Bid Date - May 18, 1992

**NAME:** TRIUS, INC.  
**ADDRESS:** HICKSVILLE, NY  
**BID:** \$11,953.00

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**NAME:** SAM ALLEN'S MODERN MACHINERY  
**ADDRESS:** CORAM, NY  
**BID:** \$14,082.00

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**APPLICATIONS:**

**THE BIRCHWOOD/ J.P. MICHAELS** Requests permission to erect a 40x80' tent and to have live music on Pulaski Street

SITE PLAN

For renovation of "The Griffing Building", 84 Griffing Ave.

CORRESPONDENCE:JOE FOX

Thanks Gary Pendzick for responding to a problem so promptly

JAMESPORT FIRE DEPT.

Commends the Town of Riverhead on passing Resolution #180 regarding false alarms.

REV. MSGR. JOHN T. FAGAN

Thanks Town Board for approval of resolution waiving the posting of a bond for a site improvement. (Little Flower Children's Services)

DENNIS R. MUELLER

Letter to be read aloud by Town Clerk in regard to water skiing on Terry's Creek

JANE CRABTREE STARK

Makes strong protest against using Terry's Creek for water skiing

TOWN OF SOUTHAMPTON

Notifies our Town that they have adopted Local Law #14, False Emergency Alarms; charges by increasing the fees charged for false police and fire emergency alarms. Local Law #15, Amending Chapters 247 (open space) and 298 (taxation) of the code of the Town of Southampton. Public Hearing on 5/26/92 re: A Local Law amending Chapter 123, Article III (abolish the Road Review Board and establish other procedures).

Supervisor Janoski: "Thank you. The time for the first scheduled public hearing has not yet arrived."

Alice Graff: "Alice Graff of Riverhead. I want to thank Vic Prusinowski personally for all the efforts that he has done to help us with the tour program, the historical and all the other things he has done. Thank you very much, Vic."

Councilman Prusinowski: "Thank you."

Supervisor Janoski: "There is still a few minutes left before the first public hearing, is there anyone else who wishes to address the Board on any matter? Steve... I always count on you Steve."

Steve Haizlip: "Steve Haizlip from Calverton. At this time, I'm going to say, you probably you won't think more of me,

but I hope you won't think less of me. Going on now, that I know of, for close to forty years, the Grievance Review Process has always been in July. I think it's about the second of July, or maybe third of July, but a Tuesday in July. Now all of a sudden, it comes out in two papers, THE SUFFOLK LIFE, when it comes out, gives you two days to work on it and that's all. Now when it comes out in the NEWS REVIEW, it gives you one day to work on it and that's all because the weekend is there and then Monday, so, I'll be correct, it's two days, but this is no time for anybody to do anything and they haven't got time to do nothing and it's sprung on them at the last minute. I have said this before, it may not be a nice thing to say, but it's the way I feel about it. Maybe we're not fully Communist controlled yet, but we're getting Communist dominated. We're being pushed on this and I'll tell you the way I feel about this, and this Suffolk County or whoever brought it on, or who pushed it, I think we need some Ross Perots to get the one's in that are out and get somebody in that's going to be more fair to us."

Supervisor Janoski: "It was in fact the State of NY that changed the taxable status day was moved to March, and that moved everything ahead. That was not our choice, as a matter of fact, it hurts the Town of Riverhead financially because of that movement. We were not in favor of it, but it was a decision by the NY State government, State Legislature, and the government."

Steve Haizlip: "Well, they don't give us no time. Now I want to ask you about something that came up this afternoon. I went down and took my walk, I go up along the Expressway, entrance 71, leading up, get up a little ways, I find a lady that I know. She's selling some asparagus out of the back of her pickup truck. I didn't know what he was up to, until I got up to the truck, and then I realized who she was and I'm talking to her and I says, "Where's your sign"? Nobody knows what you've got. She says "Well, I called up the Town, but they told me I couldn't have one". I said "That's funny. Every time a politician wants to run, they're all over every pole, every corner and every fence and floating around on the back of trucks and so forth", and I said "They want your tax money at the end of the year to take care of their, you know, high price salaries and so forth, and they won't let you have a little sign to indicate asparagus that you've got on this truck"? People going by with a green truck and green asparagus, they don't know what she's got. You know, so, I said "Let me find out what's going on here". That's another way of Communist domination. You know, people got something and they can't sell it. Advertising has been going on in this country for 300 years, however long it's been here, in all the western towns and so forth. Signs up, delivery stable, saloon and so forth, but yet she can't have a little sign?"

Supervisor Janoski: "Steve, was she set up on her own property?"

Steve Haizlip: "No."

Supervisor Janoski: "Well, the fact is, she couldn't be there period."

Steve Haizlip: "Well, I mean, again, I'm not going to counteract you or be argumentative."

Supervisor Janoski: "Oh, I'm not arguing with you, I'm just telling you what the code is."

Steve Haizlip: "But I'm saying, it's coming a dag-gone shame in this country, where all the people's rights, it was a Supreme Court Justice that said people's rights are being taken away a little at a time and this is one of the deals and I think we ought to have live and let live a little bit."

Supervisor Janoski: "Thank you, Steve, you have very nicely filled up that time. Let the record shown that the hour of 7:13 p.m. has arrived, the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:10 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:10 p.m. on Tuesday, May 19, 1992, to hear all interested persons who wish to be heard regarding:

AN AMENDMENT TO SECTION 108.56 (Z) SIGNS, COMPUTERIZED AND ELECTRONIC MESSAGES".

Supervisor Janoski: "Thank you."

Pat Moore: "I'm going to read this section, the newspaper did not print a portion of this, so to make things clearer, I hope, I'll read the entire section that will be affected by a change. This is for computerized electronic message centers. They shall be permitted by Special Permit of the Town Board in the Business "B", Business "C", with the exception of Route 25 and the Hamlet of Wading River. Also they will permitted in Office Service, Business "E" Highway, Commercial Service Zoning use districts and are subject to additional conditions that are already in the code."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Town Board on this proposed amendment to the sign code? That being the case, and without objection, I declare the hearing to be closed. Henry... I can always count on you for a minute or two. Is there anything on your mind tonight?"

Henry Pfeifer: "Henry Pfeifer, Wading River. I would like to take this opportunity to remind you of the anniversary of our first request for certain facilities at the Bayberry Park, the community park in Wading River. I think it's our three year

anniversary, if I'm not mistaken. Horseshoe courts and the refurbishing of the bocce court by having the foundation set in such manner that it drains properly so it can be used, and that possibly that this be done within the next week or two as the two clubs from Wading River are how could I say, disposed from Camp DeWolf as of the 15 of next month and thank you."

Supervisor Janoski: "Thank you, Henry, you hit that right on the nose. Did you want to say something?"

Councilman Stark: "In response to that Henry, Kenny Tessler is working on that right now we're also working on new horseshoe courts, as I guess you call them, pits, as I have explained to you that we would probably come off of the tennis courts and build up the bulkheading and also how I explained to you we would take the bocce court and have a self drain off of what have you. So if you give me a couple of weeks, we just finished Stotzky Park and now we're heading towards Wading River."

Henry Pfeifer: "Beautiful."

Supervisor Janoski: "Let the record show that the hour of 7:15 p.m. has arrived, the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:15 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:15 p.m. on Tuesday, May 19, 1992, to hear all interested persons who wish to be heard regarding:

AN AMENDMENT TO THE MULTI-FAMILY RESIDENTIAL PROFESSIONAL OFFICE ZONE OF THE RIVERHEAD TOWN CODE AT SECTION 108-69."

Supervisor Janoski: "Let me explain what we are doing here, it came about as a result of an inquiry of a property owner represented by council. The question was, can the condominium provision in that zoning code be construed to include apartments, rental units? The Town Board did not wish to simply make an interpretation, and it is our belief that there is ample record in the process of the Hamlet study that went on, so the decision was made to move forward with the public hearing, clearly defining apartment as a permitted use within that zoning. To determine what the wishes of the community are, and what their interpretation was because I'm sure we're going to hear from many people who served on that Hamlet Study as to what was intended. So we decided to hold this public hearing for this purpose of having input from the community as to their thoughts on this proposal. I would recognize anyone who wishes to be heard on this matter. Sid..."

Sid Bail: "Good evening Supervisor Janoski and members of the Town Board. My name is Sid Bail, president of the Wading

River Civic Assoc. The Wading River Civic Assoc. and other members of the community have expressed great concern with respect to the proposal to amend the owner-occupied condominium zone as recently established by the Wading River Hamlet Study and approved by the Riverhead Town Board. This new zone was carefully designed and decided upon by the task force, only after lengthy and detailed meetings and consultations with Riverhead Officials, including the Planning Dept. and private consultants hired by the Town, as well as those community members ordering the proposed zone. As you recall, this change was unanimously adopted by the Town, and became an integral part of a much heralded planning document. As you also know, this study is being used as a model for other Hamlets within the Town's borders and has been requested for review and possible adaptation by other jurisdictions. We strongly urge the Town Board to not change the present zone from multifamily residential condominiums to the proposed less restrictive use. Among our concerns is the fact that this would represent a betrayal to the many members of the community who reached out to endorse this concept. In addition, we believe that such a modification would be a precedent which will lead to the future erosion and degradation of this model study. In closing, we once again ask you to consider the concerns of this community by rejecting this proposal. Thank you very much."

Supervisor Janoski: "Sid, did you serve on that task force?"

Sid Bail: "No, I didn't, but we have two members who served who are here to speak tonight, John."

John Heilbrunn: "Good evening, my comments are going to be somewhat redundant, but I think they are worth saying anyway. My name is John Heilbrunn. I am a resident of Wading River and I am very proud to say that I did serve as a member on the Wading River Hamlet Study Task Force. As members of the Town Board are well aware, a tremendous amount of time and effort was put into this project, not only by the Task Force Members, but also by the Town Planning Dept. representatives and the consulting firm you hired to assist us in this project. As you are also well aware, our final report recommendations were not only well received by the community and endorsed by the Town, but our study has also been used by subsequent Hamlet Study Task Forces as a model. On behalf of myself, and many other community representatives, I'm here tonight to express our great concern with respect to the proposed amendment to the multifamily residential professional office zone adopted through our Hamlet study. A great amount of painstaking time was spent by the Task Force and the consultant in deliberating the proper zoning makeup of our Hamlet. With respect to the particular zone in question, members of the Task Force went as far as to speak to residents living on the properties bordering and nearby the zone, in order to discuss the possible options for this property and obtain their input. The end result of all these efforts was the multifamily residential

professional office zone included in our report to you which you later codified. Although there may be a perception by some that this amendment would have minimal significant impact, the greater concern that I, and others have in our community is that other proposed zoning changes will follow, and the decisions made, in this instance, will establish a precedence for future proposed amendments that will be an even greater conflict to the wishes and desires of the community as reflected in the final Hamlet Study report. In closing, I strongly urge Town Board Members to not allow what would be the first "chipping away" of what the community worked very hard and long for, and for which we appreciate the tremendous cooperation and support extended to us by the Town Board in the past. Thank you very much for the opportunity to speak to you tonight on this issue."

Supervisor Janoski: "John, can I ask you one very direct question? Is it your belief that the intent of this provision in the Hamlet Study was not to allow for apartment construction?"

John Heilbrunn: "I think so, yes."

Supervisor Janoski: "Uh hmm. It's very important what the intent was. Thank you, John."

John Heilbrunn: "I have a copy for the record."

Supervisor Janoski: "Thank you. Is there anyone else present... Joe.."

Joseph Lynch: "Good evening. My name is Joseph Lynch and I'm a resident of Wading River and a past president of the Wading River Civic Assoc. In 1988 I volunteered a full year of my time to serve as a member of the Wading River Hamlet Study and I've recently been named as a member of the soon to be Calverton Hamlet Study. During the study, the Task Force planned a Wading River for the future that would be desirable to the community, residents and fair to the business community. To insure this, different interests were represented in the Task Force, including business people, banking and civic groups. At one meeting I recall at the office of a private consultant hired by the Riverhead Town Board in Manhattan, it was pointed out to the Task Force that Wading River possessed 1,000,000 sq. ft. of commercial zoning. It was the opinion of the private consultant, due to the population and the type of community that we desired, that we only needed one half of that. We set out on a task of eliminating it, part of this commercial space and at the same time try to be fair to the business community. On the North side of 25 A, we began to propose Senior Citizen occupied condominiums only, but it was pointed out by the business representatives that it would be unfair to zone it for that particular purpose and that they would have to compete with the largest community of that sort on Long Island, nearby Leisure Village. So we compromised and we agreed that owner occupied condominiums and professional office space, and the business community was very

happy with that. If, we feel that if this zone is changed to Garden Apartments or something of the like, that it will open up in the Hamlet Study, many other challenges and we feel that it will lead to further erosion of the Hamlet Study. In order to protect that, we ask that the Town Board stand by the codes that they adopted in 1989 and uphold the Hamlet Study. Thank you."

Supervisor Janoski: "Thank you, Joe. Is there anyone else present wishing to address the Town Board?"

Charles Cuddy: "I'm Charles Cuddy, I represent the owner of the property that came forward in this and to hold this hearing. He owns, his name is Harvest Farizod, he owns 13 acres of land, that is dead center in this multifamily residential zoning parcel. Members of the Town Board, I think that the question that should be asked is not apartments versus apartments, but what zoning does. Zoning under NY law, deals with uses and not ownership. All you've heard about tonight is people who want dictate types of ownership. We're taking a piece of land and doing exactly what the ordinance says, we're putting so many units, the density doesn't change, the type of unit isn't going to change, the word is going to change; apartment, but apartment is a form of ownership, it's not a use and zoning is use. Now, use has been talked about, not only in the zoning statutes in NY, which is Section 261, it's been talked about in a number of cases. There's a case called the North Fork Motel vs. Gregonis from Southold, that talked about condominium use. You can't dictate the form of ownership. That's exactly what that case says. There are cases like that in NJ, there are cases like that in Rhode Island. It's our interpretation and our understanding that you can have apartments where you have this type language. Let's face it, the language, which everybody seems to ignore is multifamily residences. It doesn't say, in the title to it, multifamily condominium, it says multifamily residences. I'm not sure, and I haven't had anybody explain to me yet why the concept apartment is so verboten to the people of Wading River. We're going to use the same land, the same size units, we're going to do everything in accordance with the ordinance, but we want to be able to rent those units. They're going to be luxury type units. They're not going to be cheap rentals. We're going to have a recreation area, we're going to have a tennis court. We going to do the same thing as if we had a condominium, but we want the privilege of exercising ownership. I don't think anything is wrong with that. I think the law demands that you do that, and I'm quite serious in saying that my client intends to pursue this, because we believe that the law entitles us to use this for apartments as well as it does for condominiums, and I ask the Board to consider that most seriously. Thank you."

