

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, March 16, 1999, at 2:00 p.m.

Present:

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

Also Present:

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

Absent:

Mark Kwasna,	Councilman
--------------	------------

Supervisor Villella called the meeting to order at 2:00 p.m. and the Pledge of Allegiance was recited, led by Gary Pendzick.

Supervisor Villella: "Thank you, Gary. Are we going to approve the minutes of March 2nd?"

Councilman Cardinale: "I move to approve the minutes of March 2nd."

Supervisor Villella: "Second?"

Councilman Lull: "Yes."

Supervisor Villella: "Second by Mr. Lull. Okay. Moved and seconded."

The Vote: "Cardinale, yes; Kent, Yes; Lull, yes; Villella, yes. 4 yes and 1 absent."

Supervisor Villella: "Barbara, would you please read the Reports."

REPORTS:

Receiver of Taxes	Total collections to date: \$33,296,934.49
Juvenile Aid Bureau	Monthly report for January and February
Recreation Department	Monthly report for February, total collections: \$4,020.40
Open Bid Reports	Sewer Department- general and mechanical construction which were opened on 3/1/99, six bids were received Ventilating and air-conditioning opened on 3/1/99, two bids were received Plumbing construction, two bids were received Electrical, 10 bids were received Landscaping services, opened on 3/8/99 at 11:00, 13 bids were received Water meters, opened on 3/8/99 at 11:05, five bids were received Parking Meters, opened on 3/8/99, one bid was received Snack Vendors, opened on 3/8/99, two bids were received Roll-off containers, opened 3/8/99 seven bids were received

APPLICATIONS:

Special Permit	SMSA Limited Partnership d/b/a Bell Atlantic Mobile Camp Baiting Hollow, Sound Avenue, Baiting
----------------	--

	Hollow, public utility communication facility
Shows & Exhibition Permit	John J. Juston-Granger Bell Park March 18 at 11:0 to 1:00 p.m. and 2:30 to 3:30 p.m., open air preaching with brass quartet

CORRESPONDENCE:

Petition	Residents from Fox Meadows, Church Lane, Aquebogue requesting that the current proposal be scaled back of 28 homes to a number more reflective of the town of Riverhead's increased concerns for the preservation of open spaces
Barbara O'Kula	Thanking the Assessors' Office for the courteous and efficient manner extended to her during the STAR deadline
Allen Smith, Esq.	Letter of resignation as special counsel to the Town of Riverhead
Robin Harrington	Urging the Town Board to deny the application for change of zone for Traditional Links
James Garfield	Urging the Town Board to deny the application for a change of zone for Traditional Links
North Fork Environmental Council	Regarding Traditional Links golf resort draft environmental impact statement
Chamber of Commerce	Endorsing the plan for the Town Board put forth by the Theatre Committee of the East End Arts Council

Supervisor Villella: "Thank you, Barbara. We'll go into the

public hearing."

Public Hearing opened: 2:16

Supervisor Villella: "Let the record show the time of 2:16 has arrived. Would you please read the public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York, at 2:05 p.m. on March 16, 1999 to hear all interested persons who wish to be heard regarding the extension No. 55 to the Riverhead Water District Maritime Funding Group, LTD."

Supervisor Villella: "Thank you, Barbara. Dennis, would you like to-- "

Dennis Kelleher: "Good afternoon. My name is Dennis Kelleher from the engineering firm of H2M. We are the consulting engineers for the Riverhead Water District. At the request of the developer, we have been authorized to prepare an engineering study to evaluate the proposal to extend the public water of the Riverhead Water District to a single lot just off of Route 25 in Calverton. This proposed extension is known as extension 55, Maritime Funding Group Ltd.

This one acre site includes an old school building that has been converted into a proposed art gallery. The lot is located approximately 500 feet east of the existing Riverhead Water District boundaries. The existing water main presently exists at the intersection of Edwards Avenue and Route 25.

In order to provide water to the site, approximately 675 feet of 12 inch water main will need to be installed on the north side of Route 25. The estimated cost of the project is approximately \$30,600. This includes construction costs, engineering, inspection, legal and contingencies. The total cost of the project will be paid by the developer.

In addition, there will be a key money charge of \$2,500. The estimated water use for the proposed development is approximately 300 gallons per day. Noting that the Riverhead Water District is in the process of building two new additional water supply wells, the Riverhead Water District does have sufficient water to provide for this proposed development.

Thank you."

Supervisor Villella: "Okay. Thanks, Dennis. Would anyone like to speak on this public hearing? Steve."

Steve Haizlip: "Steve Haizlip of Calverton. May I ask if this is the old school that's been renovated for the art to Mr. George (inaudible) how's that last name?"

Councilman Lull: "That's right. That's what it is, Steve."

Steve Hazlip: "Let him have it."

Supervisor Villella: "Thank you. Anyone else like to speak on it? If not, the time is 2:18 has arrived. I declare the public hearing closed."

Public Hearing closed: 2:18 p.m.

Public Hearing opened: 2:19

Supervisor Villella: "The next public hearing. Let the record show the time of 2:19 has arrived. Would you please read the public hearing."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 2:10 p.m. on March 16, 1999 to hear all interested persons who wish to be heard regarding the increase in the budget over the original authorized amount of \$435,222.28 to cover additional construction expenses of Ashley Homes in construction of a lateral water main comprised of 585 linear feet of water main and appurtenances along Anna Court in Wading River, at the sole cost of the developer and at no cost to the District."

Supervisor Villella: "Thank you, Barbara. Dennis."

Dennis Kelleher: "Good afternoon, Dennis Kelleher from H2M, consulting engineers for the Riverhead Water District. I would first like to correct, I think something Barbara just mentioned. There was a typo in the notice of the public hearing. It is not-- the total amount of the project is not \$435,000. It's \$35,222.48. I think

someone would have a heart attack if they-- okay.

Actually this project is a little different, excuse me, this hearing is a little different than our normal public hearings. This was an eight lot subdivision which is located off of Sound Road in Wading River. The previous public hearing was held in June, 1997 with a total project cost of \$32,223. The project was bid in July of '97. Water mains were installed and placed into service in September of '97. Once the project was completed, the total project cost was \$35,222.28. The developer has deposited the full amount of the cost with the town. However, since the Town Board has only approved expending a cost of \$32,223, we are asking at this time that the project cost be increased to match the actual expenses of the project.

Again, this is no additional cost to the-- no cost at all to the Riverhead Water District. All costs to be borne by the developer and the developer has already put up the funds.

So the total increase is \$200, excuse me, \$2,999. Thank you."

Supervisor Villella: "Okay, Dennis. Anyone would like to speak on this public hearing? If not, we declare the public hearing closed at 2:21."

Public Hearing closed: 2:21 p.m.

Public Hearing opened: 2:22 p.m.

Supervisor Villella: "Okay, let the record show the time of 2:22 has arrived. Would you please read the public hearing, Barbara?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 2:15 p.m. on March 16, 1999 to hear all interested persons who wish to be heard regarding the consideration of the supplemental draft environmental impact statement as prepared by Coastal Environmental Corporation in support of the site plan applications of Maidstone Landing LLC to allow the construction of 82 condominium units on property located at Sound Avenue, Riverhead."

Supervisor Villella: "Thank you, Barbara. Anyone would like to speak on this? The applicant-- would you like to speak on this, or,

okay. All right. Pete."

Peter Danowski: "My name is Peter Danowski. I really don't care to speak at this point. I would note that Bill Fried (phonetic) is here. He certainly would love to speak to you for an hour or two, but the processes to date, I think he's pointed out many of those before. If you want to hear him again at the end of this meeting, he may wish to say something. We have Jeff Seamon (phonetic) our professional, who has prepared the draft environmental impact statement that has been accepted by this Board. He, as well, will wait until comments are made before he responds at the end of this hearing. Thank you."

Supervisor Villella: "That will be fine. Thank you, Pete. Yes, sir. State your name."

Henry Moeller: "Good afternoon. My name is Henry Moeller. I'm a professor of Marine Science at Dowling College and I'm speaking as President of the Suffolk County Archaeological Association regarding Maidstone Landing."

As we have testified before regarding the Maidstone Landing development, the stage 2 archaeological excavation carried out (inaudible). This report for the EIS should not have been accepted by the town Planning Department. The entire report is of poor quality especially since the site is a (inaudible) zone which is a very rare event on Long Island. Out of six archaeological areas, only one area four was examined. Why were the others ignored? The archaeologists excavated seven units, five of which were done by backhoe, with monitoring. This is inexcusable especially since this is a rare and highly sensitive site.

The site boundaries were not determined adequately. They were determined after only one negative test hole, not the two or more generally considered acceptable.

There was no adequate depth description of the soil horizons. The lead archaeologist monitored growth construction during their work. This should never have been done until after it is completed. The laboratory work was of poor quality. There's no breakdown of the stone (inaudible) into primary, secondary and tertiary plates, and many excavated artifacts discarded. Much as the same firm carried out inadequate work at Cutchogue.

The site was stated to be eligible for the National Register, yet there is no site interpretation here adequate to secure it. The revised EIS has for the stage 3 excavation only a one page letter with no report which is totally unacceptable. It is very strange that thousands of artifacts were found in the stage 2 excavation but Mr. Greenhouse states that only after several hundred which are not described or found in this stage 3. Usually it is the reverse.