Supervisor Janoski: "Thank you, Charles."

Cathy Casey: "Cathy Casey, Wading River. I'm taking note to Mr. Cuddy's choice of words, in terms of apartments being a form of ownership, or in part ownership, well, I don't know of

anybody, and it's never been my experience that when I rented, there was no investment there for me. I could not take any of that rental cost off my income tax. There was no tax deduction for me. When I lived with my mother and we paid all the bills on that house, including our taxes, we could not take any of that off on our taxes, our income tax forms. So I don't see where... I think it's misleading to say that people who live "in apartments" and therefore rent, it's a kind of ownership. It's not a kind of ownership, it's a temporary means by which, a place to live. So I think in fairness, if he takes the word apartment, I think right there should answer the question as to why we are concerned about "apartments" because simply if you don't have a vested interest, and I think this is true of most people, that when you don't have some sort of a vested interest you're not as likely to take as care of as you would have would and certainly you would attract, more frequently and more short period of time, a turnover of people or residents living there. So, I think this is one of our big concerns in terms of "apartments". Again however, I think it would have been nice, I think Mr. Cuddy and I have been through this before, I think it would have been nice if a legal eagle volunteered their time going through this Hamlet Study and perhaps shared with us the potentiality that "owner occupied" condominiums were not legal. I don't recall anybody volunteering their time to aid us in making these decisions, but be that as it may, everybody try to work together and try to come to a common goal including not hurting the value of the land for the owner as well as not hurting the value of the land of the people that, their property, but this piece. I think in fairness, Mr. Farizod should, I feel, not challenge what we have worked very hard in terms of thinking of him, presuming to my knowledge that he owned that property at the time the Hamlet Study went on. We didn't just arbitrarily say take the business zone away from him and say zone it residential. We worked to try to work it out to protect him and I think that he owes it to the community of Wading River and therefore the Town, not to fight this, and to show his appreciation for our thinking of him and by doing the same thing in turn for us. Thank you very much."

Supervisor Janoski: "Is there anyone else present wishing to address the Board in this matter? That being the case and without objection, I declare the hearing to be closed. Let the record show that the hour of 7:30 p.m. has arrived, the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:20 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to be held in Riverhead Town Hall at 7:20 p.m. on Tuesday, May 19, 1992, to hear all interested persons who wish to be heard regarding:

AN AMENDMENT TO CHAPTER 48-14, VEHICLE RESTRICTIONS IN BEACH AREAS."

Supervisor Janoski: "Thank you."

Pat Moore: "The proposed changes were the result of the Bay Constable and the Recreation Dept. which has seen some problems at Reeves beach with the location of the boat ramp and the expected attendance of the improved beach. In that we made the following recommendations which resulted in a code change proposal, from May 15 through Sept. 15 during the season, from 9 a.m. to 6 p.m. vehicles will not be allowed to be driven or operated over the beach area at the Reeves Beach site. That is not an intent to keep out from all the beaches only during that time at the Reeves Beach area. The following restrictions would apply at Reeves Beach, launching and recovering of vessels with motor vehicle would be prohibited except as maybe deemed necessary from time to time by authorized personnel, parking of boat trailers and vehicles with boat trailers will be prohibited in the lower parking area and they will be directed to the upper parking area, parking of vehicles and trailers on the beach at Reeves Beach would be prohibited in order to avoid taking up space down at the beach area with vehicles and trailers and allowing more room for the beach-goers, those are the recommended code changes."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Town Board on these changes? Jim... "

Jim Kreutz: "Hi, my name is Jim Kreutz. I live in Reeves Park, Riverhead, you all know me. I want to commend you for doing a beautiful job on the beach. There's only a couple of things I want to say. Before you stop us from going down there, you should have made arrangements for us to do other things. I understand the beach is for everybody, right? But now we can't go down, you can't launch your boat before 9 o'clock and then wait till 6 o'clock to take it back out of the water. Hear me. I spoke with Jim over at Roanoke. Fine. We'll give you that beach over there if you want it, we'll give it to you, but cut the ramp down over there a little bit so we'd have easier access and maybe move some rocks so we can leave our trailers down there."

Supervisor Janoski: "The Chairman of the Recreation Committee, who is Jim, has told me that our Town Engineer and Highway Dept. are working to accomplish exactly what you described."

Jim Kreutz: "How long is this going to take?"

Councilman Stark: "Jim, they were up there today, they were up there the other day when Charlie was off for a couple of days, they're coming up probably tomorrow or the next day with a way to smooth out the depthness of it. In other words, either shave it down a little bit then add some more loam, to where there's a smooth ride down."

Jim Kreutz: "Doesn't really need much."

Councilman Stark: "No, but Kenny has assured me that it is possible and probably within a week we'll be able to do something to improve the entry down on to the beach."

Jim Kreutz: "So this thing that you're proposing is going to be a final thing, right?"

Supervisor Janoski: "That we're proposing for Reeves Beach?"

Jim Kreutz: "Yeah."

Supervisor Janoski: "Well, really under the code right now, Jim, you're not allowed to launch a boat after 9 o'clock and retrieve it before 6 o'clock. You're not allowed to operate on the beach between 9 and 6, you know that and I know that."

Jim Kreutz: "But we was allowed to do that just to recover the boats. We were allowed to do that."

Supervisor Janoski: "You're allowed to recover the boats right now in an emergency situation. We've got a lot of people's families sitting on the beach with children running around, in past years, boats have weaved through them, very carefully, I'll have to admit that, but you know how quickly accidents can happen with small children."

Jim Kreutz: "I understand."

Supervisor Janoski: "The reason why we gave Roanoke Landing and east, for a 24 hour period, there's no bathing down there. We're trying to really basically satisfy everybody and the safety of children and people bathing... "

Jim Kreutz: "Got to be the number one priority, I understand."

Supervisor Janoski: "It's got to be number one priority, the direction of the ramp versus the way we used to have the beach, there's some question as to whether the DEC made us do it or whether it was economical to do it that way or what have you. We will solve the problem with Roanoke Landing, I guarantee you that, you will be able to launch down there, and retrieve any time of the day you want."

Jim Kreutz: "Fine. I really appreciate that. What is the proposal for Pier Ave.? As an alternative, because you've got to have one."

Supervisor Janoski: "We are in the permit process right now. We've authorized Young and Young to file for all the permits necessary. If in fact we do receive back permits for

what has been designed, we will go out to bid and see how much it's going to cost and then determine after what it's going to cost, whether we can afford to do it or not."

Jim Kreutz: "Right. That's going to take a long time in the process."

Supervisor Janoski: "Our hope is that at the end of the season, that we will have gotten the necessary permits and if we judge it to be affordable, then we will start construction in the fall, and it will be ready for next season."

Jim Kreutz: "What you're saying is that you're definitely going to do something at Roanoke Landing so we can put our boats in?"

Supervisor Janoski: "Yeah. It's in the works right now as I told you the other day on the phone. Kenny was busy finishing up Stotzky Park, last week. When I called him again this morning and I tried to return your phone call yesterday and you were out I guess. He was up there this morning with Timmy Benton, and looked it over and they're going to have a solution for me within 24 hours to 48 hours."

Jim Kreutz: "Very good, I appreciate your time."

Supervisor Janoski: "It's really doing a little payloader work."

Jim Kreutz: "That's all it amounts to."

Supervisor Janoski: "And smoothing out the depthness of the drop down on to the beach."

Jim Kreutz: "And we will be able to leave our trailers down there?"

Supervisor Janoski: "You've got that all the way down to the..."

Councilman Stark: "The wrecks."

Supervisor Janoski: "The wrecks, which are in front of Richard Reeves farm."

Jim Kreutz: "No. The wrecks are way..."

Supervisor Janoski: "No. We're talking about the car wrecks along the beach."

Jim Kreutz: "Okay."

Supervisor Janoski: "You can use that 24 hours a day all day long."

Jim Kreutz: "Do you think it would be feasible that they might be able to move some of them rocks out of the way? Cause you know at high tide down there..."

Supervisor Janoski: "On the west side?"

Jim Kreutz: "It's almost impossible to pass."

Supervisor Janoski: "On the west side?"

Jim Kreutz: "On the west side."

Supervisor Janoski: "I would really have to take a look at that, Jim, cause to the west, you really have got some huge rocks there. They're not rocks, they're boulders."

Jim Kreutz: "I'm just asking."

Councilman Prusinowski: "I don't think we have the equipment."

Supervisor Janoski: "What we're trying to do is allow the surf fisherman or the beach rider, and fisherman to have, and there's a lot of fishing done from Roanoke Landing east out on those rock beds for the blacks and what have you."

Jim Kreutz: "All us people with these small boats need a little place just to launch."

Supervisor Janoski: "We're also considering fixing up the parking lot a little bit. Maybe not as luxurious as Reeves Beach."

Jim Kreutz: "No. That's alright."

Supervisor Janoski: "But do something, well... "

Jim Kreutz: "Listen, thank you very much for your time. I've got to go home."

Barbara Grattan: "Jim, could you state your name for the record, please?"

Jim Kreutz: "Jim Kreutz. K R E U T Z."

Barbara Grattan: "Okay, thanks."

Jim Kreutz: "And like I said, you guys did a beautiful job."

Supervisor Janoski: "Is there anyone else wishing to address the Board on this matter of the beach? That being the case, and without objection, I declare the hearing to be closed. Let the record show that the hour of 7:39 p.m. has arrived, the

Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:25 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:25 p.m. on Tuesday, May 19, 1992, to hear all interested persons who wish to be heard regarding:

AN AMENDMENT TO CHAPTER 108 OF THE RIVERHEAD TOWN CODE, ARTICLE XXI-BUSINESS CR DISTRICT (RURAL NEIGHBORHOOD BUSINESS) SECTION 108-110.1 "USES BY CREATING A SEPARATE SECTION FOR PROHIBITED USES."

Supervisor Janoski: "Thank you. Pat, would you... "

Pat Moore: "There's really very little I can say about this one. We're not making a language change. We're merely reorganizing within a section of the Zoning Code. That's it."

Supervisor Janoski: "Thank you. Is there anyone who wishes to comment on this no change to the Zoning Code but just rearranging it in the code book? That being the case and without objection, I declare the hearing... Oh, Cathy. I'm sorry."

Cathy Casey: "Cathy Casey, Wading River. I apparently am a majority of one here, but I don't understand what the Sam Hill they're doing here. Thank you."

Councilman Prusinowski: "We're increasing the density to 50 percent watt coverage. Okay, is that okay."

Pat Moore: "It's the simplest stuff that's confusing. We have in a section of the code, a, under CR it says permitted uses and in the middle of all the permitted uses it has "except for" ABC, which are the not permitted uses. That leads for a great deal of confusion for Building Dept. and other departments, so we said, well that's simple we will take it out of the permitted uses and label it specifically, prohibited uses. That minor change, when we tried to have that change done in our code publishers which is up state, they advised us, no we can't make that change with out seeing a public hearing and a resolution of the Board. A formal adoption, even though it strictly organizational, where we're not changing the language, just moving around to make it a little clearer, so we're doing that right now. We're having the public hearing and we're going to move the section around to make it clearer, but there is no language... "

Cathy Casey: "To stand out a little better."

Pat Moore: "To stand out a little better."

Councilman Prusinowski: "Just like a term paper."

Cathy Casey: "No deletions from... "

Pat Moore: "No deletions and no additions."

Cathy Casey: "Very good. Thank you."

Councilman Stark: "Put an XYZ at the end rather than of up in the middle."

Supervisor Janoski: "Is there anyone else who wishes to address the Town Board? That being the case and without objection, I declare the hearing to be closed. Okay everybody, are you ready? Let the record show that the hour of... You know, I had three ice teas for dinner and it might be a good... You want to take a break? Okay, well I'm going to ask to take a break soon, especially all this talk about water that's going to be going on. 7:42 p.m. has arrived, the Town Clerk will please the notice of public hearing."

P U B L I C H E A R I N G 7:30 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:30 p.m. on Tuesday, May 19, 1992, to hear all interested persons who wish to be heard regarding:

THE CONSIDERED USE OF TERRY'S CREEK BY THE WATER SKI CLUB."

Supervisor Janoski: "Did you want to explain this? Yes. For anybody who's here and doesn't know what this hearing is about."

Pat Moore: "Last year, we were approached by the Water Ski Club, which, I guess half is crowd is from there, requesting to put some buoys up and to operate a water ski training course for their people. The Board considered it at that time and there is a provision in our Town Code that if you have a water event or aquatic event or regatta or something of similar nature, that the Town Board can authorize you to hold that event within the Town waters. We did that, we have authorized the Water Ski Club to conduct these water ski trials throughout the summer months. This year, when the weather became nice, some of the neighbors who had experienced the year's training last year, came in and complained that we should reconsider the approval that we had given last year. With that, we scheduled this public hearing to give everyone an opportunity to voice their concerns and make comments on the record, and then the Board will take all that into account when they reconsider the approval that they granted last year."

Supervisor Janoski: "Thank you. Let me start off by saying, and it's always a good idea in this kind of situation, that this is a public hearing and it is your time to express your opinion, pro or con, as to what is being considered here, in this

case the water skiing training. It is a time for you to tell us how you feel about it and why. Please address your comments to the Town Board. Please do not carry on an argument with anyone in the audience, and I would advise the audience not to make any comment to anyone who is speaking. Everyone who wishes to be heard, will be heard, and, so, we will guarantee that, but please let us have this in an orderly fashion without any ranker. Please allow the speaker to speak, and you will be afforded an opportunity to express your thoughts also. There are a couple of rules that we work by, one is there is a 5 minute rule and if you have been recognized once, you can not be recognized again until everyone who wishes to be heard, is heard. So with those as the ground rules, I will recognize the first person who wishes to be recognized."