The archaeologist who did not write an adequate stage 3 report have broken New York State, New York Archaeological Counsel and Register of Professional Archaeological rules and could be subject to loss of (inaudible). Since such poor work was done, there is no guarantee that the archaeological site shown on the Young & Young February 4, 1999 map #3 has been adequately recorded or salvaged.

We recommend that those buildings be eliminated or moved off the archaeological site to the scenic easement parcel A to the Sound. This type of mitigation has been done by Southampton town at a North Sea site, by Huntington town at the Greenlawn site, by Smithtown at a Commack site.

Kindly let us know how you plan to protect this unique prehistoric site from further unprofessional handling.

Sincerely yours, Henry Moeller."

Supervisor Villella: "Thank you, Henry. Anyone else like to speak on this public hearing? Carolyn."

Councilman Kent: "Excuse me, Mr. Moeller, is that your name? Do you have a prepared statement that you could submit to the Town Clerk that we could-- that could be distributed to the Town Board members?"

Supervisor Villella: "Do you have a copy of it?"

Henry Moeller: "Yes. I will see that you get a copy of this at the Town Clerk's Office today."

Councilman Kent: "Okay."

Supervisor Villella: "Thank you. That would be fine. Carolyn."

Carolyn Zenk: "Good afternoon, members of the Town Board, Counsel. Hope you're well. My name is Carolyn Zenk. I'm an attorney at law. I have a certificate in national resources law and ocean coastal law. I've also worked for about six years as an environmental analyst and a land use planner with the Group for the South Fork and this afternoon I'm representing the North Fork Environmental Council.

I've had a chance to look over the environmental assessment form, the supplemental environmental impact statement and the developer's environmental assessment map. I've compared where we were a number of months ago with the Maidstone to where we are today and I'm going to present a number of maps to show the progress that we've made to date.

In general, I'd say there are definitely some improvements over the former plan but they are inferior in some respects to the old Sea Watch plan which had an easement on it and, finally, there are some critical pieces of information missing including a thorough analysis of the areas of environmental concern such as archaeology and also a thorough analysis of the remaining vegetation on the site.

I have the old plan of Maidstone in my hand here which Henry is going to give me a hand with. It doesn't have a back so I'm going to just ask him to hold it up and we'll deal with it from there.

Can the Board see this or should we turn it-- "

Councilman Lull: "That's okay, Carolyn, but you are going to have to go back to the microphone so that the transcription can pick you up. You need both microphones. You need to talk to both of them because the other one is a tape recorder for transcription."

Supervisor Villella: "Can you see it from there, Carolyn?"

Carolyn Zenk: "No. But we'll just deal with it. I've looked at it so many times."

Supervisor Villella: "You can turn it the other way towards you a little bit."

Councilman Kent: "I would think you'd have this memorized by now."

Carolyn Zenk: "Yes. I think I do. You are looking at the Maidstone development plan as it was a number of months ago. On the

far side, of course, we have the Long Island Sound, that would be points north. In the navy blue area, you see Luce Landing Pond (phonetic). In yellow, we've depicted the bluffs along the beach. Near the pond you'll see a little bit of green area, that indicates the wetlands on the site and we have shown the old easement on site, Sea Watch compared to Maidstone. And these are the areas of concern that the North Fork Environmental Council had. We're trying to protect the beautiful bluffs on the site. We're trying to protect Luce Landing Pond and the wetlands and we're trying to at least get some of the protection that we used to get from the Sea Watch easement on the Maidstone plan.

And on the old map, you can see there's some infringement on some of these areas. In red, you'll note by the bluff area, that there are a number of condominiums that were infringing on the bluff area. Probably about 19 lots or so were sitting on top of the old Sea Watch easement and too close to the bluffs.

In the wetland area, there is the Sea Watch easement running along the pond and in red, again, I've depicted about 14 lots infringing on the wetlands at Luce Landing Pond.

There is-- I'll show you approximately where the archaeological site was-- I have to get away from the microphone just a second. I'll speak loudly. There is an archaeological site over here in red. I've showed the infringement on that area. So in general just to go over what I just said, again. You can note that the condominiums were infringing on the bluff area here in red. The condominiums were infringing on the old Sea Watch easement here in red and the condominiums were sitting on top of the archaeological site.

So we brought these concerns to the Town Board and we asked could you try and get the condominiums off the bluffs, get them away from the wetlands, get them off the archaeological site. And a new plan has come in and I'd like to show the progress that we made with respect to some of these items. And I'm going to ask to take this map down and we'll go with the most recent map."

Barbara Grattan: "Carolyn, you're going to have to go back because I'm not going to be able to get it on tape."

Carolyn Zenk: "Okay. So you are now looking at the most recent submission of the developer. He's put in a supplemental environmental impact statement and a new plan. And there is some progress made.

You'll notice along the bluffs now there's only one area in red depicted so there's one lot infringing on the bluffs rather than 19. So certainly that's improvement and the North Fork Environmental Council would like to commend the town for getting the developer to move off the bluffs and move back from that area.

With regard to the wetlands, the infringement is about the same. There was about 14 lots infringing before and you'll notice in red again, there's a similar infringement on the wetland area. So there hasn't been any progress made there.

With regard to archaeological sites, both the Maidstone and the Sea Watch plan both had problems. Six lots or so sat on top of the archeologic site before, six lots sit on top of that site today.

In the middle of the old Sea Watch project, there was a number of isolated easements and the developer had said they weren't of much value. We would agree-- they're not of much value, because there was a lot of clear cutting taking place in the middle of the site so we would agree that eliminating those and maybe adding contiguous woodland to other areas of the saved area would make a lot of sense.

So in conclusion comparing the old with the new, we'd say there's been significant improvement with regard to protecting the bluffs. There's been none with regard to the wetlands. None with regard to the archeologic site and it's uncertain whether or not more woodland has been protected. One of the big concerns that the North Fork Environmental Council has had in the past was to protect the remaining woodlands because if you recall, there's been a clear cut to the middle of the site so we had asked the developer to show us where the remaining woodlands were.

The supplemental impact statement contends that more woodlands are protected but a good analysis of that was never included in the supplemental impact statement and that frankly just didn't show where the trees were.

I'm going to ask -- would you turn to the map having to do with the bluff protection? I think it's the second map."

Supervisor Villella: "Carolyn, are they going to be speaking, because you're only allowed five minutes in each one, so are they going-- are you going to take their turn to speak, or-- "

Carolyn Zenk: "Uh-- "

Supervisor Villella: "Henry's."

Carolyn Zenk: "I don't know whether-- "

Supervisor Villella: "All right. Okay."

Carolyn Zenk: "Okay, thank you. The North Fork Environmental Council would also be concerned about clearing. This particular map which was prepared with the supplemental environmental impact statement, you'll note that there's an area in green near the bluffs and that's the area that's proposed for replanting. What had happened was the developer had gone out and unfortunately violated the coastal erosion hazard area zone as well as the old Sea Watch easement and had cleared the trees out so the developer has proposed to replant that area. Mary Laura Lamont has taken a look at the plant species in terms of quantity and quality and we think that the developer has done a good job there.

Of course, it's not going to come back to its old glory as some of those trees were 30 to 50 feet high in the past. We've got much younger trees now, but at least this is a step in the right direction.

The developer has also proposed to replant some of the wetland areas that he had cleared. There are fresh water wetlands act applicable to the site and unfortunately there were some violations near those and in general we believe that some of those replanting schemes are good and probably Mary Laura Lamont will be commenting further on that.

A technical point on the replanting. I note that there's a replant scheme in the environmental assessment form but it hasn't been included in the supplemental environmental impact statement itself, from what I gather, so it would make sense to make sure that whatever replanting is going to be done is either mentioned in a findings statement or is put in the supplemental environmental impact statement."

Supervisor Villella: "Maybe one of those comments at the end they could talk about-- "

Carolyn Zenk: "Yes, yes. And one of the biggest problems that had occurred in the past was a clear cutting. The whole middle of the

site was stripped bare and I don't know if you folks have been out to see the site, but it's quite dramatic. The perimeter of the site has a very old woodland 30 to 50 foot high trees, very lush, very vegetative. The middle of the site looks like a big desert. It's just cleared out. I don't know if it was bulldozers or what. That was very visible for miles and miles away and, of course, there was a lot of damage done with regard to Iron Pier Park and that people looking at that bluff area had to look at this, you know, big desert area.

The supplemental environmental impact statement talks about re-vegetating that area with "cultivated or ornamental trees or shrubs". What that basically means usually is lawns or low lying shrubs and one of the recommendations of the North Fork Environmental Council would like to submit is that the internal areas of the tract be replanted with native vegetation. We think that makes a lot of sense for a few reasons. First, native vegetation-- "

Supervisor Villella: "That's okay, a little technical-- "

Carolyn Zenk: "A little technical difficulty."

Supervisor Villella: "Just want to take a minute break?"

Carolyn Zenk: "Sure. Henry and Laura, you can sit down (inaudible)."

Supervisor Villella: "It's on now. That's okay. Just let everybody know on-- they'll be looking for channel 27 wondering what's happening. You can put a disclaimer in for-- okay, Carolyn, you can start again, please."

Carolyn Zenk: "The other Town Board members are returning, Mr. Supervisor?"

Supervisor Villella: "We've got three here so-- "

Councilman Cardinale: "Mark is not here. He'll be back in a moment. Here he comes."