**Walter Shackel:** "My name is Walter Shackel, S H A C K E L. It live at Meeting House Creek Rd. I am a member of the Hoccabauk Civic Association. Two seasons ago, a chapter of the American Water Skiing Assoc., without a permit, set up floats and buoys in Terry's Creek, which is a public water and claimed the area as their own. When the residents of the community complained, they applied, and received a special permit, to use Terry's Creek as a training area. At a public meeting, we asked that the special permit be rescinded. We stated that there are laws to protect these areas from intrusion. Section 106-11C Riverhead Town Code was waived in order to grant this special permit, without this code this permit cannot be accepted because it says that skiing to a certain distance from the shoreline is prohibited, I believe it's a State Code which was taken by the Town also. Laws are waived when there is a case of hardship. When was waterskiing a hardship, a matter of life and death? But yet the code was waived. We also stated that there were no valid reasons given to be granted a special permit. The Ski Association has plans for Terry's Creek. They plan to develop this area as a center for water skiing and competition tournaments on Long Island. The plan is already in affect. A float and buoys which obstruct navigation, a sign atop a float with a warning that this is the American Water Skiing training area. Violators will be prosecuted. This implies that residents and all who enter this area are violators. This was done without the knowledge of the Board. The development of this creek as an amusement area will have an adverse affect on the wildlife, environment and community. People bought land, they built homes, they settled in this area because of what this area is, and not what it's going to become. The continuation of these activities will devalue their property. We also have an interest in this area as we have an interest in all areas of our community. We have a simple plan to preserve the creek. A very simple plan. A plan that will not cost. Now imagine asking the Board, telling the Board that you have a plan that not going to cost any money and you're not going to have to put up a budget. A plan that will not cost, and plan that will not disrupt, nor a plan that will not disturb. Simply, leave Terry's Creek in it's natural state; a sanctuary for birds and other wild creatures, a place for all people to enjoy its

beauty and it's tranquility, but there is one thing that we have to do. We have to protect it, but we have laws to protect these lands. We should apply them where necessary and not waive them. Riverhead is the only town on the island that has the distinction of allowing water-skiing in their creeks and wetlands. Water skiing in Terry's Creek does not benefit the Town of Riverhead. It's going to cause future problems. It does not benefit the community, it is disruptive. It does not benefit the environment, it is disruptive. It only benefits the American Ski Assoc., a majority of whom do not reside in the Town of Riverhead. We ask the Board to reject the application to renew the special permit to use Terry's Creek for water-skiing, tournaments, and development of this nature, this season and in the future, without compromise. An area destroyed is difficult to revive. Large amounts of money have been spent to rebuild what we have destroyed in the past. Don't allow this to happen. Thank you."

Supervisor Janoski: "Thank you. Is there anyone else present wishing to address the Board?"

Harold Mezick: "My name is Harold Mezick, M E Z I C K. I'm the caretaker for the past thirty years at the end of Meeting House Creek Rd., without pay. I could cry when I see these water skiers, because I know what the younger generation wants, but I wrote a ten page beef against it, but fortunately my wife tore it up and this is what she wrote. I've been married 48 years, so naturally, you got to... The taxpaying residents of Hoccabauk Park are entitled to quiet enjoyment of their neighborhood as guaranteed under the Constitution. Which is true, I agree with it. The sound is greatly amplified as it travels across water. I agree with her on that because I was standing on my six foot patio, on the end of Meeting House Creek and I could hear 2 1/2 miles across the bay, a carpenter hammering away. I was glad that he had a job, but of course, he was making noise pollution. The third thing my wife wrote, I don't agree with, so I won't mention it. The Town doesn't own the water. When the Town can control the tides, stop it from spilling over the banks. When a Town, like Moses, can cut a path down, then they own the water. The Town doesn't own the land surrounding the water, so, it's logical, oil and water doesn't mix, this unfortunately, for the water skiers, this permit and water doesn't mix. Now I feel very badly about it. Thank you."

Supervisor Janoski: "Thank you. You had your hand up before. Did you wish to go too? You can put it off."

William Maloney: "No I can produce myself now, I don't have really much to say, you'll be happy to hear from a lawyer that doesn't have much to say."

Supervisor Janoski: "Well, I want to thank that gentleman's wife."

William Maloney: "I have a set of binders which really contain the information about the Water Ski Club and it's activities and some studies which have been done concerning the environmental consequences of water skiing in water such as Terry's Creek. I'd like to distribute those among the Board. There's one set for each member."

Supervisor Janoski: "Could you make one available for the Town Clerk for the official record of this hearing?"

William Maloney: "Then I have only four copies."

Board Members: "I'll share."

William Maloney: "My name for the record is William Hauer Maloney, I'm an attorney associated with Esseks, Hefter and Angel, a law firm here in Riverhead. We've been retained by the Water Ski Club. Now, just to put things in context, I have with me here tonight and prepared to address the Town Board, Mr. Roy Haje of En-Consultants which is an environmental consulting firm. Mr. Haje has reviewed the information, the data which you have in your folders, and he has opinions with regard to the environmental consequences of water skiing on the bottom and shores of the creek. I would like to hand out Mr. Haje's curriculum vitae so that is part of the record."

Supervisor Janoski: "Could I, is there just the one copy of it? Okay, give it to the Clerk. She can make copies for us."

William Maloney: "Also tonight appearing here will be some other members of the club, Mr. Maurice Herman and Mr. Ed Herman who are both active in the club. They would like to address the Board. Mr. Robert Smith of Riverhead who has told me that he is prepared to address the Board a history of the club and how it operates and if at the end of that, the Board is still with us, I would like to address the Board again. Before I sit down, I would like to point out that this is my understanding that this hearing tonight is not pursuant of any application by the Water Ski Club. I have read the resolution, the resolution simply gives permission to the Water-Ski Club to operate at this location. I'm not aware that there is any application of the Water Ski Club before the Board tonight. That this is a hearing to consider some action the Board may want to take."

Supervisor Janoski: "That's correct."

William Maloney: "Thank you."

Supervisor Janoski: "Thank you. Pete."

Peter Troyan: "Good evening Mr. Supervisor, Town Board. My name is Peter Troyan. I live on beach road in Aquebogue, and I have lived there for 25 years. I'm a member of the Hoccabauk Park Civic Assoc., the Riverhead Baymen's Assoc. and a retired

Riverhead Police Officer, and I am opposed to the American Ski Team's continued use of Terry's Creek. First, I would like to say that water-skiing is a very clean sport and a healthy sport. One of the best sports we have on Long Island, but like all sports, they have to be played on the proper field. The Ski Team received a special permit in 1991 to use Terry's Creek. The time has been using this creek, weather permitting, for 7 days a week at times, from 6 a.m. in the morning to 9 p.m. at night. They have effectively closed the entire creek to anyone who is not a member or friend, telling all boaters to stay out. There are many residents tonight who have experienced this. In 1965, the County of Suffolk dredged this creek so that all boaters of the Town and the State have access to it, but the Town has effectively cut off this access by issuing this permit. Several members of the team have violated Town laws by skiing from Flanders Bay into Meeting House Creek channel and on to the ski course and from the course, out into Meeting House Creek and out into Flanders Bay, and it was members, with their special ski boats. I've seen it on many occasions and have told the Bay Constable many times to check this creek as often as possible. Sometimes he showed up, sometimes he didn't, and on one occasion, Councilman Prusinowski had personally observed one of these incidents happen and there have been many, many more. I am sure the Town would not issue a permit to anyone to block any Town road off for 7 days, all summer long and deny the public, public access. Well, that's what's happening here. This club has use of many square miles of Peconic Bay and Flanders Bay just outside Meeting House Creek, just like any other skier or resident of the Town or the State has to do at present, and without any permit. On Monday, yesterday, May 18, about 10 a.m., the Town had conducted a decibel meter reading of the noise level of a skier on the course. This reading was not done properly. First, the test was run about a 1/4 mile away from the course. It should have been taken from the nearest home near the course, which is the home of Mr. Neal Kopp, of Overlook Drive in Aquebogue, who lives approximately 500 feet away from the course. Second, no member of the Town Board or of the Hoccabauk Park Civic Assoc. was asked to attend. Only the Ski Club, the news media, and the Town Enforcement Officer. I happened to be there by chance. The Ski Team did not make its runs like they usually do for this particular test. What they usually do is go down the course with the skier on and when they come to the end of the course, they do a sharp 180 degree turn with the skier still on board, the propellers of the boat just about coming out of the water, that's when the noise is the loudest, and then proceed back down the course again. The test that day, at the end of the course, the boat just stopped, cut the throttle, and that was it. This is not a true reading of the loudest noise level that we hear, constantly, 7 days a week. Mr. Gene Cook of Beach Rd. in Aquebogue and I were present when Mr. Gadzinski, the Code Enforcement Officer, rode back to the dock. I asked him what was the reading? He said that he could not give it to me because the paper was jammed in the machine. Boy, would a defense attorney have a field day on that one. So I object to this particular

reading that day, as biased. I hope the Town Board rejects this special permit, that it is very annoying for residents, 7 days a week, and also because it stops the public from visiting this beautiful water way and tell them to use the public water ways of Flanders Bay or Great Peconic Bay as every other taxpayer or visitor has to do at present. Thank you."

Supervisor Janoski: "Thank you."

Pat Moore: "Do you want me to respond to any of the noise readings?"

Supervisor Janoski: "No."

Robert Smith: "My name is Robert Smith. My address is Caroline Court, Aquebogue. I've been employed by the Suffolk County Department of Labor for the past 15 years, much of that time in the Riverhead area. I graduated college at St. Joseph's in Patchogue. I'm past president of the East Patchogue Civic Assoc., past member of the Patchogue Lions Club, Block Captain, Co-Director of the Paumanok Triathlon, and a member of the Riverhead Moose. A big part of my family's decision to build a new home in Aquebogue was the opportunity to pursue our interest in amateur sports such as running, biking, and water skiing. For the past 20 years, my family has traveled back and forth to Vermont to train at a competitive ski site. The Green Mountain Water-skiers, of which I am a member, has 4 sites, one of which is almost identical to the course here in Riverhead. The site in Riverhead, as pointed out already, in fact is the only one we know of on Long Island. What is the Long Island Water-ski Team? The Long Island Water-ski Team is a group of competitive water-skiers who compete in local, regional, and national ski events. We are affiliated with the American Water-ski Assoc., which is the national governing body for organized water-skiing in the U.S., which is very similar to things like NASCAR, the American Power Boating Assoc. and other sporting associations. The American Water-skiing Assoc. is a member of the International Water Ski Federation, an affiliated organization of the U.S. Olympic Committee. Members of the LI Water-ski Team are active and prominent residents of the LI community. Most are college graduates, almost 80 percent, most memberships held by the members are family memberships, in fact you can see a few kids here, most members have affiliations with community and civic organizations such as the Riverhead Moose and approximately 20 percent of them are Riverhead residents. Why Terry's Creek? It offers a remote protected area for highly technical and skilled skiing. It is not a major waterfare and there is no access for swimming. An area such as Terry's Creek is needed for advanced waterskiing. Most of you probably saw the NEWS 12 story, so you have some understanding of what the sport is about and perhaps you have also seen some competition on waterskiing on TV. Skiing in an open bay, as suggested, would be like having a tennis pro practice on the street. I and the members of the LI Waterski Team appreciate the other recreational uses of Terry's Creek and

want to share and cooperate with my neighbors and others. After all, much of our income out here comes from recreation and tourism. Our plans for this year have included assisting Boy Scouts and Girl Scouts in acquiring water-skiing and safe boating merit badges; we have also been in contact with, trying to get people to become involved with the Disabled Veterans Administration, and we have extended invitations to disabled water-skiers to compete and train on the course. For the future, we are hoping to work with the Town of Riverhead to develop an inland water site that would attract amateur and professional tournaments, which would bring money to the Town. In the past, I have asked various residents from Meeting House Creek area if there were any problems, and have received no answer. So, I was very surprised when I first heard about this, about two weeks ago. I wish I could have gotten together with my neighbors earlier and worked out the problems together. Most of us have over \$20,000 dollars invested in this sport, based upon the understanding that the variance granted unanimously by the Riverhead Board was rescindable without the opportunity to meet and work out our misunderstandings with the Town and or community. My family and I have, and the rest of the LI Water-skiing Team have really enjoyed the use of this site and I thank you for it. I have an article with similar town in Ohio that may be informational and I also have some overhead photographs taken from the aircraft to show the remoteness of the area, might also be informational. I'll give them to the Town Clerk."

Supervisor Janoski: "Make it part of the record, the gentleman in the back who had his hand up before, yes sir."

Albert Jeski: "My name is Albert Jeski, I live up in Reeves Park. I'm not a resident around the creek, but I do utilize that creek. Now last year, I'll give you an example, I was launching my dinghy with my grandson. I was approached by one of the members and told I cannot go out on to the water. I asked why. He says we've got a permit to be here, if you want to take the risk of being swamped, you go out there and do what you want. Now I'm also a member of the Audabon Society and I know for a fact, that all the waterfowl in that creek is being destroyed by this club. There's no argument, they can go out in other places, but why, should me being a taxpayer be deprived of the use of that creek, for fishing and other things? Now there's youngsters who fish along that bank during the summer, there's no way you can do it. Not with the wake that's caused by that. That creek had a 5 mile speed limit. I've got a boat of my own, and I enjoyed that. Why should one party be given a carte blanche and allowed to use that creek for their own personal use and disrupt other people from using it? Thank you."