Carolyn Zenk: "Okay, thank you."

Supervisor Villella: "Go ahead, Carolyn."

Carolyn Zenk: "All set. We were talking about the clear cutting of the interior woodland and the supplemental environmental impact statement had talked about revegetating that with cultivated ornamental trees and shrubs. And one of the conditions of approval that the North Fork Environmental Council was looking for was that the developer use indigenous vegetation, native species. And there's a few reasons for that.

First, visually we think the-- in a low lying lawn, a low lying shrub, ornamentals are just not going to buffer the-- what will be very dense development. This kind of development has 82 condos in it and when you push them towards the center of the site, especially towards a bald clear cut area, you are going to see them for miles and miles. You are going to see them from the beach, you are going to see them from the sound, you are going to see them from the hilltops. Having low lying lawns and shrubs just is not going to buffer that. And so we are recommending that native species be used, more mature species be used, and that those be replanted in the middle of the site.

I'd also point out that the environment up there is very harsh, a lot of saltwater blowing around, there's a lot of wind in that area, it's very exposed, so it's very difficult to get vegetation started again up there. Obviously a native species is going to have much better success than some species brought in from Florida or some other state or wherever where it's not in its indigenous habitat.

The native species also I think will tend to be more rooted in that area and stop some of the erosion that's taking place. A lot of those bluffs are beginning to erode away, the sand is coming down into the wetlands so the quicker you get vegetative cover out there, the more natural it is to the area, the better your chances are for that. So we ask as a condition of approval that native species be required.

In addition, we would ask along those lines that a limited building envelope be provided around the condominiums. East Hampton town does this a lot. What they do basically is they rather than telling the developer where he should keep trees in place, they tell him where he's allowed to clear. So they get a much more natural habitat there. Here, when you are looking at that hillside, if there can only be a little bit of clearing around the condominiums, there's a lot of natural lush vegetation, it's going to be less visually intrusive to the eye rather than letting the whole middle of the site be unrestricted and let the developer just plant lawns. So we're

recommending a modest clearing area and that the conservation easement not only be put on the perimeters of the site but be put throughout the site and instead just allow the developer to clear slightly around the condominiums. Obviously people want views up there, obviously they are going to be concerned about ticks so they may want a little bit of lawn area, they may want some light and air. So we would recommend that as a second condition of approval to buffer some of this density and visual intrusion.

The North Fork Environmental Council is also asking for a covenant limiting the development to organic fertilizers and pesticides. We all know about the brown tide out in the bays, we know that a lot of our water quality locally is deteriorating. We have (inaudible) here which is a valuable wildlife habitat. We have the Long Island Sound. We know that the groundwater flows towards the north, towards the Sound, so we would recommend and we hope that you keep this in mind for all your development proposals, that you restrict the developer to organic fertilizers and organic insecticide. That has a few advantages, not only for water quality but-- most of the water quality. The organic stuff just doesn't leach as fast into the sandy soil. It stays in the root layer longer and it's more apt to be absorbed by plants there.

With regard to the new conservation easement, we would like the North Fork Environmental Council to be included as what's called a third party beneficiary and also any other citizens or citizen groups. What does that mean? That means basically that in the future if there's a Town Board that isn't as protective as yourself, if there is some illegal clearing up there or illegal pesticides or whatever going on and that easement is violated, that would mean that those parties can enforce the easement."

Supervisor Villella: "I'm sorry, Carolyn."

Carolyn Zenk: "That's okay, Mr. Supervisor. Unless third party beneficiaries are named, what happens is the only people who can enforce the easement are the developer and obviously sometimes it's not in his interests to do that or the town and it may be a different Town Board than yourself. So we would ask for a covenant including the North Fork Environmental Council as a third party beneficiary.

The final two points. With regard to a thorough analysis, I appreciate the fellow who spoke earlier about archaeology. We agree there needs to be a harder look at archaeology taken. We recommend

that you have an independent review done of the archaeological data that's been submitted. We don't think the look has been hard enough and basically when I met with one of the Councilpeople here the expert for the developer and some of the planning staff, everyone admitted that they didn't have the experience to evaluate archaeology. We just didn't have it between us and so you would need an outside consultant to take a look at that.

In particular, should you be putting condos right on top of an archaeological site? Intuitively I would say no."

Supervisor Villella: "I'm sorry, go ahead, Carolyn. Do you want to wrap it up, please?"

Carolyn Zenk: "Thank you, Mr. Supervisor. Yes. One of the things that had been agreed upon in some of our earlier meetings was a depiction of where the remaining mature vegetation is out there and this is very important. Again, this is a large site. It's sitting very visibly on a hilltop. It's right next to your park and your beach, so you really want to know where the remaining trees are. There's been no map submitted that can show-- shows the remaining vegetation. So we would ask that that be submitted by the developer.

I recognize that there is one map that has come in that generally indicates where vegetation is but, quite frankly, it doesn't show the tree line. So you can't tell what looks like a desert and what has 30 to 50 foot trees on it. I think that's important so you can compare and see what easement to the Maidstone easement. I will submit these comments in writing. Thank you very much for all your hard work. Thank you, Mr. Supervisor."

Supervisor Villella: "That was teamwork."

Carolyn Zenk: "Teamwork. Thank you."

Supervisor Villella: "Thank you. Anyone else like to speak on this? George."

Mary Laura Lamont: "Good afternoon. My name is Mary Laura Lamont. Which mike is working?"

Councilman Kent: "Both of them."

Mary Laura Lamont: "I would like to ask the Town Board to

require that no more trees or any vegetative cover of any kind be allowed to be taken down on this project site. The proposed project as it is now presented will still cut down more trees, particularly along the upper northeast corner. Units one through eight are proposed there. Proposed scenic easement Parcel B is right behind these units. If the trees along the bluff are left intact, this area will provide a contiguous vegetative cover from Parcel B to the bluff. Units one through eight are allowed to be built there-- if they're allowed and dozens and dozens more trees and vegetative cover will be removed. This would make Parcel B what remains much less effective for the plants and animals that are already residing in it. It will be segmented more and this is not conducive to anything wild.

Parcel B now contains one of Riverhead's oldest black oak trees. It is of record size and it might be one of Long Island's oldest remaining black oaks. It is noted that this tree is a black oak not a red oak as stated in the EIS. It is most likely in excess of 200 plus years old. It stands as a testimony of what our forests once were like. The trees that remain on site now should be protected from further destruction. A reduction in units would provide for that.

A few comments on the wet meadow plantings. Some of the plants that are proposed for this area are excellent. They're all native. But I would like to see more plants put in. Plants that were taken down and I won't go into the list, it's all here.

I had also asked at the public meeting several months ago that some of the trees be planted back in this area. Those are tupelo and red maple and that has not been done and I would like to ask that some small trees of that kind be put back since they are freshwater indicated trees.

The comments I have on the archaeological site is simply put, once again, the site should not be built on. The remains of the hilltop site should be protected, preserved and dedicated to the memory of those who came before us. We should respect and honor the site of past native Americans and either town, county or state markers should be erected along Sound Avenue. This would serve to educate the public about the significance of the site. The artifacts should be catalogued and identified by proper state or county authorities and put on display in a museum.

I disagree with the description of the forest and pond communities and I disagree with the coverage of the wildlife.

The sediments from the denuded hills are now washing down at a very fast pace into this pond and those problems should be rectified before any building is done.

Luce Landing Pond is being filled in and it's being filled in fast in several areas. The restoration of the violated bluff areas and wetland areas with the native species already agreed upon should be started before buildings go in. It is noted in the supplemental EIS that in Section 50 mitigation of impacts on vegetation pertaining to the bluff restoration pruning, inspection and control of disease and pests is mentioned. What that means is a landscaper will be spraying the plants possibly with chemicals. If that's allowed to occur, it will destroy what's left of the native birds, turtles and wildlife. And it's all going to filter in to the pond.

No chemical herbicides, pesticides or fungicides should be used on the site. Only organic products should be used throughout the entire site and nothing should be sprayed in the bluff areas or in the wet meadow vegetated area.

Thank you for your time and thank you for all your consideration on this project."

Supervisor Villella: "All right. You going to hand that in, Laura-- Mary Laura, I'm sorry. Anyone else like to speak on this? Yes."

Beverly Prentice: "I'm Beverly Prentice. I'm a resident of Henry Lewis Lane, which is the Hallockville subdivision adjacent to the Maidstone project. And I'm also President of the North Fork Audubon Society. I have some concerns about the results of the supplemental impact study.

The study includes some worthwhile improvements to the original Seawatch plan. The consolidation of scenic easements, the attention to planting native species, the construction of a wet meadow show an understanding by the developer to the sensitive nature of the site. We hope that the erosion problem will be fixed and that no more clearing of mature trees is done. The study of bird species on the site is faulty, but does not significantly impact the outcome of the project.

One particular scenic easement includes the deep ravine-- that's running south from the pond and, in fact, I thought that was already

protected as part of the Hallockville subdivision. But at any rate the sloping sides of the ravine are so steep that construction would most likely not be recommended anyway. What I am concerned about within that ravine is that the water connection that seems to be going through there, and this could become an erosion spot.

One particular native plant that is not mentioned on the plant inventory is mountain laurel. It is growing in a strip along the edge of protected wetland in the area of the pond near the proposed units numbering in the 30's. That's on the west edge. From living many years in Port Jefferson, I can tell you this is a particular understory shrub that is useful in preventing erosion from sandy hillsides. Unfortunately mountain laurel will not grow in full sun and cannot be replanted on the denuded slopes because there is no tree cover. It could be used to advantage in other parts of the project where the trees have not been removed.

Another native plant groundsel bush could be used in the proposed wet meadow and in the area north of the wet meadow. It is a shrub which grows well in open wet areas and is good nesting habitat for small birds such as the yellow warbler, common yellowthroat, and a variety of sparrows.

Encouraging the yellow warblers to nest can be a plus for the project. These tiny birds are attractive and have a pleasant song. They are the birds often called wild canaries by local people. There is an existing stand (somewhat smaller now) of groundsel bush in the wetland in the northwest section of the project where yellow warblers have nested in past years.

Hazards to plants are many in the area and the builder should not discount the problem of deer eating the new plants. Mountain laurel is known to be toxic to deer, they will not eat it. Groundsel bush has been growing in my backyard for at least nine years and I've not seen any damage done by deer. Besides being able to avoid pesticides and fertilizers, this is another good argument for using native plants as much as possible in the landscaping.

Please note that the bluff area has some recent erosion. On the northeast portion of the project there is currently a section of snow fence more than half buried by sand drifting up over the edge of the bluff. In this particular area, the builder will want to be especially cautious of building too close to the edge. During two nor'easters I have even had sand scouring the paint off my house, and

I live about a quarter mile south of the pond. I've had to repaint twice in the past nine years.

Addressing the general issue of birds, the study had one valid comment. The presence of the-- the most productive area for birds is the southeast portion and this portion is in the scenic easement near the entrance to the project. It's an area of trees and understory that has not been disturbed and it should be left alone.

A proposed osprey nest in my opinion would be more productive if actually in the pond. Great horned owls and raccoons are common in the area and would be a hazard to osprey chicks. Owls do not like to cross water and would avoid a nest in a pond. This has been done in (inaudible) Pond in Mattituck and is quite successful.

The listing of bird species in the impact statement is inaccurate. Sightings of glaucous gull, red-headed woodpecker, and Lapland longspur are highly unlikely. It would be like seeing a Rolls Royce in the parking at Iron Pier Beach, possible, but not likely. The list of birds is difficult to read because it is in no order, either by family or alphabetical and includes birds not common to eastern Long Island. Some common birds such as downy woodpecker and red-tailed hawks that are year round residents on the north fork were not listed.

In the end, the bird species listing has little impact on the project. But Riverhead officials and Mr. Fried should be aware that the preparer of the document seems to have very little experience with local birds or how to survey them. His reference tool, a popular field guide from 1947, does not reflect current bird populations. His reference to Audubon's IBA report (Important Bird Areas) fails to recognize that the IBA is for work still in progress and that Maidstone is only about three miles from the IBA in the Peconic region that includes South Jamesport.

Just for the record, Audubon Cooperative Sanctuary program listed in the impact statement is not in any way connected to the 90 plus year old National Audubon Society. But as a local chapter of National Audubon, North Fork Audubon volunteers have held field trips in the Iron Pier Beach area and I have brought students of my adult education birdwatching class to the area to enjoy the rich mix of birds attracted to the pond, the sound and the wetlands.

In closing, I want to say that we who live adjacent to the

Maidstone project are tired of seeing the pile of sand so visible from the beach and are concerned that the erosion is damaging the pond and the bluffs. We are eager to see the project go forward at this time. We applaud the use of native plants and the consideration of scenic easements.

Thank you."

Supervisor Villella: "Thank you. Do you have a copy of that? Anyone else like to speak on this? I'm sorry, yes."

Ann Pike: "Good afternoon. My name is Ann Pike and I'm a resident on 38 Adelia Path and I would like to share some thoughts about Maidstone for myself and my neighbors. So please bear with me, this could take quite a few minutes."

Supervisor Villella: "Well-- okay."

Ann Pike: "Ready?"

Supervisor Villella: "Public hearing-- I went to the association-- we'll let this go, but the Association of Towns says a public hearing you can allow five minutes. You don't have to-- "

Ann Pike: "Okay, I can rush."

Supervisor Villella: "No, that's all right. Just want to let everybody know because we had a policy here. I always thought a public hearing you could speak as long as you want, but according to the lawyers at the Association of Towns that's not true."

Ann Pike: "Okay. We are the residents of Adelia Path in Jamesport that borders on Maidstone Landing and we have concerns and comments that we would like to share with you. It is possible that some or all of our concerns have already been dealt with at the present time and maybe you can just clarify that for me if that happened.

Our concerns and comments are referenced to a set of three drawings by Howard W. Young, licensed New York surveyor. The drawings are as follows: Environmental Assessment Map - the easement comparison. Environmental Assessment Map - bluff enhancement. Environmental Assessment Map - vegetation and wildlife.

The reference date to all of the above drawings is February 4, 1999. Is that the most current map? February 4th?"

Councilman Kent: "Yes, yes, it is. We have it here also."

Ann Pike: "We are concerned about pesticides and fertilizers. We are very concerned about any fertilizer or pesticide that will affect the ground water, ponds, fish, birds, and any other wildlife. We assume that this has been discussed and the appropriate materials will be used. Our questions are: Will the correct fertilizers and pesticides be used and who will be monitoring the pond and ground water? What kind of assurance will we have that the good intentions of the developer and future residents will be carried out during and after the build out? Will the town monitor the ground water in the pond in the future and ultimately be responsible? Will there be baseline samples taken and analyzed before the project begins? We think that would be a really good idea if that could happen. What will happen in the future when a new landscaper or-- is contracted and wants to cut costs or not be bothered? What will happen when the developer leaves and the association does not know about the correct use of fertilizers and pesticides or their budget is reduced?"

How do you monitor existing projects that are similar to Maidstone? What assurances will you give to us that monitoring will always take place and the pond will not be adversely affected? What will the pond and ground water be like five years from now or after many of you will be off the Board? How does the Town propose to take an active interest in Maidstone in perpetuity?"

Councilman Kent: "I'm a young guy."

Supervisor Villella: "I love this job, I don't want to go out (inaudible)."

Ann Pike: "I hope so. Sanitary Systems. Has this project been approved by the Suffolk County Department of Health with all the up to date revisions? We are very concerned once again about how the pond and ground water will be affected. It has been rumored that the developer will be starting this spring and the existing permits have expired. It is our understanding that these permits are required before a building permit is issued. Is this correct or will be start without the permits?"

Please feel free to stop me at any time."

Adam Grossman: "I just wanted for the purpose of this public hearing so those that are here today are aware, in fact, this project is in litigation with the town (inaudible) in the middle of a process of the applicant submitting new plans. However, the litigation is still pending, so no (inaudible) have been granted. If it was your impression or anyone's impression here that, in fact, we're talking about a (inaudible); we're going through the process so this is part of that and at the same time, there's also litigation that-- "

Ann Pike: "Thank you. That's why we said rumor because we weren't sure we had the correct information. And I just want to say that at any time, please feel free to correct me."

Supervisor Villella: "A lot of good questions."

Councilman Kent: "He's not going to be able to start without building permits. I see there's a question here. I think that was the last one."

Ann Pike: "And there aren't any as of now because it's in litigation?"

Councilman Kent: "We rescinded, I believe, his site plan approval so he has to get new building permits. Yes."

Adam Grossman: "I don't really want to comment too much detail on the substance of the litigation itself, but there are no approvals currently in place, there are no building permits currently in place. This is all pending - resolution of the litigation and resolution of the this process with them applying for a different plan for approvals at this time. But currently nothing has been approved."

Ann Pike: "Thank you. Units 29 through 40, including 63 and 64. These units are shown on the drawings as being built outside the original Seawatch Landing clearing area. Was the area outside of the clearing area an original easement area? I just want to say we had some problems following the map as we were looking at it. We assumed the dotted lines were what is the new boundaries. Are we correct in assuming that?"

Supervisor Villella: "The ones on the bottom."

Councilman Kent: "The dotted lines on the map?"

Ann Pike: "The dotted lines, the black dotted lines that go around the map. Are we to assume-- "

Councilman Kent: "Those are the Sea Watch's easements."

Ann Pike: "Okay. And some-- all right, I'll get to that. Why are these proposed units being built in this area? It now appears that the developer always had the intention to build outside the Seawatch containment area or easement. We weren't sure what to call it. Or why would he have removed the trees in this area at the outset? We understand that the units are easier to sell and at higher prices when there's a full view of water and sunsets. These units represent 17% of the development and are clustered close to the ponds. Do you suppose the original Seawatch line of clearing took this into account and had definite reasons for units not being built there?"

Supervisor Villella: "Well, I could answer one thing. During the negotiations, to push these up into the Seawatch area, you would have to knock down acres and acres of trees. Myself, I wouldn't want to see that."

Ann Pike: "Do you mean trees away from the pond area over on the easterly side?"

Supervisor Villella: "Yes. Right. In order to push them up into the Seawatch easement. I personally do not want to see more trees taken down in that area and the people that live in that area are begging me not to take down any more trees in that area."

Ann Pike: "I see your dilemma. I think the people living on the other side, too, are begging for the pond to remain intact."

Supervisor Villella: "Correct."