Roy Haje: "Good evening, my name is Roy Haje, President, En-Consultants, 1329 North Sea Rd., Southampton. I've been retained by the Water-ski Club and asked to analyze the environmental affects of the proposal. The packet which has been handed up to you by Mr. Maloney goes into much more depth

than I intend to and that would only be repetitious of me, however, the main points covered are the potential affects of engine effluent upon the water, the potential affect of causing turbidity as a result of prop wash, the affect, the potential affect of erosion on the shoreline. Some of the club members can tell you, better than I, that the boats which are involved are specialized boats. These are inboard boats, highly tuned, they must be for safety, and also, they are highly maneuverable. The speed at which they travel and the type of hull create extremely small wakes. The wakes that are produced are much less than would be produced by wave and wind induced waves upon the shoreline. Therefore the affect upon the shoreline, is negligible. The shoreline, in fact, is virtually ideally suited for this in that there is a lot of sloping sand shoreline backed up by intertidal marsh, by alternate flora. The marsh grasses are very supple and can absorb what little wave wash does reach the shoreline, in addition, the water depth at which the skiing takes place is such that there is no affect of the prop on the bottom so there is little, if any, re-suspension of material on the bottom. Again, it's my opinion that the site selected is not environmentally harmful and should be permitted to continue. Thank you."

**Richard Barone:** "My name is Richard Barone. B A R O N E. Meeting House Creek, Aquebogue. I would have a little problem with the study that was presented to you, cause I feel every cove and every creek is unique in it's own personality. From an environmental standpoint, I think the area's ecosystem is too delicate and too fragile for this type of disturbance. Furthermore, I think the constant discharge of pollutants from boat exhaust cannot be purged in a normal tidal flush. The area should not be restricted or limited any special interest groups. Residents, people visiting the county park at Indian Island and others should all be able to enjoy the activities that do not threaten the environment. The area is too small and too restrictive to allow high speed boats. The same speed limit should apply there, as it does to all other creeks, because I think the safety and the welfare of other boaters is paramount. Furthermore, I think the noise factor is unwarranted and inappropriate for a residential area. Thank you."

**Wayne Fellows:** "Hi. My name is Wayne Fellows, and I live on Overlook Drive which is right next to Terry's Creek off of Broad Cove and besides Terry's Creek being damaged, Broad Cove is being damaged. If anybody would like to come see the waves that are being produced, from 6 o'clock in the morning to 9 o'clock at night, they might dock and everything is just rocking like crazy and there is no wind causing this. Another problem is, I have a large boat, and I have to get out through a channel and it's a constant battle trying to time these boats going 35 miles an hour, for me to get out, and it's the same problem coming back in, and it's 7 days a week. It's almost equivalent to letting somebody drag race up and down your driveway all day long, I mean the sound is unbelievable, besides the voices, people yelling

"Okay go!". You know, it's all day long. There are no fish left there, crabbing has completely diminished in that area, you know, this is going on since, it's what, the fourth year this has been going on, and it's just getting worse every year. One of the gentlemen talked about how much money people have invested in the skiing, you know, I have my whole life invested in this area. It's a shame to see what's happening. That's all I have to say."

Valerie Smith: "My name is Valerie Smith, I hope I don't have to spell Smith. I've been a resident of Riverhead Town for more than two years. I live at 2 Caroline Court, Aquebogue. I've been employed as a business teacher at William Floyd High School in Mastic Beach for the past twenty years. As a civically minded person, I served a president of Suffolk County Business Teachers Assoc. which represents over 500 teachers in Suffolk County and as secretary to the East Patchogue Civic Assoc. for 5 years, and for many years as a Suffolk County Board of Elections poll inspector. I'm an active member of the Work Experience Coordinators Assoc. and I've been instrumental in creating business school partnerships in my district and was a recipient of the Suffolk County Business Teacher's Teacher of the Year Award. As a teacher, and mother of two daughters, I try to be a role model. Getting and keeping children involved in sports is a good deterrent to this generations many social problems. My husband, my daughters and I represent over 118 years of water-skiing experience in slalom, tricks and show skiing. This is my third year of skiing with the LI Water-ski Team at the Terry's Creek site. There is no other water-ski training site on Long Island. For the past twenty years, my family and I have traveled to Vermont to train for two weeks out of the short 6 month ski year. This, however, did not help us to progress. The LI Waterski Team has local, regional and state champions representing us. In my 2 years of involvement with this dedicated team, I have improved my skiing by more than 60 percent. This has enabled me to move up from a 1990 ranking of 6th place in the Eastern Region, which is made up of 6 states to 4th place in 1991. In 1990 and 91, I won State Championships in my division. This could not be accomplished without the near perfect conditions that the Terry's Creek site affords us. The encouragement and instruction of my fellow teammates has allowed me to set even higher goals for myself in 1992. We take our sport seriously, this past Christmas, one of our daughters didn't ask for the typical jewelry, clothing, disc player present, she requested a new \$500 dollar competition water-ski, which we purchased from Andrew Galasso of Arlene's Boutique. We have purchased wetsuits and other sports related equipment from local merchants. We support our local merchants. We buy food and meals while we're in the area. We fuel our boats at local gas stations. Water-skiing is great investment and often sacrifice of time and money. We are sorry if we have offended anyone. Our intention was not to upset anyone, nor give the impression that we were given exclusive control over the Terry's Creek area. In fact, my husband Robert gave Mr. Cook our phone number so that he could feel free to call us if something improper was being done

in the area. The waters can be shared by all. We feel that we help to, so to speak, watchdog the area. For example, when the land north of the course was being bulldozed and carted away from the creek, we inquired as to the reasons and the environmental impact on the wetlands. We've picked up floating cans and other debris. Last summer, we rescued two canoeists who were being harassed by a male swan. The swan would not let them leave the west end of the creek. We escorted the canoeists to safety. We are a safety and community minded group. I know that we would be an asset to Riverhead Town and we are confident that all parties can coexist in the area. Thank you."

Gerry Asmus: "My name is Gerry Asmus. I live on Meeting House Creek Rd. in Aquebogue. I'd like to make a brief comment relative to statements made by members of the LI Ski Club, as quoted in the Suffolk Life dated May 13 and also reaffirmed tonight. This article states there are about thirty members, and six are from Riverhead Town. Doesn't take much of a mathematician to establish that 24 people or 80 percent of the members are not local taxpaying residents of Riverhead Town. Also Robert Smith stated as quoted verbatim "the waters are there for everybody's use and enjoyment" and frankly, we couldn't agree more. This is really the focal point of the controversy. When the water-skiers are out there, everyday, racing up and down Terry's Creek, the people are excluded from the area. Let's return the creek to everyone's use. I'd like to be able to take my grandson in my small boat when he comes to visit me and show him some of the wonders of the creek where it's tranquil and peaceful and not have the skier running around. Thank you."

Eileen Drower: "Eileen Drower, Wading River. I'm a little appalled by what I'm hearing here tonight with what's going on with the Ski Club and the local residents. Our family has been boaters for over thirty years, we try to get in and out of Wading River Creek, which I want speak to you about later, we do go out of the Shinnecock Canal, we launch at Jamesport and go into Peconic, etc. We've taken our boat, in the past into Terry's Creek and Meeting House Creek. I was appalled when Mr. Troyan said that the public couldn't take their boats in. If I wanted to go visit some of the residents in this area by boat, I couldn't do it when the Ski Club is there. I think what appalls me more, is the lack of a no wake zone. We had lived in another state at one point in time, on a creek directly, it was bulkheaded, across the way were wetlands, natural land. My husband, many a time wanted to get out there with a cannon, at fire across the bow of the people that broke the no wake zone, the 5 mile an hour zone. I can't understand why you don't have a no wake zone, a speed limit. 5 miles an hour, Shinnecock Canal and all through there with all the marinas. In Florida, where we lived, our boat was tied up in our backyard, right at the creek, and I'm sure, I know for a fact, because I seen it, boats tied up behind properties on these various creeks and I can imagine what that wake at 35 miles an hour does to docks, to pilings, to boats, to any bulkheading if its there, let alone what it does to

the wildlife and to the environment and I would really like you to take that into consideration. I know it's there for everybody to enjoy, but there's elements that I feel that have been overlooked. Please consider it."

Bill Albrecht: "My name is Bill Albrecht. I'm a member of the LI Water-ski Team. I'm not really prepared for this so it might sound... but I've been a member of the Team since it started, okay. When we got Terry's Creek, we were supposed to go by certain rules, you idle in through the inlet, and the spot where we ski is like a dead end street. It's out of the way, it's quiet. We idle into there, 5 miles an hour, no wake, once we pass a certain zone, we ski. Now, I've been in there idling out, with my small ski boat when some of these boaters come in to go into the marina there, they come in with a 30 foot boat, 25, 30 miles an hour, shut the boat down, the waves go over my boat, here I am being a nice guy, not disturbing any of the houses around, these guys come in, they almost swamp us. I had my two sons in the boat, but as far as the skiing goes, we've been pushed, water-skiers themselves have been pushed out into the open waters by everybody. All these states, I realize what these people are saying, they what a nice quiet home, they've lived their life, and now they want to enjoy it, relax, but they were younger too. I'm sure they've done some stuff that older people were upset with them too. As far as the environment, back in the old days they used to change their oil, throw it in the back woods, what the heck? It only goes into the water. We don't do that. We don't drink beer at the site. We sit there, we abide by certain rules, we ski throughout the course, we shut the boats down, turn around and come back. Stop again. We don't go past a certain point so the wakes are at a minimal. The only time we do speed is in the course. It's just enough to pull the skiers through the course. It could be anywhere from 28 to 34 miles an hour. All I'm saying is that we've been pushed into open waters, we've been pushed out of every site. We've gotten a permit to use this restricted area. I'm sorry if we've caused any problems, but most of the time if any boat was coming in, I've shut my boat down. I'll let a guy come down. You know, I have no quarrels."

Councilman Prusinowski: "Can I ask you one question? You said you've been pushed out of every site. Has this club operated in any other town on LI?"

Bill Albrecht: "This club, at one time, we were in Conscience Bay, in Port Jeff. What forced us out of there was, we'd lay out good money for the buoys, and people would just come out and start cutting buoys, losing the course and it just got too costly. So we acquired a permit, before we ever put the buoys in. We talked, through channels..."

Councilman Prusinowski: "Just two points though, because I've lived on the water my whole life, and I own boats, and I've been water-skiing since I was 5 years old, too. I own a jet ski."

Just so everybody, you understand, be fair, and I also have a captain's license, okay. The law says it's 500 feet from shore, or other bathers, that's state law and that's 500 feet. You have to water-ski from 500 feet from the shoreline or from other bathers, okay that's the way it is."

Bill Albrecht: "That's the law, but it... "

Councilman Prusinowski: "That's the NY State... If the Coast Guard or if I'm in Southampton Town, and I'm water-skiing within 500 feet of the shoreline or other bathers, I'll get a summons."

Bill Albrecht: "That's because there's bathers at the beach."

Councilman Prusinowski: "I understand that, but the other thing is that, unfortunately what happens to your buoys is something that can only be corrected in the open waters, by you'll have to take out your buoys, like when I was growing up in Peconic Bay off of Lockitt Drive, we had a water-ski course too, and we took the water-ski course down every night because when it's dark, boaters will run over it and cut the lines and so on and so forth. That's just a fact of life."

Bill Albrecht: "This is true but like I said we... "

Councilman Prusinowski: "You know, I voted for this last year, so I'm not trying to give you a hard time, I'm just trying to arrive at a consensus here and see what everybody has to say, but I just want to clear that point up, and what we did specifically was we waived the 500 foot rule in this creek. It's great to talk about the environment and your Ski Club is great and that's all wonderful, but the only thing we're talking about today is the permission that the Town Board gave you, was to waive a specific section, which says you can ski within 500 feet of the shoreline. That's all we did, okay, because there is not enough shoreline there on each side of Terry's Creek. I know because my family owned that property on Broad Cove for 60 years and I grew up on that farm, so I'm very familiar with Terry Creek and Meeting House Creek. We waived the 500 foot rule. So what we're trying to find out tonight is the facts, your side of the case, did you behave yourselves in there? I personally saw the Club personally coming out on another boat, water-skiing from the black buoy through the creek at about 20 miles an hour to the ski site, now I don't know if it was Ski Club members... "

Bill Albrecht: "Yeah, okay."

Councilman Prusinowski: "But the boat looked to me like it was not an ordinary pleasure craft, okay. Now I'm sure Club members, hey, they don't follow the rules and you have to get it together, but I think what we should address ourselves tonight is how do you propose, are these allegations true or false? The Board would like to know and what are we going to do about it?"

Bill Albrecht: "Alright. Well as far as I know, we were told rules, we have meetings once a month and if anyone was caught doing anything like that, they were thrown out of the club. Because we don't want to disrupt anybody, yeah, we want to do our skiing and try and keep it as peaceful as possible. I've always obeyed the rules. I'd idle out from a certain point, like I said, all the way out the channel, past the black buoy, and even idle all the way back in up to the Moose Lodge."

Councilman Prusinowski: "And you're right about some of the powerboaters, they do go in... "

Bill Albrecht: "They just come flying in."

Councilman Prusinowski: "And they don't follow the no wake and hopefully we can give them a summons like you know, if you go through the Shinnecock Canal and the locks are closed, and you don't follow the speed limit, the Coast Guard's out giving out summons too."

Bill Albrecht: "I would like to ask that the permit be granted for this year. Give us another shot, we'll try our best, we'll have our meetings. If anybody's done any problem, try and get the number of the boat, we'll take care of it as far as that goes. I mean, we don't want one bad apple to ruin it for everybody else. We'll work with other people and do what we can to keep the problem down to a minimum. So I don't know, like I said, I didn't know how to put this, but that's it."

Maurice Herman: "My name's Maurice Herman and I'm also a member of the LI Water-ski Team. I didn't come here prepared to make a statement, but I just wanted to address a couple of things I haven't heard said yet. First of all, we're not a close club. Anybody can join. We're a member of the AWSA to a degree to provide the Town with the liability protection that it requested and it's written in the resolution. If I'm not mistaken, the county also provides golf courses for golfers. I don't think that the greens fees that they collect covers the cost of land acquisition or maintenance, yet there's a few hundred acres set aside for golfers. We have our own pursuit as well, it's something we enjoy, I don't think it's written anywhere in stone that people are entitled to golf. We like to ski. Everybody has these hobbies."