Ann Pike: "Why was the land cleared? Now you explained that, outside the boundaries, so I'll move on from there. Okay, we were told the developer was in violation and would not be allowed to build there at an earlier meeting. Is there a trade in land area taking place here which makes the developer the sole beneficiary? If so, how was this negotiated? What happened to all those penalties to the developer for removing those trees? What, if any, will be the reasoning for approving these units for building in this previously restricted area?"

Homeowners who had built on the pond have had to respect environmental easements. Why not Maidstone? Will you be allowing all town residents in the future to build in easement or restricted areas? Are you establishing a precedent? These units should not be built over by the pond.

I just want to say on a personal note. When I built my house which was less than a year ago, there was a flood line on my property so I was not allowed to put a pool in there. Okay. On the other side of my property there is a natural waterway where water-- fresh water flows into the pond. I couldn't move my house over that way. I had a tremendous number of restrictions to deal with and I think it was good for me. It should be good for the developer as well."

Adam Grossman: "I just wanted to raise a couple of other points."

Ann Pike: "Sure. Please do."

Adam Grossman: "I want you also to understand that because this project is in litigation, the Town Board is really-- what this public hearing is about is to get public comment on the proposed environmental impact statement that has been submitted by the applicant. The Town Board is limited as to what it can-- how it can comment. In other words, it's really trying to take in public comment but it really can't make any statements and I know you're asking a lot of questions. The Town Board at this time can't make statements as to what conclusions they intend to reach on this particular application because they are up here right now to listen to comments, not to reach conclusions. So, I just want you to understand."

Ann Pike: "Should I hold off on my questions then?"

Supervisor Villella: "You can raise them but we can't answer them."

Adam Grossman: "You can raise the questions, I'm just saying that the Board is limited in terms of not really being able to answer your questions at this time but it's certainly good for the Board to consider all the questions that you have."

Ann Pike: "Okay. And I believe at the end of my comments, there are a list of questions that may be at some point down the line-- we could get answers to."

There are numerous notes on the drawing pertaining to wildlife sightings and habitats. Some of these notes are in areas where the developer does not want to build or cannot build. There are no such notes on the drawings in the area directly in front of units 29 through 40. Why the notation about wildlife sightings and habitats anyway? What does this really mean? Didn't these wildlife sightings and habitats previously exist in the area of question?

Those of us who live on the pond can tell you that there are and were wildlife sightings and habitats directly in front of these units. It is somewhat suspicious that that the areas directly south of these units is now labeled wildlife sightings and habitats and originally was in the Seawatch clearing area. The units should be built within the boundaries of the original clearing area.

These are our main concerns and comments. We are concerned about the future of Maidstone, mainly because of its past. It appears now that the original intentions of the developer have come to fruition and this is just what we've gotten from various sources of information, and he will have accomplished what he set out to do.

We are sure that you would also be concerned if you lived on the pond and have seen the deterioration of the land and the pond that has taken place. There is a lack of concern at the present for this once beautiful area. There has been a noticeable lack of wildlife including osprey, blue herons, white egrets, fish and other species in the past year. The land has been mainly inhabited by hunters, party goers, dirt bikes, four wheel trucks and ATVs'. It seems as if the developer does not care to be a good neighbor. There are not any "Keep off - No trespassing" signs and the noise at times is unbearable if not illegal. I've called the police because the dirt bike noise was so unreal. When we brought this to the attention of the police department they said it's up to the owner to request surveillance and the developer has not done that up to this date.

Finally, the Town of Riverhead should not be on the defensive. Maidstone is the one who is blatantly breaking laws. The Board should not have to make any concessions at all. Remember, the pond belongs to all of us.

We hope you will understand our concerns and act on our behalf. We need you to help us now and protect us in the future. We thank you for all your efforts and concerns. Sincerely, and there are a number of people who live on Adelia Path.

We also have a list of questions starting out with the pesticides and fertilizers. I know all of us are very concerned about 82 units and their land having to be maintained. That's an awful lot of spraying. I don't want to breathe that stuff in. If it's not organic, I don't want my son breathing it in. I don't want the other children in the area being affected by it. This is a serious health concern, as we all know."

Supervisor Villella: "We'll submit these."

Ann Pike: "I don't have to go through all of them. I'd just like to-- "

Supervisor Villella: "You already did."

Ann Pike: "Okay."

Councilman Kent: "This is the same questions."

Ann Pike: "These are the questions from here and I would just like to say in closing that I fear for the day that the beautiful pond behind my home looks dead and smells bad and I really would like to ask your help in keeping that from happening. Maybe those units right along the pond there could just be moved back far enough away that cesspool, fertilizer, etc. will not go into that very lovely pond.

Thank you for your time. I know I took a lot of time. I'm sorry."

Supervisor Villella: "Very thorough. Thank you. Anyone else like to speak on this? Yes, sir."

Tom Horyczun: "Hi. My name is Tom Horyczun. I also live on Adelia Path. Ann Pike and the people of Adelia Path pretty much spent almost a full day drafting that memo this past weekend. We kind of got a little upset and took that action because we had heard things like the project was going to be passed right through. This was going to be our last opportunity to speak out so that's why we maybe raised some questions that weren't supposed to be addressed at this hearing here. But, we got a little anxious when we heard rumors that it was going to be kind of passed through."

Adam Grossman: "Sir, would you say your name for the record?"

Tom Horyczun: "I'm sorry. Tom Horyczun, 42 Adelia Path."

Adam Grossman: "Okay."

Tom Horyczun: "Sure. Supervisor Villella, addressing your point where you don't want any more trees knocked down but I just personally have a problem with that, that, you know, a developer just came in, illegally cleared that area with all intent-- "

Supervisor Villella: "We know what happened in the past; we're trying to correct everything for the future."

Tom Horyczun: "I understand that, but, effectively at the end of the day he will achieve what he sought and that is having, you know, beautiful views and increased revenues. Okay. That's that point."

I'd like to address the same units that Ann addressed, the units 29 to 40 which include 63 and 64. They are encroaching upon the easement and I can't understand why the developer would be allowed to build there unless there were some concessions on his part and I would urge the Board and the town to hold out for those concessions. I don't know what they may be, improvements to other areas of the site, I'm not an expert in that area but we should seek some other concessions.

And also in addition to those units there, units 1 and 2 on the corner they are also in violation of the easement. So this brings up the percentage of that project to be 20% of the entire project now sits or conflicts with the easement. That's a pretty substantial percentage.

And, secondly, my major concern is similar to what Ann was discussing, is the pond. I just don't want to see that thing become some stagnant dead body of water just laden with mosquitoes and just-- I mean it's going to obviously bring down the value of my property and that-- I really haven't addressed that but that's my major concern, is the condition of the pond. When that thing is dead in five years, who do we turn to for repairs. The developer is going to be long gone, money is in the bank, he's happy, so that's my major concern. And that's pretty much it. I appreciate your time and effort on this whole project and I look forward to being at the next hearing."

Supervisor Villella: "Thank you. Anyone else like to speak on

this? George, is that a halfway or-- all right. Here you go. Come on, George."

George Schmelzer: "I couldn't come in in the beginning, so what pond are you talking about?"

Supervisor Villella: "What's your name?"

George Schmelzer: "My name? You said it."

Supervisor Villella: "No, for the record."

George Schmelzer: "George Schmelzer, Riverhead. I mean Calverton-- I'm in Riverhead now, Riverhead town, Calverton. What pond are you talking about?"

Supervisor Villella: "It's called the Luce Pond."

George Schmelzer: "Luke's Pond?"

Supervisor Villella: "Luce."

George Schmelzer: "You mean it's not tight, it's loose, huh? Well, it seems to be that so many people have a soviet mentality. They like to control other people's land besides their own. They don't want anybody else to control theirs, but they want to control everybody else's."

Supervisor Villella: "Does this have anything to do with the public hearing?"

George Schmelzer: "Huh?"

Supervisor Villella: "Okay, continue."

George Schmelzer: "I'll wait until you're done."

Supervisor Villella: "No. We're waiting for you."

George Schmelzer: "Okay."

Supervisor Villella: "I just wanted to make sure it pertains to the public hearing."

George Schmelzer: "Yeah. They're talking about plants. I suggest plants to keep people out. We can use skunk cabbage, (inaudible) briars, poison ivy. The poison ivy berries will feed the birds and the (inaudible) briars will protect the animals from hunters and dogs and I think there's a-- I don't know what eats skunk cabbage. Maybe they could cut it and use it for cabbage-- the environmentalists could, it might be good. They might find it's a useful food, see.

I stick up for the land owner at all times. They are concerned about erosion. We have natural erosion on the sound cliff; been there for centuries. What are you going to do about it? Nothing. So, it's sand underneath. They're concerned sometimes about the ponds except when they are full of mosquitoes and mosquitoes start biting their butts and they want the mosquitoes sprayed, see. That's different. So I don't know any more about it but I say let the owner go ahead."

Supervisor Villella: "Thank you, George."

George Schmelzer: "You're very welcome."

Supervisor Villella: "Okay. Anyone else like to speak on this issue? Yes, sir."