Supervisor Janoski: "I might question you on that one. I happen to be a very good golfer."

Maurice Herman: "Well if you ever see me at a driving range, you may not, but anyway, we don't ski from 6 o'clock in the morning to 9 at night. For openers, it's dark at that hour. I personally don't trailer a boat, I come in from Shinnecock, I can't find the course at that hour because of the fog. We never start before 8 o'clock and I'm not going to stand here and say to you that somebody at some point in the past may not have broken a

rule. Let's just say that we attend to those that don't follow the rules. We usually get done by 7 o'clock, 6 or 7. We're also only there for four months out of the year. We're not there all year long. I know that I'm going to touch on a bunch of points and may not coincide with one another, but in the scheme of things I'm sure you'll understand. It was said before that we were granted a special permit. I'm sure that the Town has given variances to various members of the Hoccabauk Civic Assoc. for perhaps their property. Which, I'm sure there was nothing wrong with, but that in no way helps us and not that it should. Somebody goes to barbecue in their backyard and needs a variance for it, that doesn't mean the Board members should be invited to every barbecue that they have to give their approval. The course is only 890 feet long. It doesn't take up the entire length of the creek. The creek is, I'm going to say, from the entrance to the end is, I'm just going to speculate and say a little less than a mile. The course is 3 football fields long. We ski four months out of the year. It's usually on weekends, a few of us have the opportunity to ski during the week days, at certain hours of the morning or perhaps late in the day if we can leave work a little bit early. Another point is that bathing isn't allowed off of Indian Island Park which is why I believe the point was brought up before, why we're able to ski there and the resolution or the variance was given to us as far as the 500 foot rule is concerned. No one's allowed to swim there. It's too rough to ski out in the bay. Talk about shore erosion, I'm not an environmentalist, I know that if there's a northeast of wind of over 8 miles an hour, I won't even ski in the creek because the wakes of the boats that we ski through are lower than the waves of an 8 foot wind, coming out of the north, creates. Which is why we don't ski in the bay. If we could, we don't enjoy coming here and having these forums, and getting people upset, we don't like getting upset, but if an 8 mile a hour breeze can stop us from skiing, and we're happy to go through a boat wake at 50 miles an hour as we cross it, I don't think, in my layman's opinion, I don't think we're doing a whole lot to the shoreline. Also, as far as the noise study is concerned, I believe a copy of the results were sent to the Town Attorney Corporation Council, I'm not exactly sure. I don't know if somebody's here this evening to read them to you. It was also mentioned before that nobody here was invited to here the test. By all means, anytime somebody would like to come out and hear how quiet these boats are because they're made specifically not to disturb people. Cause everybody knows water-skiers like to ski in good water like snow-skiers like powder. They're made quiet, on purpose and that's basically it. We're not trying to hurt anybody, anybody can join our team, our club. It's open to anybody. We don't restrict people and you mentioned you had a jet-ski, well when we're not there the jet-skiers come in, I don't know what was there before we were there. I know that people have different feelings about different water craft. Jet-skiers following our wakes as we head out into the bay at 15, 16 miles an hour, everybody sort of has a feeling about the various water activities."

Councilman Prusinowski: "The jet-skis have to follow the same rules too. In fact jet-skis are boats and they have to follow the rules set down by the Coast Guard and State and we have had problems, not only in this creek but we've also had problems in our public marina and in Jamesport where jet-skiers were illegally, as Pete Troyan is nodding, because he was our Bay Constable for awhile before we had the full-time, if a jet-skier is skiing up the Shinnecock Canal and is not going 5 miles an hour, which you can go through the Shinnecock Canal, you must, no wake or 5 miles an hour. You can go slow through there to get to the open waters, if not you get pulled over by the Southampton Town Police or the Coast Guard and they'll give you a summons. Okay. Definitely. The jet-skiers have to follow the same rules as you guys do."

Maurice Herman: "My point was, just everybody sort of has a bit of a gripe with some form of activity or another or the noise of a basketball bouncing in someone's backyard."

Councilman Prusinowski: "And you have to leave perpendicular from the shoreline and go out 500 feet to go jet-skiing."

Maurice Herman: "That I wasn't aware of."

Councilman Prusinowski: "Okay. That's what you have to do."

Maurice Herman: "Anyway, we don't ski in from the Bay, and rest assured if we know of somebody in our group that does, they won't in the future. We're not here to cause problems. Thank you."

Supervisor Janoski: "Thank you. Way in the back, the gentleman with the dark shirt."

Jerry Maul: "My name is Jerry Maul, I live on Broad Cove Landing and I don't want to pick any quarrels with the skiers, but last year, it's only a twelve foot wide channel there, and at low tide, you have to stay in the channel. Coming back last year, I came head to head with skiers going "get out of the way, get out of the way!" Where can I go? He had to finally dump his skier, but that was beside the point. Then going out last year, trying to go out, that sign they had, they had a boat moored to it. Was on it's line, effectively blocked the whole entrance to Terry Creek and I'd like to be able to live with the skiers, but I'd like to be able to enjoy the water out there too. That all I have to say."

Supervisor Janoski: "Thank you. Bernadette, Bernadette."

Bernadette Troyan: "I'll be quick. I'm Bernadette Troyan. I live on Beach Road in Aquebogue for the past 25 years. I've used Terry Creek every summer with my boys to crab, fish and go

boating. Last summer I was in a small aluminum boat with my 12 year old son and a ski member approached us and asked us to leave the area because the Ski Team was practicing so we went to the side, but going to the side doesn't give you enough water to maneuver, so we left, and we were both rather upset because if you've been able to use an area all your life and someone just comes and tells you that you can't, it's very upsetting. I've also raised two other boys, 22 and 23 years old. They've skied every summer also, but they always had to go out in the bay, they could never use our creek. I would like to recommend that the Town Board rescind the Ski Club's use of Terry's Creek."

Supervisor Janoski: "Thank you. Oh, a two-fer."

Gary Fieretti: "My name is Gary Fieretti, I reside in Wading River and own a business in Riverhead and I pay taxes on both of them. Having my roots in this Town, I'm concerned with what goes on locally. Many of the concerned individuals on both sides are my customers, and I feel this is an issue we can both compromise on and work for the good of the community at. You've heard many statistics and viewpoints regarding the current location of the Water-ski Team, but it isn't a private club and we are open to the public. My dad taught me to ski in Jamesport 31 years ago and I look forward to sharing this opportunity with my son in a sport that offers fresh air, exercise and good clean fun. With my two sons, Steven, 13 and Nicholas, he's not here tonight, he's only five. Joining the Water-ski Team is not without expenditure. The right equipment and the dedicated time but I feel both are a good investment in my family. My 13 year old son is gaining confidence as a result of the discipline, the motivation and the sense of responsibility that competition skiing requires. His great self esteem has led to an improvement in his academic studies as well as an increased awareness of others as individuals. As a parent I enjoy the communication between us due to this common interest. Steven and I have even attended a Coast Guard course this season, and we studied together, we practiced knots and piloting skills, and he's got a certificate he's very proud of now. As a member of the Ski Team, he can be instructed by professional skiers, governed by team rules and supervised by adults in an enjoyable activity. It's quite the opposite of hanging out at a mall with a group of friends. Since my family is growing up in this town, I feel it is our responsibility to provide good, clean activities for our young people. This will teach them about considerations for others as well as having to compromise. There are quite a few family members in the club and I think it would be a shame to lose this time we spent together. In an effort to save the ski course, I would be willing to act as a liaison between the club and the community to help minimize any conflicts that might arise between us. Thank you. I think my son would like to say something."

Steven Fieretti: "I used to skateboard and dirtbike, but we got chased away from that and I hope we don't lose the ski course."

Supervisor Janoski: "Can I have your son's name Mr. Fieretti?"

Gary Fieretti: "Steven."

Supervisor Janoski: "Steven. Thank you. The gentleman right there."

Bill Donovan: "Town Board, Mr. Janoski. My name is Bill Donovan. I'm a resident of Hoccabauk Park. This business of noise pollution and things to do with the ecology and what have you are legitimate things to speak about. However, one item that has not been brought to the floor and I certainly hope that you are considering it when you consider whether or not these people should continue in their past time of skiing and that is the liability. Now I understand, I'm so happy to see that the ski people are represented by council, we in Hoccabauk Park don't feel that we need that, after all, we have you. Now, the one item that has not been considered here tonight, I understand that somebody else spoke of liability insurance as required, that's fine. Monetary considerations do not fix dead people. The liability rests solely with you people on the Board. Should anything untold happen on that bay, and you have given these people permission for these people to continue, the moral liability rests with you. Thank you very much."

Supervisor Janoski: "Alright, the members of the Board are requesting a short break, quite frankly, I could use one too. So that we will resume at five minutes of the hour of nine p.m. Thank you... We are going to return this public hearing to order. Now the last hand I saw was Betty Brown, is she still here? Well, is there anyone else who would wish to... Okay, you."

Mary Yablonski: "My name is Mary Yablonski. I've never spoke before the Board committee before, so please excuse my inexperience. First of all, I'd like to thank the Town and the community for allowing the Water-ski Team to have privileges there and I think that's a key word, is that it's a privilege to allow the members of the Ski Team to ski in this particular area. I'm a newcomer to LI and really look forward to this particular sport, especially after having my two sons, they're 2 and 3 now, and I'm just getting back into this activity. I want to also point out that I think we're responding to issues that have come up, unfortunately I think that maybe they should have been addressed preliminary, prior to having this particular privilege, and I want to apologize if the Team has offended anybody or gone outside the real of anything we we're supposed to do and I hope that these issues can be resolved. In fact, let me just look at my notes, there were certain issues that were pointed out by both sides, the community and the Team, and I think it needs to be further researched. A lot of this are opinions and not necessarily facts, so perhaps the Board would like to consider a presentation, again, based on facts. People going out there,

seeing the area, how well boats can pass along the course, the wake issue on how it affects the community residents there and their boats. I've been there several times and where the people ski, versus where the boats are channeled, you know, next to their house, it's an entirely different area, so I think maybe better research should be done for both parties to come up with resolutions and a way to resolve this. I don't think anybody on either side really wants to make this a verbal contest or anything else, I think we just need to get some facts and I hope it can be resolved. Thank you."

Lotti Downs: "I'm Lotti Downs. I live on Beach Rd. Aquebogue. Not everyone in Hoccabauk Park is complaining about the skiers over at Terry's Creek. I live about the nearest to Terry's Creek. I have a very good view of Terry's Creek from my house and I have lived in Hoccabauk Park most of my life. I live on the waterfront, on Peconic Bay, I have seen the skiers for the past 3 or 4 years. I enjoy watching them from the back of my house. I have seen them come from Jamesport, Flanders and Riverhead. When they come from the head of the creek, they slow right down and coast over to Terry's Creek. They have an ideal place for skiing. They are out of the way of all boat traffic and are not in the way of boats travelling through the creek from the marina. They have quiet motors and they are not noisy. It seems a shame young people in the country can't enjoy living and have a little pleasure in life. It's a cruel world. Now at least you know the way world spins."

Ed Nicholson: "Good evening, my name is Ed Nicholson. I'm a member of the Ski Team. That's a hard act to follow, but I'll brief and say that I'm also a licensed captain by the Coast Guard, and I've been around the water all my life. I've seen stable boats and unstable boats and the one's we're talking about here are designed and engineered for what they do. You couldn't get any better. We, the members of the Team feel very strongly about our sport. Strong enough obviously to show in such a number. Please be considerate as to our needs, too. As far as the calm water, what we need to work with and also if, we want to work with the community. We don't want to step on anyone's toes, so if there are some problems that we have to work with, maybe we can get together and talk them over. Thank you."

Bob Ratimer: "My name is Bob Ratimer."

Supervisor Janoski: "You can pick that up, you don't have to bend over."

Bob Ratimer: "I've been in the LI Water-ski Team for 3 or 4 years now. One of the main things we've been doing at our meetings lately is trying to differentiate us from all the water-skiers. There's no doubt in my mind that they've seen people skiing in Meeting House Creek, they've seen people skiing next to the golf club, they've seen people skiing everywhere. What we're trying to do now is every meeting is to come up with a solution

that differentiates us from the rest of the people. I'm also a hunter. Now if somebody hunts off season, does that make me a bad person? There's thousands of hunters, there's thousands of water-skiers. We're working on a proposal right now of getting all the boat numbers of everyone in our club listed, so they do have any complaints, they take the number of the boat down. Also, we're going to attempt another thing, we're working either some kind of a flag, some kind of flag with insignia that goes on the windshield of the boat to differentiate us from anybody else, cause these people, they're not lying when they say they've seen people skiing in Meeting House Creek, we've seen people jet-skiing around the buoys at our course. We're not trying to keep to this course to ourselves. There's been a misunderstanding amongst the people in the club also. This is a shared thing. We have insurance through the AWSA, we can't let anybody just come in and water-ski, but everybody else is invited into the creek along with us. It's something we have to work together. I think there's been a misunderstanding in the club and I think there's been some misunderstanding with the residents also and we're extending ourselves to try to work things out without getting too involved in these kind of proceedings. Thank you."

Jack Giles: "Good evening. I'm Jack Giles. I was born and raised in Riverhead Town. I am a marine mechanic for the last 12 years. I previously worked at Larry's Lighthouse Marina and I feel that the pollution that people are saying we cause, is not justifiable because just the boats sitting at Larry's Lighthouse are giving off more pollution than we are when we ski and as far as noise goes, it's the same thing. Also, these boats are going in and out from Larry's which is constantly making noise also. As far as noise and pollution goes, I don't feel that is a subject that should pertain to this and I'm just hoping that we can work together to make things work out for both sides. Thank you."

Supervisor Janoski: "Thank you, Betty."

Betty Brown: "Good evening. My name is Betty Brown. I serve as Vice-President of Save the Bays Organization. Jean Mariner was not able to be with us tonight, but I am pleased to be here. The members of Save the Bays and I am certain the Riverhead Town Board are both aware of the wealth, beauty and diversity of our coastal areas and their priceless contribution to the quality of our lives and our economy. Save the Bays believes that the recreational usage of the Peconic Estuary is vital to tourism. Responsible uses that are compatible with the natural environment should be promoted, as well as opportunities for public access to the coastal shore. We hope that our representative will continue to work towards improving the water quality and focus on stewardship in the years to come. At the same time, seeking ways to promote the recreational uses in the Peconic and Flanders Bay, so necessary for a healthy environment and strong economy. Population patterns on the East End reflect it's recreational usage. In 1989, the 5 East End Towns had a

population of 114, 500 persons (LILCO, 1989 LI Population Survey). In the summertime the seasonal population swells to over 280,000 which constitutes approximately a 150% increase. These figures suggest a serious reliance on summer people. Our investment in our bays and creeks must be protected. It is no secret that the Flanders Bay area, in general, does not experience excellent water quality and several areas do not meet water quality standards for shellfishing, fishing, or swimming. In poorly flushed areas in the western bay system, pollution is present. We urge the Town Board to scrutinize carefully the application before you this evening. This use has a potential to further threaten water quality and habitat in and along the shoreline. This use, we have heard, could, and I understand has, limited or halted the public right to enjoy this waterway. The public interest demands the preservation and conservation of natural resources against pollution, overuse, destruction, and infringement by others, whether public or private. We recognize the Town's commitment to the Peconic Bay. We have been proud to work with this Board to strengthen the health of our waters. We suggest that this use is not compatible with the other important recreational uses enjoyed by others and therefore places other recreational uses in jeopardy. Please reject this application in this location. Thank you."

Joe Puffal: "My name is Joe Puffal, I'm not a resident of Riverhead Town, I am a significant taxpayer to the Town and am also not a member of the Ski Team, so now I'll try to fill in the blanks as to why I'm standing here. My company, we have two companies, my family has Ad Chem. Corp. and Suffolk Etched Products that have been doing business in Riverhead Town for a total, between the two companies, for about 35 years. I've been a member of the Greenport Village Board, member of the Riverhead Rotary Board of Directors and I served on a number of special event committees around Town. I've been a guest on the water-ski course, a guest of a couple of close friends who have asked me to come down and enjoy they're sport with them. I for years, probably like Vic, have skied out in the open waters in various places, Peconic and out in Shelter Island. I want to add my voice to one that calls for compromise and a successful resolution of the conflicts here in that I have seen responsible and I've seen irresponsible boat use. The members of this club that I have seen when I've been out on the course, and that's not a vast number of times, but it counts enough to witness that these people are responsible operators, they operate their vessels in a very safe manner, they're expert at what they do. Assuming that you can find that the testimony and the evidence supports their claims that this does not damage the environment, I'd like you to look carefully at setting up some kind of mechanism so that the community with your guidance and the water-ski club can sit down and come up with some level of compromise that allows these people to enjoy their sport and of course, allows the residents of the area to enjoy their peace and quiet. Thank you."

Eugene Cook: "Good evening. The name is Eugene Cook of Meeting House Creek in Aquebogue. Last June 15th, 91, it was Sunday morning, I made a complaint to the Riverhead Police Dept. at 6 a.m. about noise that started at 5:30 a.m. The complaint went on record, this noise was from these so called noiseless boats. A few days later, someone from the Ski Club called me and told me it wouldn't happen again. Well, it's almost a year later and it has gotten worse. It really has gotten worse. They said it wouldn't happen again. That's not true. Now as far as Mr. Smith before said about giving me his phone number, for any complaints, it was just two weeks ago he gave me that number. I thank you very much."

Sherry Johnson: "Good evening. My name is Sherry Johnson, I currently serve as Program Coordinator for the North Fork Environmental Council. The North Fork Environmental Council requests that the Town rescind the resolution adopted in 1991 that allowed the Water-ski Club use of Terry's Creek. From the reports and the complaints that we have heard here tonight, it appears that there has been extensive abuse of the courtesy that they were extended back then, and we have concerns that perhaps they never really should have been there in the first place. Terry's Creek was designated as a critical environmental area by the Town Board in 1988. By doing so the Board recognized its natural attributes and you were supposed to protect them for everyone to enjoy and that just doesn't seem to have been the case over the past few years. I would like to submit, for the record, the Boater's Guide from Save the Bays and the book Clear Water which was also done by Save the Bays and they do talk about water pollution and the affects of boaters in our creeks and harbors. Thank you."

David Boyd: "My name is David Boyd. I'm the educational director of the LI Water-ski Team. Members of the Board, members of the community and members of the LI Water-ski Team. First and foremost, I'd like to say that I agree with the beautiful lady at the end of the first row over here and all the statements that she has made. I come here tonight with some deep regret in my heart, for it was never the intention, prior, now or never will be, the intention of the LI Water-ski Team to create any ill will within the community and we make that pledge and that stand. Any activity that has gone on has been unbeknownst to the management of the team and hopefully, we have as resolution at the team that people would be dismissed from the team if activity that is abusive or disruptive will continue. As far as the environmental issues go, I understand that the area we are now occupying from a skiing standpoint, at one time was a duck farm. Duck farms were emptying out into this area and it was very polluted. It was not very fit to utilize and it was quoted saying by a member of the Town, that since we have been there, the water there has never looked so good, because of the aeration of the propellers of the boats. Our boats are non-polluting, they're above exhaust boats, they're not an outboard with an oil mixture, they are straight inboard. No more polluting than any automobile that drives on

the road system. As far as wildlife and the environment, I have two small children, we've put a display in the front up here of their activity, they're 3 and 5. They've been out boating and attempting to ski with us now since they were 5 months old. They've become very fond of the swans and ducks and the fish and the crabs out there. We see them all the time, I can't believe we're causing any impact on them. Our intentions are to be a contribution to the community, and not a hindrance to the community. It's never been our intention to disrupt anyone and we do take that stand, and I just want to make sure that everyone's clear on that and that we can and I hope, for everyone's sake, and I do feel very sympathetic and apologetic to any community members that have been offended by us or any other boaters out there, because I've heard a lot of accusations, no actual documented coverage or footage of us being the actual culprits, although I'm not saying we're totally innocent. It's kind of like going to Yellowstone Park and somebody litters, you don't close the park because of somebody offending the park. You find out who it is and get rid of them or come to a solution. I offer, the team work with the community to stay there. We have also proposed an alternative site, because we do believe water-skiing is a very productive sport, promotes athletic ability, scholastic ability, coordination, and so forth. We would like to see an inland site, made of fresh water, in the Town, with cooperative efforts, so that the community, if that's the issue, we would be out of there, and we've already proposed that, and hopefully that's still in the stages being worked on. Again, our intention is not to destroy it is to help and basically thank you for your time. Thank you."

Supervisor Janoski: "George, I'm going to save you. Yes sir. It's like the drum roll and the cymbals at the end of a one liner."

Brian Furick: "My name is Brian Furick. I am neither a member of the LI Ski Team or a resident of the Town of Riverhead, but I do have, and have maintained for the last five years, a seasonal pass to Indian Island. I do camp out there very frequently and I do fish and I am a member of the Salty Dog LI Fly Rod Assoc. and I fish year round all over the country, but I primarily base myself on LI. I have fished all around Indian Island numerous times, I've been out on the creek and in a little pond to the side of the creek. I've been there when the skiers where there and when they were not there, and I have caught fish the whole time I was there. I have never seen any disruptive pattern in the fishing. I've seen bluefish breaking and chasing bunker up and down the shoreline, even while the skiers were running up and down the shore, up and down the center of the creek. I've always had success there. I don't see where they're really causing a disruptive pattern to the fishing, per say. I've also caught crabs. I've boated all around the island and I've seen more disruptive patterns with skiers being forced out into open water where you have to navigate and negotiate around where they are than when they are in an enclosed area, where they can

not be disruptive to the normal traffic patterns of the boats. From what I can see from where they are, they do not interfere with the normal traffic pattern in and out of the creek that's off to the right which I don't even know the name of, but other boats go in and out of there, I've never seen any skiers disrupt their pattern, they come out, they turn around, they go right back in again. I've never seen any disruption from what I can tell, but I am fairly experienced in fishing and such and to my knowledge, I've never seen those boats disrupt or have any affect on the environment on that area. As far as the wake goes, I do wade a lot, I wade waist deep up to chest deep with the chest waders, the wakes on those boats is very flat. It does not make big rollers. The shoreline along there is extremely hard, drops off very abruptly to a mud type base. When the waves come in, there's a lot of grass in there. Walking through it causes more damage to the wetlands over there than the water ever did and I could never see any even oiled or muddy water walking through there. In my opinion, I think they should stay. I've never had a problem with them and they've never been discourteous to me so, I'm down here because I saw it on Channel 12 and I've been around here for a long time and I also have skateboarded and I've dirt biked and I've gotten pushed out of areas where and you need place where you can safely do certain sports. This sport is one of them. It's dangerous to do in an open area where people have no control over running back and forth across their area. They need and are where they can be closed off from and I don't feel they should be shut out because I have been shut out from other sports before. That's all I have to say."

George Schmelzer: "My name is George Schmelzer from Calverton. The gentleman before, not this last one. Two or three back, he made an inference that duck farms polluted the water. Duck farms fed the fish. We got no duck farms, now we got no fish. That's the reason. What do you feed a garden with? Certain things the ducks fed the fish with."

Supervisor Janoski: "I hope not."

George Schmelzer: "You hope not? Well that's the end of that. It was mentioned that they might need a fresh water ski area. I've got it ready for them right in Calverton. I'll even rent them a spot to launch their boats, to build a forge there, and maybe a little more to rent them parking spaces too. That river's about a mile long there. The deepest part is about 7 feet and a couple place might have a couple little stumps in, but it would be good. Water is fresh, I don't care how much the splash the water. I'd even rent them the water if they need that, if they're interested. If you can't agree on where they are now, I'll invite them down to the Peconic River, just as I said. Okay."

Supervisor Janoski: "Thank you, George."

George Schmelzer: "You're very welcome, Joe."

Supervisor Janoski: "Do you really want to follow that? If you could, just for the record, just go back to the microphone, identify yourself once again."

William Maloney: "I'm Bill Maloney, again, the attorney for the Ski Club. During the break I was handed a petition which is signed by four residents of the Hoccabauk Park who do not find this activity of the Ski Club disruptive. I just think the Board ought to have this to realize it's not a monolithic opposition."

Supervisor Janoski: "Give it to the Town Clerk for the record. Let me establish that everyone who wanted to speak has spoken. Oh you have not. Okay. "

William Maloney: "Pardon me. Just to conclude, I think the members of the Ski Club have made one thing abundantly clear, and that is, that they are here, if they can, to work with this community. They have no intention of being arrogant or to arrogate to themselves the use of this creek. I think they want to use it in common with everybody and they want to use it responsibly and I think you've heard testimony which was unsolicited by the club, that they in fact have been doing that. Now, if there have been complaints, I'm sure they can be adjusted. I was talking with some of the members during the break and one of the things that we discussed was the possibility of establishing some sort of a liaison committee between the Town Board, the club, and the members of this community. I think that would be a sensible way to adjust these difficulties as they arise without being draconian and simply rejecting an activity from the Town, which is on the face of it, healthful, and a good thing for the Town, I mean the economic benefit alone of having this club in Town, I'm reliably told, exceeded a 1/4 of a million dollars last year. I think this is the type of thing that Riverhead can use and enjoy and benefit from. Of course, this Board, you all know this area, I think you'll make your own judgement as to the consequences of this activity for the people living there. I went out there tonight, and confessably, for the first time, went and looked at the site. I was impressed by the, one, the scale of the operation in comparison to the creek itself and with regard to the distance at which one must look to find a house which could be affected. I think it's substantial. The Board will make it's own determination, but I thank you for your time tonight."

Neal Kopp: "My name is Neal Kopp. I live on Overlook Dr., Aquebogue on the southern most piece of the peninsula that separates Meeting House Creek from Terry's Creek. I think that, not that's it's a claim to fame or anything, that I'm the one that's closest to this course. One reason I bought that property down there 10 years ago was the pastoral setting, it was just beautiful. You wake up in the morning, you could see a Brontosaurus coming out of the fog over near that State Park, beautiful. That's changed due to this situation with the water-skiers. I also, in order to build out on the point, which I am

not now, I bought a house that was set back, I had to apply to the DEC and the Town to get a permit to subdivide the property. Which I did get. Fortunately, I got my toe in the door before they declared it a critical environmental area. Which, I assume means that it's more critical than the rest of the bay, so this area is more sensitive than other areas and it's a very shoal area, in the creek areas it may be 8 to 10 feet deep, but generally if you took a look at the total area of Broad Cove and Terry's Creek I would say that, this is a guess, 80% is under 4 feet. Somebody can refute me, but I don't think they're going to do it successfully. Also, they mentioned that the boats don't create a wake, they don't when they're up to speed, but the transient conditions, in other words when they're making the 180 turns, slowing down, or when they're picking the skier out of the water, there's a wake. Now, people have testified here, my neighbors, along the peninsula there that these wakes have disturbed their boats and their docks. I don't think they're damaging them, but there's certainly a wake coming down, may be several hundred feet. The water fowl, one of the things everybody likes to see, I have one nesting on my property now, I've never seen one nest there in ten years. The water fowl which Pete has noticed and a few of my neighbors when they canoe down there, is on the Meeting House Creek side. Usually these birds are over in that wilderness area with the Brontosaurus, not on the creek area where the boats come up and down. I don't know whether that has anything to do with the disruption in that area or not. Somebody mentioned before that there's a four month period. I discussed during the break period here, that they're using wetsuits until November. Now I haven't got a recollection of this, but I feel it's longer than 4 months. It goes from May til November. So, if you're sitting out there, maybe it's not 7 days a week, maybe it's more concentrated on weekends, but it's a long period of time. Another thing, last Thursday, my wife noticed a skier out there and he was 50 feet from the west bank of the peninsula, going down there from about 50 feet offshore. I don't know whether that was a club member, but it was somebody, it wasn't an apparition. They also, incidentally, moved the course. Pete said they were out there with DB meters. Sound isn't the only objection, it's just the interruption of traffic through there, the limited access to the creek when they're operating that course. They moved the course to west bound, several hundred feet. I say that the course essentially blocks access to Terry's Creek going west bound. A lot of people here that I talked to, I didn't mention, in the younger days of water-skiing, I still snow ski, but I don't water-ski, I'm too heavy, it doesn't interest me anymore. I water-skied in Oyster Bay, I water-skied in Great South Bay, I water-skied down in Florida in the Banana River, where there are always open areas and these people in this creek, I know why they're there. If you're water-skiing, it's protected, you come in there, let's say if you're sailing, or take a boat in off Flanders Bay, you get into that inlet, into Meeting House Creek, and Terry's Creek area, that wind just dies, and the best water-skiing is when you don't have wind. That's early in the morning, maybe in the evening and

these other areas that I skied in, half the time you'd want to ski but you couldn't, so you'd lose 50% of the time you'd wanted to ski because of weather conditions. These guys back there may lose 10% because it's so protected. So if we don't want them back in there that's fine, but we're not depriving them of water-skiing. They have to go to an area now where they can't ski 90%, they can ski 50%. Well, that's the compromise. Thank you."