Brad Berthold: "I just want to-- My name is Brad Berthold. I have a house in Northville. I just wanted to find out, there's been a long period of questions about what happened to the Indian artifacts that one of the consultants got off the property prior to Mr. Fried's project. There was some 1,100 articles which I understand the consultant is keeping. There was a letter in the file where you recommend that they be catalogued or looked at. Apparently this is one two major Indian settlements on the north shore in the Town of Riverhead, one in Wading River and one here. And I understand that the consultant-- Mr. Fried picked up some 500 artifacts so the consultant says he's keeping them because the previous developer didn't pay him. Well, I don't see why Mr. Fried should pay him for the work that was done before he had anything to do with the property. So I'm just wondering, what's happened with those-- does the consultant have title to them or a legal claim to them or through a mechanic's lien or something like that for the work he did that he wasn't paid for? I think we should get them and have somebody look at them to see really what's there and what the importance of them is before it's too late."

Supervisor Villella: "It's a good suggestion."

Bert Berthold: "Thank you."

Supervisor Villella: "Anyone else like to speak on this? Pete, do you want to make the final comments? Final comments-- did everybody have their chance?"

Peter Danowski: "It's sort of interesting because I usually take the tact and say that we'll prepare written responses, address the comments, but it's difficult-- I know for my client to sit here and take some of these comments without standing up and saying something because with many of them they are absolute misstatements of fact and these same misstatements continue to be made. This is a public forum. We're now looking at a local TV station. Certainly members of the public may react to these comments as if they're the truth and they're far from it.

I would, however, like to professionalize the approach and I'm not standing up here as an attorney claiming to be an expert on some of these environmental issues. Therefore, I'm going to ask Mr. Seeman to give a little short overview of his efforts that he's made personally to visit the site, how he gathered some of his information, and have him just highlight a few responses with later comments that will be made in writing addressing some of the comments made here today.

Also, I've asked Tom Wulfert (phonetic) of Young & Young to bring with him from Howie Young's office a board presentation that might more easily and more professionally show the comparison of lines. I didn't want to stop those who presented from using their homemade presentation that they had prepared but perhaps will leave with you a board presentation that shows the comparison of information. So, Tom, if you could get the board you brought and we'll take down Mr. Grossman's-- "

Supervisor Villella: "If you have a few extra copies of that, that would be, you know-- "

Peter Danowski: "This is really no more than highlighting what was prepared and made part of the supplemental DEIS but from a visual presentation may be easy to look at. Once Tom's put the map up, I would ask Jeff Seeman to come forward. I know it's similar to clients who take some of these personal attacks again and again, attacks just are not truthful. It's difficult for environmental experts to sit here and take it on the chin as well. I do appreciate those comments

that were made that suggest that there has been progress made. I appreciate the comments that have been made that give us credit for trying to cooperate even with our opponents, many of whom may not want to see anything done on this site."

Supervisor Villella: "Even the ones you didn't like, you should compliment them."

Peter Danowski: "Well, that's not quite true. I realize people have a right to make an opinion. But when they make an opinion that's not truthful as to the facts, it's tough to take. Jeff, with that said, I'd ask you to come up here perhaps before Bill Fried might want to make any closing remarks. So, Jeff-- we have a similar problem. I don't know whether you want the map addressed to the public or facing you, but we'll try to put it at a spot where Jeff can stay here at the microphone for the Town Clerk's benefit. Jeff."

Supervisor Villella: "Thank you, Pete."

Jeff Seeman: "Thank you and good afternoon. My name is Jeffrey L. Seeman-- S-E-E-M-A-N. I'm the environmental consultant for the applicant. Briefly, my background is that I'm a nationally board certified environmental professional. I'm a nationally registered environmental assessor. I'm certified by the Institute of Professional Environmental Practice as a qualified environmental professional. I am a registered environmental assessor with the State of California Environmental Protection Agency. And I'm certified by New York State, the State of New Jersey and the State of Connecticut for the purposes of wetland delineation, wetland assessment, and in New Jersey and in New York wetland construction techniques.

And I know a redheaded woodpecker when I see one and I've only seen two.

Now, let's clarify a few of the issues here for the benefit of everyone's understanding of what the impact assessments are in a comparison among three things. What Seawatch was and would have been. What the existing conditions of the site are today and what we are predicting the impacts will be as a result of the application. And I think before we talk about what Seawatch would be, I think it's very important that everyone understands that the majority of this site, some 20 plus acres, is cleared. I began work on this project in I believe May of last year so subsequently it had been cleared prior to my review of the site conditions. We were asked to do a draft

environmental impact statement. I believe the notice went out sometime for a scoping in November, so the site was still cleared. I did the best I could to take a look at what had been up there before the trees had been removed by reviewing the Seawatch EIS which gave a partial, perhaps not complete list of vegetation, no vegetation maps and very little description other than a page or two. So you can't look at what was there some 10 or 15 months before this project was started and talk about what the impacts of this application will be because those impacts have occurred and there is no real accurate method to assess that. It just doesn't work that way scientifically. It sounds very nice philosophically but that's not the type of document that works as an EIS.

With regard to the revisions of the plan between Seawatch and Maidstone. The Seawatch easement areas that has included in excess of an acre of isolated islands as they have been described, were simply stands of what I imagine to have been existing vegetation that seem to have been more conveniently left as an open space among the condominium layout project. It had really no reason from a natural resource assessment standpoint that those islands be left in place. In fact, I've pointed out in the EIS and in other environmental documents prepared on this application, it actually goes against good methodology for natural resource and habitat conservation.

The reason you don't find many wildlife sightings which are part of my field record for the number of trips that I've made to the sight in order to inventory major tree stands, inventory wildlife that has been physically observed on the site, which is an accurate method to know what's there as opposed to only looking at the habitat types which also I've identified, that being if you don't see the organism, they could be sustained on the site, you just didn't see them at that particular time.

The reason you don't find many of that in the open spaces is that only a few species are going to utilize that. For example, birds, you'll have morning doves but it's not going to provide a great habitat because there's nothing but sand at this point. So, the majority of the conservation easement has been set in part around the area that has been cleared to date.

That does not leave a substantial thick forest of trees. There's an old oak, red or black, probably 150 years old, pretty bad shape from its standpoint of health, that is located within one of the easement areas. It's probably the oldest tree that I've located on

the property. The others are not of any substantial dated era from anything that I can determine. But we have tried to preserve what green space we have left.

Realistically to go in and I inventoried the major trees and major I'm saying those with a caliber in excess of 8 to 10 inches going up to about 36 inches and estimating the height, we've tried to preserve as many of those as we can within the footprint of the revised plan but we're fighting a number of things including topography on the site, wetland setbacks, and just because you're looking at in the dark image here a difference between where this plan is today and where Seawatch was, doesn't really reflect that Seawatch was not really a terribly good plan from an environmental standpoint. Whether it was approved, it had 95 units not 82; it used much larger portion of what I thought was probably the more valuable tree stand in the southerly portion of this site. It had the most bird activity; it had the most deer counts there, and by and large it's pretty well protected because it's got a lot of poison ivy and a lot of vines which happen to work very well to keep people out.

So, we tried rather than since this archaeological area had been investigated by an archaeologist-- and I'm not an archaeologist but I need to go by what a professional firm has determined by its assessment-- and it had been investigated and artifacts recovered which according to the New York State Archaeological guidelines that I was provided, meets that criteria.

So, rather than build by shifting this away in a method to avoid an archaeological site which had been investigated and to which the archaeologists have reported they have recovered the artifacts in compliance with a stage three field investigation, we had tried to keep the footprint of these buildings from disturbing more valuable habitat since the emphasis of this project has been and one of the main points we have been asked to evaluate in the EIS, the scenic conservation easement line.

With regard to the wetlands, someone made a statement that we are building within the 100 foot limit line of the wetlands and that's not correct. They may have been misinterpreting the different lines on the map. We are outside the 100 foot which is the New York State DEC jurisdictional limits in all areas except where we have been previously permitted to construct a stormwater detention facility which originally was designed as a plunge pool detention pond and wetland system which is a very innovative and creative method to trap

sediments and treat stormwater for nitrogen loads, pesticides and herbicides as may be generated from non-point sources of pollution. Based on the review of the public, and I think without any scientific criteria, those elements were removed. The DEC in a personal telephone call to me, complimented that design and complimented the wetlands planting scheme which I provided in assistance to Young & Young on that particular application but they are now reviewing the modified plan which you have before you today, which reflects a wet meadow system.

Now, whether that system is approvable is dependent upon the DEC's interpretation but that is not a mitigation plan for wetland disturbance. That is a permitted activity and we are requesting a modification to an existing DEC permit. And I think that has to be very clear to people who are coming in and stating that this applicant has done something within that wetland limit that he is not permitted to do.

And the final part of our plan involves and Tom, if you could flip to the next chart I think is the bluff enhancement program. In order to increase the density of the native species vegetation along the bluff, I inventoried what was remaining out there and worked out a plan that seemed to be reasonable with regard to the replanting of this area or enhancement planting of this area with more native species of communities. These are not just single species trees. I have collected enough information and done enough analysis and had enough discussions with native species nurseries to decide that this is probably the most beneficial community of plants that can go in there.

Now the North Fork Environmental Council is asking that this type of planting be I suppose enhanced throughout the site. It's probably an unreasonable request for the very simple fact that native species plants like certain conditions and they're probably not going to enjoy all of those conditions that you're going to find intermixed among residential condominium development. They will probably work pretty well up here on the bluff area because we find them growing there now. But when you remove the soil and you regrade a site and they didn't regrade anything in the bluff, when you remove that topsoil and you regrade the site you disturb a lot of the natural conditions in order to rebuild that entire soil profile from the top down to make it advantageous for native species plants including the compaction of the soil was a pretty complex project. And I really don't think that it's warranted that that be imposed on this in lieu of the fact that you're

already looking at a majority of preservation space and enhancement.

And I know that I work on a lot of different applications from airports to major roadway rehabilitation and expansion work and condominium projects, and everyone feels that every site is more valuable, has more important habitat, more valuable bird and animal species than the one further down the road that isn't as close to their backyard. And I respect everyone's emotion and I appreciate a lot of the public input that has resulted in this plan. And it's also my professional opinion that this is an extremely good plan and a very good example of what can be done that provides use of the land in development, and particularly in this case because there isn't anything up there now, it's already been cleared. As I started this presentation, you have to look at it with regard to the existing condition as it sits there today. And where you could go with this by adding all of these environmental elements in here. Upland enhancement restoration, wetland development, stormwater control. These are really very, very innovative not archaic. And all that tied in with an adjustment and conservation easement.

I think it's far more intelligent than the plan that was up here as Seawatch."

Councilman Cardinale: "Jeff, in regard to something you said. You indicated you became associated with the project after the clearing was done during 1997?"

Jeff Seeman: "That's correct."

Councilman Cardinale: "And the second question I want to ask you about is in regard to what I think you refer to as the application for the wetland-- wet meadow system as opposed to what was originally proposed. I think you indicated that it's a change in permit that's being applied for?"

Jeff Seeman: "It will be a modification of-- "

Councilman Cardinale: "Of the permitted activity. Yet, from the standpoint of an environmentalist, you believe that the initial system was a better system. Could you elaborate on that?"

Jeff Seeman: "There were pluses and minuses in both systems. With regard to-- and I would have to look at it with regard to the new layout plan because in the other plan there was I think a larger space

for the stormwater control system. Perhaps Mr. Wulfert could comment later. But the old system was questioned as to whether or not there would be a migration of the fragmities (phonetic) which was the giant reeds that are surrounding much of Luce Landing Pond. Fragmities are a relatively annoying-- they're an invasive species, they have been many programs to eradicate this plant in some areas because it grows so high that it disturbs the natural ecology of an emergent marsh which Luce Landing Pond has characteristics of. So the only-- the difference is whether or not you are going to have an open pond there and an expanded wetland which was designed as an expansion of wetland systems and the wet meadow which is still a wetland but doesn't have the open pond associated with it will not have a variable flowing water rate. It would be more like a giant swale with a wet meadow type-- "

Councilman Cardinale: "The reason I was keying on that, it was my understanding that the initial system was considerably more expensive too, wasn't it?"

Jeff Seeman: "It was probably more expensive. I mean the diversification in plant species were probably at a ratio of five to one. There were five times more different species of plants that were put in in the original plan than this one, because you had enough variation in water levels that you could squeeze different species in that liked different habitat. A wet meadow you need to be able to put in more of a drier species wetland plant so you're limited to fewer species."

Councilman Cardinale: "But the setup of the system, let's call it wet meadow system versus the initial system, I've forgotten what you called it initially, bio-filtration system, so that bio-filtration system which is now being modified is actually a more expensive, more quote state of the art system. Is it not?"

Jeff Seeman: "That's correct. Again, it depends on the application. We're dealing with nonpoint sources of pollution. The primary role of any one of these urban type wetland pollutant removal systems, number one, is to trap sediment because they can get about 95% of the sediment out, so all the sand, the grit, etc. The second is for the wetland plants to begin to take up the nutrient loads, phosphorous and nitrogen loads."

Councilman Cardinale: "Thank you."

Jeff Seeman: "And just to finish up and then I'll take any other questions because we're talking about chemicals now, nitrogen and phosphorous. There have been comments about pesticides and herbicide applications here. As I've discussed with the applicant, when you have a commercial site which condominium development is and you bring in commercial landscapers, they need to be certified by New York State Department of Environmental Conservation. They have very strict reporting laws and it has been directly-- the legislation has been directed at the commercial applicators so they can control this. They know what is going to go in there. There are certain chemicals that they cannot use as opposed to a single residential family homeowner who can go to Home Depot and buy stuff, put it down at any rate. So, there is as a result of the legislation, more protection that was fought by our state representatives to reduce pesticides loads and better monitor that at commercial sites.

It is intelligent to me that the applicant's landscapers who will likely do the enhancement program because many of these species can be planted and are, you know, they're red oaks, they're black cherry, they're black oak, they're fairly common. They know how to take care of them. I think that they should be included in that plan.

Now, I specified a lot of different maintenance techniques that are really part of an integrated pest management system and the reason I spelled that out was not to eliminate any methodology that would be appropriate to enhance the survivability of the bluff area planting. In other words, if you say you can only use organics and the plants don't live, then you are going to have a very unsuccessful plant. But sometimes a little bit of everything will work better than simply stating that certain things cannot be used. And so that's why it's an integrated pest management plan. So for the benefit of those that interpreted that as that was going to be a mass application of pesticides, that is not correct."

Supervisor Villella: "Thanks, Jeff. Tom, can you show me where the clubhouse is supposed to be on-- "

Tom Wulfert: "The location of the clubhouse on this plan is in the northwest corner of the property (inaudible). It's a very modest clubhouse. It shows up between units 65 and 62."

Supervisor Villella: "Okay. What's up top?"

Tom Wulfert: "This is a tennis court or two tennis courts."

Councilman Kent: "The area that was once the clubhouse is now going to be part of that scenic easement-- the northeastern corner. Is that correct?"

Tom Wulfert: "Yes."

Supervisor Villella: "What I've been hearing, I don't know if-- maybe the bio-filter, that's something I guess they have to look into again. From what I'm hearing, it seems like it helps out with the nitrates and everything, but I really don't know that much about it."

Jeff Seeman: "Mr. Supervisor, I've done a detailed calculation of nitrogen loads that could and to some degree pesticides, but they're a little more difficult to model, that would come off this development, both from sanitary loads and from typical applications for the lawn chemicals. I did not find any substantial nitrogen loading that would impact the wetland and not likely go into the stormwater control system. If anything, the original design may have been an over design because I'm not finding that in any of the calculations that I run that there will be a substantial nitrogen load."

Supervisor Villella: "You just don't want to spend his money."

Jeff Seeman: "No, no, no."

Supervisor Villella: "I'm only kidding."

Jeff Seeman: "I'm not disagreeing. I love the other plan and the-- "

Supervisor Villella: "I was just concerned because of the residents that were there, I was hearing that from them. I wanted to clarify which one works better."

Jeff Seeman: "I think I wanted to make the point that perhaps the reasons for eliminating that were not really justified from an environmental or engineering standpoint; it may have been for other aesthetic reasons or costs reasons but there was no reason why it wasn't going to work."

Supervisor Villella: "Okay. I just want that out there. Okay, Jeff."

Councilman Kent: "Jeff, I just have a question. One of Carolyn's concerns was the preservation of contiguous treed areas. From the most recent mapping, would you believe that this newer map would preserve more contiguous tree land or-- than both the Seawatch and the prior Maidstone map?"

Jeff Seeman: "You know, I don't disagree with one thing. It is sometimes difficult to look at the maps and then put back into your head exactly where you were standing on the site. When I inventoried the trees in the area immediately south of the last group of condos on the east, I think that's a very important area to preserve. I don't know how many trees exactly will be lost by the three or four that would go in to the north of that or if that has already been cleared. Because it's-- as you get up into that corner, there are a number of either haul roads that were there or they are old dirt roads that are already in place, so it is not a dense-- the only dense area on this site with a heavy understory is located within the 100 foot boundary of the wetland edge of Luce Landing Pond. That area rises up very steeply. There are a lot of huge trees mixed in there; there are a few mountain laurel. Mountain laurel can be difficult to grow and the second large area is to the south.

Actually, the area back up in the west, I believe it's marginal, Although I did see a number of bird species up there, the density of that stand is just not really very good. There are a lot of locusts there that don't look terribly healthy. There are some good size oaks and they're going to remain. So, I think that this plan is superior to the previous plan for the Maidstone which had cleared I think a larger area for the clubhouse to be placed up there and the area to the west and to the north where the clubhouse will go now, is already a cleared low spot which I think certainly reduces the number of trees.

I can't comment on what trees have been removed along the edge, if any, along the edge of the wetland area because I don't know what it looked like prior to the clearing activities. I can say that I did witness, I think, one resident said that there were a fair number of ATVs running through there. That's a damaging event because they're compacting the soil; they're changing the stability of the slopes. The soils could slough off some of the edges of the slopes and head down toward the wetland and the silt barrier lines.

Someone else asked about whether or not how this was going to be protected. We had shown that there would be (inaudible) fencing and

snow fencing placed up along the edges of the proposed easement areas. So that will be cordoned off from construction activity. And I think as or if we move toward site plan, you'll see a lot of detail with regard to protection fencing, protection methodologies, slope stabilization during construction activity so that any of the construction work doesn't spill down over and knock the fences down that have been installed.

And those will be spelled out in details for the contractor as well as for the Town Board's review."

Councilman Kent: "In replanting the clear cut areas there was also some request that you use indigenous species. Is that the proposal at this point? I guess they're talking about not the bluff area but the inland cleared areas."