Joan Cook: "Good evening. My name is Joan Cook, I'm from Meeting House Creek. I don't think this meeting would have been here tonight at all, unless the residents came two weeks ago. The skiers put up all their little markers and everything else. They were not considering the residents of Meeting House Creek or Terry's Creek or any other creek, they just came and did the usual thing without consulting anybody. So, I don't think they're too considerate. Thank you."

John Rather: "Thank you. My name is John Rather. I live in Riverhead. I've been walking in Indian Island for about 15 years and it's a very beautiful place. It really, it's very lovely. When you get there and there's very little activity, early in the morning around sunset and there's herons there and they're swans in the water. The minute the water-skiers arrive the whole situation changes, the creek is completely altered. First of all they put in their buoys, which remain there permanently, from, I think they came in April this year, and they leave in late October or November and they do make noise. The noise pattern is usually that when somebody falls down, they have to stop, turn the boat around and get ready for the person to ski again and then that person will usually yell out something like "pull" and then the engine makes a lot of noise as they get it started again and as somebody mentioned, whenever they turn around there's also more noise. So, for the period of time that they're there, and usually they're there for virtually the whole day, invariably when you go to the park, they're there during the months that they have that area. There's a lot of noise and in fact they completely dominate and take over that creek. If there are any swans or any other wildlife around there, it has to, everything is gone during the time that they're there. Seems like an incredible benefit that you gave them, I want to just speak from the perspective of the people that use the county park, and have access to the water only because it is a county park, not because they own property on the water and that would apply to anybody in Suffolk County, so I would think that the interest of people who like to use the park and go there for the quiet of it would have to be in for the peace and the beauty of it, would have to be a consideration in what you're considering here, so I hope you'll rescind that permit. I think it's a really inappropriate use for that area. Thank you."

Supervisor Janoski: "The young man with the white top, you haven't spoken yet have you? Actually, did you have your hand up? It seemed to me the other fellow had his hand up."

Jim Droze: "My name is Jim Droze and I'm not currently a member of the Ski Club, but I was last year and I read an article, cause I noticed a couple of people came up concerned about the environmental pollution and no question about it, boats do pollute the water. One of the reasons I haven't rejoined the club this year is because my boat. A new boat that I bought last year, is an outboard which is suitable for water-skiing, but I'm not allowed in the creek because it does put pollutants in the water. Now the only boats that they allow in the creek are of the inboard nature that put absolutely no pollution in the water and vent it out in the air, just the same as car would, or anything else. I read an article, and I'm sure the LI Ski Club could provide documentation of this, that they actually had fish farms that the water that they ran these type ski boats through and the water became cleaner and healthier because of the aeration. It actually helped improve the water as opposed to hurt it. That's all."

Tyler Cornell: "Hi. My name is Tyler Cornell. I'm from Southold."

Supervisor Janoski: "That's a great name, Tyler."

Tyler Cornell: "Thank you. I live in Southold. I pay to have a truck take my boat up to Terry's Creek when I train. The reason I do that, and it's very expensive and also that money is going into the economy, the local economy, is because, unlike somethings that have been said in the past, it is not possible to ski 50% of the time just because of weather conditions. At the level of skiing that we ski at in competition right now, you may have a 5 to 10 percent chance of skiing in local open waters they way that we ski, without breaking a neck or seriously injuring ourselves, like many past incidences have happened in the open waters, I have scores to show you. We have a little bit of a problem here and as it's been said, we want to work with everyone. It's also been said by other speakers that many of them have fished, clammed, camped, parked, many of the other extracurricular activities all over LI, all over the United States, as it's known, this is the only place we can ski at the competition level that we ski at. I'm just open to talking with the community about helping this program out and maybe supporting the requests that we had of possibly having an inland sports center, which would attract many thousands of tourists, as a matter a fact, with possible national events and other events of that sort that the program could be used for, but like I did say, this is the only place that we can ski. If we can help each other out and find another place, be happy to hear from it. Thank you."

Supervisor Janoski: "Alright, you had your hand up, did you to want, I'll get you..."

Walter Shackel: "Walter Shackel from Aquebogue. We've been hearing a lot of half truths over here. From the very beginning..."

Supervisor Janoski: "I wish you wouldn't characterize it that way, just give your perspective."

Walter Shackel: "Okay. That we've been hearing things that were not... How else can I put it?"

Supervisor Janoski: "Accurate."

Walter Shackel: "It comes the same way, not accurate. Okay. Not accurate. When they first started we came down here and we mentioned that we were going to go to DEC, the EPA and the Coast Guard and all these other departments. They put an article in the paper that they got permission from the DEC, the EPA, the State, all over. We called these offices up and they told us they don't give permits for this. It's not in their jurisdiction. The last article they had in the paper they said they got a permit from the State, from Indian Island Park to ski in that area. The State did not give them a permit to ski in that area. They also say that they have pollution free engines. The pollutant goes into the atmosphere and where does it go from? It goes from the atmosphere, it has to come down somewhere, it has to go down into the water. They talked about the wildlife there. They chased those swans all the way up the creek and now they can't live there anymore, they're coming down the creek. That's why they're in residential areas. This person talked about fishing. I crab there, I eel there, I fish there and I'm swamped several times in the early morning by these boats. Now, about moving the buoys, I verify that. They did move the buoys and they did make arrangements with the buoys and the floats. They did do that. It's a hazard to navigation. We saw a boat once come in that area there and head for the float, thinking that it was a marker, a buoy, a channel buoy and twice he got stuck on the sand bars over there until we finally realized, we said, you know what, he thinks those are channel markers, he's not familiar with this area over here. Now talking about aerating the water. Now you got to believe in these, may I saw that if you believe in these, you believe in the tooth fairy. Aerate the water? For what? We can't clam in there. Those selfish in there we can't use. It's polluted. If you take a test now it's still polluted, they're there or not. Someone said about the bunker coming in. Yes. You could walk on the bunker coming in. When these boats are in there, those bunker are not going to come around there any more. Now, when you gave that permit in the beginning it was more or less of a wait and see if there are any complaints. We waited, we saw and there are many complaints. Yes. There are a lot of complaints, we all feel that they don't belong there, that they belong out into the bay. Regardless of what? They belong out into the bay. Now it got to be a big entertainment center, another Coney Island. That's what it's going to be. Let's bring in more tournaments, let's bring in more of everything and the more you bring in to entertain, someone said they like to stand around and watch them. I mean how much can you watch? When you see them once, twice, you see them all. What kind of entertainment is that? Now, in Indian

Island, these people stand down there and they say, another fact..."

Supervisor Janoski: "Well, the reason, let me just say something. You are taking on, this has been a marvelous hearing. Everyone has conducted themselves so well, that I am very appreciative of them. We don't want to start a conflict here. You're becoming kind of belligerent, and I hate to use the word "half truths". I just want to tell you why I say the things I do and where I'm coming from. Just tell us what you think, what your perspective is, without anger and we have a difficult problem here."

Walter Shackel: "I know we have a difficult problem and it affects me. That's why I probably sound this way, because it really hurts me deeply when I see what's going on in this area here, and people coming up and bringing big guns here, lawyers and everyone else and we come up here and we just give you the plain facts. These are the plain facts that they're interrupting the area, they're destructive to the environment, they're disruptive to the residents in that area and we'd like to see them leave. Thank you, I'm sorry if I in any way..."

Supervisor Janoski: "No problem. My only concern is that your action might cause a reaction and what I would like to do is have a very nice hearing as we have had so far. Tell us what you have to add to this."

Mary Yablonski: "Well it has to do with the environmental issue."

Supervisor Janoski: "You have to tell us who you are."

Mary Yablonski: "Mary Yablonski."

Barbara Grattan: "Could you spell your last name please?"

Supervisor Janoski: "Oh come on."

Mary Yablonski: "Y A B L O N S K I. I'm much better at bird watching than I am water-skiing, currently and as far as disrupting the natural wildlife, I've had the pleasure of seeing Osprey dive off the side of my boat within five feet catching fish on the mornings that I've been out there. Scarlet Tanengers, swans, which really are not native to this area, they're pretty safe. They're an animal that obviously breeds well, they're established throughout many areas in the United States and this is my opinion, but I have had the privilege of seeing these animals and the Scarlet Tanenger, which I've never seen anywhere else before. I've seen him on three occasions. The Ospreys were wonderful, it was a mated pair and the fact remains that we stopped our boat, we took the time to see these birds. The Blue Herons were never affected at the times that I was there. They would roost in the trees, they would come down,

they would feed. The only thing that I ever saw that might disrupt them, was the time that when they were trying to retake some of the land, they had the bulldozers there to reestablish what I'm assuming was the depth of the marsh grasses there. So I would like to point out that the wildlife is there and that we also appreciate it on top of our water-skiing.:

Supervisor Janoski: "Thank you."

Albert Jeski: "I spoke before, I mentioned I was a member of the Audubon Society. I know for a fact the wildlife is leaving that creek. Years ago, 3,4 years ago we used to have young swans down there, egrets, ducks, no more. They're gone. Sunday, my wife and I drove out there and we actually witnessed one of the skiers heading right for a swan which had to take off into the air. Now if that swan was ready to mate, it won't mate. Not when it was spooked like it was. Another thing, as far as a compromise, why should I be not allowed to eel there? Has any member of the Board stood up in a dinghy and tried to spear an eel? You try it with the wake they cause. They stir up the sediment. You can't even see any of them. I used to go out there and get 3, 4 eels in an hour. No more, cause the creek is so stirred up. Another thing I'd like to bring out, there's youngsters that come down there during the summer, they're on floats and all. Sooner or later, an accident is going to happen. I don't care how much insurance these people have. It's never going to pay for a life or anybody that's maimed. That's all I have to say."

Cliff Cornell: "My name is Cliff Cornell. I don't ever speak in public, so this is a tough time."

Supervisor Janoski: "Is that your son, Tyler?"

Cliff Cornell: "It is my son."

Supervisor Janoski: "If I had his name I could be governor."

Councilman Prusinowski: "Oh oh. Joe's thinking."

Cliff Cornell: "He's a lawyer because of a place like this creek. I am very interested in water-skiing. I am not part of the Water-ski Team and in past experience, all of these people in the area want us in offshore waters, in the bay, whatever. We're very concerned about the wildlife. We all are and the ecology, but to take the skiers and put them out in the middle of open water, we have experienced, my brother and my sons, in the Great South Bay, while waiting to ski, one of the skiers falling and getting hit by one of the superboats and shredded. This happens to be a very safe place and everybody is organized. This won't occur there and it's the only hope they have to ski in sheltered waters where they're safe. So, that's all I have to say, I think we ought to take the human side of it."

Supervisor Janoski: "Thank you. Well, have we said all there to be said? Okay. What? Put your letter in the record."

Barbara Grattan: "I have a letter here from Dennis Mueller who can't be here tonight and asked me to read this letter.  
"Dear Mrs. Grattan:

I wish to address the topic concerning the water-skiing permit for Terry's Creek. I am a life long resident of Riverhead and have worked for 21 years as a park ranger at Indian Island County Park which is situated on the southern border of Terry's Creek. During this time span I have observed the water conditions. Both it's good uses and abuses. I would like to share some of my observations and thoughts. When I started working as a Ranger back in 1971, there was an active duck farm on the north shore of Terry's Creek and it's operation existed for many years. During that time the creek was totally fouled with bacteria, duck waste and who knows what else. No vegetation grows in Terry's Creek to date, due to the accumulation of several feet of muck deposited over the years on it's bottom. A person still can not walk on the creek's bottom without sinking to their knees in black goo. The State Environmental Office has closed this area for many years because of the pollution. For the past couple of summers, I have watched the ski boats and skiers polish their skills and enjoy their sport. During that time, I also noticed that the constant use with the boats and skiers had churned up the heavy muck on the bottom too. This has helped to break up and dislodge some of this muck allowing it to go out with the tide, thus speeding up an otherwise very long and slow breakdown process of this accumulated waste. I do believe the skiing activity is very beneficial to the eventual restoration of the creek. At the same time I can also understand some of the people's complaints on noise and monopolizing an area. I do believe an equitable solution could be worked out benefiting the residents, skiers, and Terry's Creek. I fell this could be accomplished by limiting the number of hours of use and by placing a specific time schedule on certain days so as not to disturb the local residents at those particular hours. I do believe the people in the Ski Club support worthy programs and do the water-skiing sport justice, while a side benefit may well be that Terry's Creek will clean up a little faster. It is my wish that all parties concerned will take a moment to consider each other and come up with a solution beneficial to all. Thank you for your time, respectfully, Dennis Mueller."

Vic Prusinowski: "That's a good way to end the hearing."

Supervisor Janoski: "Before I close the hearing, I am going to guess that a lot of you are not going to stay here with us, although I would like to make you. You're probably going to go home and find out what happens in the second showing of "The Intruders", which I watched the first part of, but I'm going to ask you to do this, if you are going to leave, do it now. Don't stay in this room to have conversations, have your conversations out in the corridor or out side the building because we have more business to conduct here. I thank you for the, what?"

Unknown: (Audience member) "It's just a letter from the DEC confirming that they don't give permits for this activity."

Councilman Prusinowski: "We have it."

Unknown: (Audience member) "Oh, you have it?"

Supervisor Janoski: "Yeah. It's in here. It's like Prego. So, I want to thank you for the way this meeting went. You have my admiration in a very controversial issue. You conducted yourselves very well and I thank you for that. Let's have some order in this room. We are going to take up the resolutions and after we complete the resolutions, I am going to adjourn this meeting."

**RESOLUTION #304 - MEMORIALIZING RESOLUTION REGARDING THE AIRPORT PROPOSAL AT GRUMMAN**

Councilman Stark: "Resolution #304 and I will read this one into the record. It is entitled "Memorializing Resolution Regarding the Airport Proposal at Grumman". Whereas the LI Regional Planning Board has identified the existing Calverton Naval Weapons Testing Facility as an existing utility site which has an opportunity for public/general aviation and/or joint military use, whereas the Federal Aviation Administration has initiated a Calverton Airport Feasibility Study in order to study the potential for public/general aviation and/or joint military use to include the operation of a cargo airport as a general public use facility such study to be completed by the LI Regional Planning Board. Whereas the governor of the State of NY has identified the Calverton facility as an essential ingredient in the future economic development of Nassau and Suffolk Counties and whereas the facility lies within certain recognized identified areas of regional environmental significance, including, but not limited to, one, deep recharge area for a sole sourced aquifer, two, the Central Suffolk Pine Barrens, three, the special ground water protection area as defined by the environmental conservation law, four, the wild and scenic recreation rivers area as defined by the commissioner of the NY DEC, five, a critical habitat, a new unique ecosystem as identified by the Suffolk County charter and the Town of Riverhead Zoning Code. Whereas the County of Suffolk has acquired hundreds of acres in and around the existing facility in order to protect the existing water supply and fragile ecosystem, and whereas the general vicinity surrounding Calverton facility is characterized by a mixture of residential and agricultural uses, predominantly agriculture. Whereas the LI Regional Planning Board has recognized the importance of the resulting environmental cost of the proposed public/general aviation and/or joint military use facility in the assessment of economic feasibility. Whereas environmental impacts associated with the public/general aviation and/or joint military facility include impacts resulting from excessive noise, impacts resulting from facility operations upon ground water resources, and impacts upon

air quality, particulate matter, fuel, affecting agricultural production and whereas the mitigation of these impacts is expected to result in significant costs affecting the economic viability of the airfield and whereas the Town of Riverhead has an identified policy of supporting the agricultural industry and preserving rural character and promoting tourism. Whereas from the onset, the establishment of a major public/general aviation and/or joint military use facility within the Town will significantly impact upon the rural character of the community and the goals and objectives the Town has established in its adopted master plan. Whereas the development of the facility by the LI Development Authority will, by definition, exempt the facility from payment of local real estate taxes. Now therefore be it resolved that the Town Board of the Town of Riverhead require that in the development of the feasibility study of the Calverton Naval Weapons Testing Facility as a public/general aviation and/or joint military use facility, all anticipated environmental costs be assigned a value and be made part of the traditional cost/benefit analysis to be forth coming and be it further resolved that it is the intuitive sense of this Board of sufficiently mitigating all environmental impacts could be excessive, rendering the proposed facility uneconomic and nonviable as an exclusive cargo facility or air passenger facility or the combination of public/general aviation and/or joint military use facility and be it further resolved in the development of the Calverton Airport Feasibility Study all reasonable alternative uses be explored with particular emphasis on dry agricultural uses of highly technical nature which could rely upon a more limited use of the existing facility and thereby reduce significantly environmental costs. Be it further resolved, that it is the position of this Board that due to the long term business decisions of the Grumman Corp. there could be a change of use on this property and that such reuse shall be specialized at a price which is compatible with the existing resources of the Town of Riverhead such policy being the basis of the proposed incubator program. The Supervisor, I so move this resolution."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "And I claim the privilege of seconding this resolution. So there. Please call that we're moved and seconded."

Barbara Grattan: "Gilliam?"

Councilwoman Gilliam: "Mr. Supervisor, I have some concerns about the language in this resolution, particularly language suggesting as to what shall be required as to the use of this land when it is in fact federal property. Also requiring that the feasibility study take into account certain aspects of environmental incompatibility. I think that's the express purpose for why the feasibility study is being conducted, I think the thrust of this should be that there should be local

participation from the people of Riverhead to insure that there is an objective study and to insure that any proposed use or alternatives will be compatible with the quality of life that we have and enjoy in Riverhead and what better way to do that than have actual participation on the study itself and I have volunteered of my time to be on the study to insure that these concerns are addressed and because of my participation on the study to insure that it is in fact an objective study, that it does take into consideration our environmental concerns as well as the quality of life concerns and that there is local participation. I don't think that the resolution properly addresses those concerns and I'm going to abstain."

The Vote: Creighton, yes; Stark, yes; Prusinowski...

Councilman Prusinowski: "I understand that this resolution is more of a philosophy statement from the Town Board. We are participating in the study. The Town has membership, official membership, along with Councilman Creighton and Councilwoman Gilliam. This is just setting down some principles and understanding similar to what we did with the estuary document which we sent to, along the way for the nomination document for the estuary program for Peconic Estuary system, where we outlined some of our basic principles. I still fully support participating in the study. I'd like to see what the study produces and the concerns that Harriet has raised. I hope they are addressed and again, I call on the LI Assoc., the Governor and some of the State officials to stop coming up with these cock-a-may-me schemes and start addressing real ways in which we can get the cost of government under control today, in Nassau and Suffolk County, and keep some businesses on the island today, instead on things that might not materialize for another ten years and stop wasting a lot of our time. I know where this whole concept is from and in the meantime we've had several industries in the last 6 months that have moved off of LI, down to the south, taken jobs with it and those problems, the reasons that they left, and it's not all locals fault, and other reasons why they left are still not being addressed on the State level, in fact, they're still sending down mandates without sending us any help. They can't even balance their budgets, so I vote yes on this resolution as a matter of stating of the principles. I vote yes."

The Vote: Janoski, yes. 4 Yes.

**RESOLUTION #325 - AUTHORIZES SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI TO REPRESENT THE TOWN OF RIVERHEAD**

Councilman Prusinowski: "Authorizes Smith, Finkelstein, Lundberg, Isler & Yakaboski so forth and so on to continue the NY State appeal for our landfill law, so moved."

Councilman Stark: "And I gladly second that."

Supervisor Janoski: "Moved and seconded."

Barbara Grattan: "Gilliam?"

Councilwoman Gilliam: "I have some concerns about this resolution in terms of us continuing and the manner of litigating this issue, I'm concerned about the cost of litigation. Reports I received from the accounting office with regard to costs over the last two years indicate that we have spent a substantial amount already on litigation and consulting fees in regard to this lawsuit and yet we have not come up with a concrete alternative plan for any interim action and I think that there should be more responsible action with regard to developing an interim plan in the event that the landfill is closed, so I vote no."

Councilman Stark: "Does the Councilwoman have any alternative plans?"

Councilwoman Gilliam: "Well I noticed that the DEC has indicated that they are willing to work with the Town and discuss developing a plan and I suggest that those options be pursued with the DEC in terms of what interim arrangements can be made with their approval."

Councilman Stark: "Had we done that about two years ago, we would have cost this Town, close to, well better than 3 million. I don't know the figures that you got up from the Accounting Office, and whether you coupling them together with the case that we're defending about the permit for the landfill or you're segregating the cost of the landfill closure lawsuit separately or what, so in my recollection of what has been told me, our fees for fighting this litigation have been between 40 and 50 thousand dollars, our share with the other two towns. Now that's for the landfill closure, not for the permit that they say we have been operating without since 1983 and I venture to say that I'd spend 50 thousand dollars every day to save three million and that somebody in this Town is going to have to pay, whether it be out of pocket or through taxes, so I think you ought to reassess your opinion of continuing this lawsuit, because really, we're buying more time which is saving us approximately 8 to 10 thousand dollars a day. Thank you, Mr. Supervisor."

The Vote: Creighton, yes; Stark, yes.

Councilman Prusinowski: "We are proceeding to a final solution. The appeal for the landfill law was never meant to forestall the ultimate closure of the landfill. We won't be out of the landfill business, we are going to, one of the reasons for the garbage districts is to get the recycling up to snuff. Right now the recycling is doing okay in Town, but it could be better. The goal is to get as much out of the waste treatment as possible, because we dispose of that at approximately 1/10 the cost of the regular garbage. Should the landfill close in 90

days, I just read in NEWSDAY the other day until the composting plant is completed, Smithtown was accepting out of town garbage at 50 dollars a ton for the incinerator. I think as recycling takes effect in other parts of the County and the State, there will be competition from these incinerators to take our garbage at an affordable price. So actually, in the long run, by waiting, we're in a good position to save a lot of money. I mean, I'm not crazy about spending more legal fees on this crazy law either and I wish the DEC would be a little more reasonable, but the legislature never changed the law to be fair to the DEC. They never acted. I vote yes."

The Vote: Janoski, yes. 4 Yes, 1 No.

**RESOLUTION #341 - AUTHORIZES ATTENDANCE OF MONIQUE GABLENZ, JOHN HANSEN AND PATRICIA MOORE AT SEMINAR**

Councilman Creighton: "This authorizes the attendance of Monique Gablenz, John Hansen and Pat Moore to seminar in NY City and they'll be watching each other I guess, so moved."

Councilwoman Gilliam: "Seconded."

Supervisor Janoski: "Moved and seconded."

Barbara Grattan: "Gilliam?"

Councilwoman Gilliam: "I have some problems with this resolution in that there are three persons from the Town going to the same seminar in NY City. The brief information that I did get regarding the seminar indicates that the cost per person of a non-member of this organization is almost 1,100 dollars a piece. The seminar talks in terms of proper financing and establishing proper controls and dealing with payroll issues and if any individual is to go with regard to this definition the program format, I think it should be Mr. Hansen, but I don't see a need for three people from the Town to go to this particular seminar, so I vote no."

The Vote: Creighton, yes; Stark, yes; Prusinowski, yes.

Supervisor Janoski: "Let me say that the three individuals are going to a seminar on Worker's Compensation which is very costly to the Town, we are, just our premium on a yearly basis is 30,000 dollars, we have, oh, a month, a month. We have 15 people out of 250 employees who are currently out on Workman's Compensation. We are sending the Financial Officer, Deputy Supervisor, and the Town Attorney, who is staying with a relative to save us money. Yes."

The Vote: 4 Yes, 1 No.

**RESOLUTION #344 - AUTHORIZES THE ISSUANCE OF AN ADDITIONAL \$225,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY,**

NY TO PAY ADDITIONAL COSTS OF THE ACQUISITION OF THE PROPERTY COMMONLY KNOWN AS 414 EAST MAIN ST. TOGETHER WITH THE BUILDING LOCATED THEREON AND THE RECONSTRUCTION AND EQUIPPING OF SUCH BUILDING IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NY.

Councilman Prusinowski: "I regretfully have to move this resolution which is an atrocity to the taxpayers. Talk about a waste of money. We, many years ago, were forced to buy 414 East Main Street because it turned into a slum after we failed to get any cooperation from the Social Services Dept., the Health Dept., it was an absolute mess. We though we bought it for \$144,000, as it turned out we had to pay another \$190,000 more plus interest because they have seven years after a condemnation. This is a classic example of why sometimes we're reluctant up here to do certain things and where individuals abuse the system and this landlord not only abused the system of the taxpayers, he also hurt the tenants who tried to live in this, it was a pig sty, so moved."

Councilman Stark: "Seconded."

Councilman Prusinowski: "I doubt if the funeral parlor wants to buy this for \$282,000 for a parking lot, but we could try to sell it to them."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Supervisor Janoski: "Without objection, this meeting is adjourned."

Eileen Drower: "I object."

Supervisor Janoski: "Well, you can object all you want."

Eileen Drower: "Point of order."

Supervisor Janoski: "Are you serious?"

Eileen Drower: "Yes I am! I'll only keep you a minute gentlemen. Eileen Drower, Wading River. Since we've spent so much time this evening on water activities in the Town, I would like to know the status of the dredging of the Wading River Creek, down by the ramp. You were dredging it out."

Supervisor Janoski: "Well now if you had spent some time you would known that we spent the last two weeks dredging it."

Eileen Drower: "I walk down to that beach everyday and I see it, and I've seen it at all different tides. We can not

launch out 20 foot boat into that creek at high tide. At high tide there is a sand bar out from the ramp, I'm not talking about the mouth of the creek, I'm talking about at the ramp and even at almost high tide to the north of the ramp, on the sand bar there's.."

Councilman Prusinowski: "You're talking about it low tide you can't."

Eileen Drower: "Low tide? Forget it! I don't know how you can get a canoe in there. I don't know how the lobster men can get in."

Supervisor Janoski: "I'm not remembering what the parameters of the dredging permit are, specifies.."

Eileen Drower: "Well it doesn't come, you know the big bulge just south of the mouth, and then the creek on the east side does this, they've taken out some of the bulge, but they haven't come south of that."

Supervisor Janoski: "I will repeat. The permit for the DEC expresses very clearly the parameters in which we can dredge. Exactly where and exactly where we have to put the sand. I will find out what the situation is."

Eileen Drower: "Please do. We were told that the Town has no place else to put the sand, therefore they can't dredge anymore. You're going to get complaints from all the boaters."

Supervisor Janoski: "Who the hell told you that one, if you pardon my French, who told you that?"

Eileen Drower: "A number of people."

Supervisor Janoski: "No, now come on."

Councilman Stark: "Who are the number of people?"

Supervisor Janoski: "Tell me one person that told you."

Eileen Drower: "Del Cosera."

Supervisor Janoski: "What the hell does she know? Without objection this meeting is adjourned." 10:26 p.m.

BG:gah

Barbara Grattan  
Town Clerk