Jeff Seeman: "That's not the proposal as I've done the assessment on it. The applicant would need to provide a landscape plan, I believe, under the site plan review process and I know that we've come forward, I think, a long way in meeting some of the earlier requests and I can't speak for Mr. Fried, but I would hesitate to start going into all of that unless we know that this is where the footprint of the buildings are going and then I think-- you know, there are benefits to using these native species plants. They're not terribly ornamental. They can be a problem when you live in a dense thicket area, these homes could be overrun with mice and rats that would be coming out from the wetlands to feed on the garbage and raccoons and using all of the native species plants for, you know, great little habitat hiding spots. So, you know, a few mowed lawns can be a great benefit to just the overall maintenance and health of the public that would occupy that space."

Supervisor Villella: "Thank you, Jeff. Should we keep this open for a while?"

Councilman Kent: "Wait a second. I think Mr. Fried wanted to speak. I don't know if Carolyn wants to-- "

Peter Danowski: "Let me just-- in closing before I call Bill Fried up, he does want to say a few words, that there's been some comments about the clear cutting. But certainly the public has to be aware that this was pursuant to site plan approvals passed by the Town Board after a study, legitimately issued grading permits, bonds that were posted, and this is to be distinguished from accusations made

after letters were given to the Town about removing vines. So, the clear cut area is certainly visible. No one disputes that, but that clear cutting was done with permission from the Town. Bill Fried has some further comments to make. Thank you."

Bill Fried: "The first issue I would like to address-- "

Councilman Kent: "Mr. Fried, could you please state your name and-- "

Bill Fried: "My name is Bill Fried. I'm the proposed builder of Maidstone Landing. I want to make a few comments. They may not all be connected with each other, but first off the bat, some people have talked about-- I'll get rid of this real quick-- the archaeological question. The conservation or the covenant that's recorded in 1989 regarding this property, item 14 says, the archaeological survey shall be conducted by an archaeologist acceptable to Planning Board, Town of Riverhead, and if the site contains any material archaeological value the clearing, excavation and construction on that portion of the property shall be delayed for a reasonable period of time to allow the salvaging of items of historic worth. That resulted in a stage one archaeological survey by Greenhouse Consultants, who the Planning Board or the developer hired. It then resulted in a stage two archaeological survey which was much more intense and turned up many, many artifacts, artifacts being pieces of quartz. 95-98% of artifacts that were found were pieces of quartz that were used on possibly making arrowheads or some hand tools.

The stage two by Barry Greenhouse Consultants, Inc. suggested a further look, a stage three. We did a stage three. Stage three was then handed to the Planning Department which said that archaeological testing recovered 1,100-- resulting in the past-- 1,100 prehistoric artifacts during 1988 and 1981-- during the stage one and two. Stage three, which they did now, the last one, consisted in completion of 29 excavation units, each about three feet square. Following this, about 2,100 square feet of site were mechanically stripped to subsoil surface and manually scraped, searched for features. No additional features were found.

The recent archaeological work resulted in recovery of additional several hundred artifacts which were pieces of quartz. We recommend that these artifacts be donated to a local museum, archaeological association, or historical society for permanent curation, which we

are perfectly willing to do.

Now, it's a subjected-- the Board is always burdened with interpreting and the gentleman that discussed before an archaeological study of a much more intensive reach than what we did. Apparently, he's not satisfied. Why he's not satisfied, why isn't he satisfied? Well, that's a matter of subjective interpretation.

Is there ever enough or deep enough archaeological excavation? Who's to say? And oh, well, we can get these experts to say this and this. I think what we have done, and what is the reason for asking for more? That's-- I'll leave that to you to answer. Why? But, I think that we have followed what the covenant described and by the same consultants that did the first two. So he did the third one. So, I put that aside.

I think I would like to say this and put this development into perspective. Seawatch was an approved condominium site filed at the County Clerk's Office for 95 homes in a configuration of apartments. I still receive real estate tax map-- tax bills. I receive 95 tax bills each year for homes that have not been built. This is a filed project that had been secret and I could go and build that project immediately. Unfortunately, from a market point of view or beauty point of view, I think that would be building a-- in my estimate-- was an old looking plan, something that could have been built easily in the 1950's or '60's with no charm and when I bought the property I decided that I would-- I built Founder's Village in Southold, a senior citizens townhouse job, colonial design, which, by the way, I doubt could be built today in today's environment. But, it turned out to be a very lovely residential community with lots of good tax benefits and no public expenditures for the project. It's all pure benefit to Southold.

So we redesigned the project after we got it from the failed builder to what everybody in the business and everybody looked at the new plan, this is definitely an improvement for Riverhead and for the site. It's going to be a heck of a site, upgrade the site. It's going to be-- while not old age, senior citizens oriented-- it's not oriented for people with children. It's going to be retirees and empty nesters, young couples, it's a unique site on the water. And it's going to be-- accrue lots of tax benefits to the town, upscale the town, everybody agreed that it would be a good idea.

And as a result of that design, we went through an approval

process according to Hoyle. We went through the whole normal approval process in this town for getting a development amended. Because we wanted to amend Seawatch. We submitted it to the various town agencies. We submitted environmental impact assessment forms which described the whole system, the whole plan. We got site plan approval for Maidstone, December 14, 1995 from the Town Board at that time. We got a resolution from the town approving the site plan. Their experts in the town Planning Department and every place else, it all passed on-- wouldn't have gotten approval if the people had not backed them up to say it was a plan that was meeting all the requirements.

We then went to the town Planning Board. We submitted the plan to the town Planning Board. We had to because we crossed the coastal zone which is 25 foot back from the top of a bluff because we had to bring a path to the beach. At the same time, the Planning Board had to see the whole plan. They saw the whole plan. We got approval from the town Planning Board, June 10, 1996. We then amended the plan because we changed the direction of a walk.

We submitted to the Conservation Advisory Council our new Maidstone plan. We got it approved, excuse me, we didn't get it approved because we found out they were not meeting at that point in time. We then submitted it to the Suffolk County Planning Board. The Planning Board sent a letter back to Barbara Blass, to the town Planning Board, saying the staff has examined the proposed subdivision map entitled Maidstone Landing previously known as Seawatch Landing. Comparing this map with the one that was previously referred to the Commission, Seawatch. The staff did not find any substantive difference between the two maps.

It's a policy of the Commission not to review any map that it has previously considered unless there remains substantial differences. A copy of the Commission resolution is included for your reference."

Supervisor Villella: "Bill, was that-- okay."

Bill Fried: "We then-- no, no, let me just continue for a minute. We then-- we got Department of Health approval for all the septic and water supply. We then got from the DEC-- we had to submit to the DEC our plans and they wrote back a letter. The New York State Department of Environmental Conservation has determined based on the information you sent us and analysis below with supporting documentation that the proposed action will not result in any significant adverse environmental impacts and that a draft

environmental impact statement will not be prepared by us for this job.

I think we got every approval that there is and then, of course, we started the project and we cleared-- fundamentally what happened is that Maidstone site plan conflicted with the Seawatch plan on the scenic easement area. It impacted on it. Parts of it-- the acreage was the same but we pushed it a few feet this way; we didn't push it that way. That was the conflict. And it was inherent in the understanding of the then Town Board. They knew that there was a conflict. It wasn't a problem. They said Bill Fried, when you get ready to file your map which is at the time you sell your first condominium and you have to file your condominium map, we know there is a Seawatch condominium map on file, go into the Clerk's Office of Suffolk County and substitute your new plan for the old one. Don't take the old one off right away because you've got vested interest in it and you'll expose yourself.

The minute you get ready to file your new one, do that. No problem. We started to build. We started to clear and we cleared everything on the approved site plan. Everything we did was on the approved site plan and what I-- first of all, this is the first time I had a chance to do this in public and I'm going to do this because what we had been accused of, I'll tell you, we've been accused, of course, of irresponsibly, criminally, going into scenic easement areas that we weren't supposed to and cut down two places. To cut down areas in the scenic easement and to cut down vegetation along the bluff.

I'd like to make two comments. First of all, the holy grail, the scenic easement, the holy grail. Guess what? Seawatch's SEQRA never considered a scenic easement. A scenic easement was put on the property after SEQRA was finished by the builders. They got a tax benefit by giving a scenic easement for all the land that their land did not encompass. If they had two parking lots and there was an empty space in between, they make that piece the scenic easement.

They made a scenic easement around the pond restriction area, by the bluff restriction area. Okay. So that was the scenic easement. It was put on months after the SEQRA was-- months after SEQRA was finished. Okay. So I just want you to understand what happened. What we cut down was not criminal, we did it according to an approved site plan. And just so you understand in the bluff area because nobody has ever read what the scenic easement has said in terms of us

going into the bluff area. Guess what? Bill Fried went in and he cut down stuff along the pond."

Supervisor Villella: "Billy, speak to us. We're the Board."

Bill Fried: "Okay. The scenic easement says, and I read from it, the natural resources and conditions of said premises shall remain undisturbed in the natural state. To this end, no topsoil, sand, gravel, rock materials shall be excavated and removed thereon. No grading shall be conducted on said premises. No planting of fill shall be placed on said premises. Nothing shall be permitted to occur on said premises which contributes to the erosion of land and no trees on said premises shall be cut or removed and no other plant or vegetation shall be destroyed or removed except for the removal of such dead, diseased, decayed trees or vegetation which may be required for conservation or scenic purposes. And that I'm telling you is just what we did. What we did was go in outside of the scenic easement. People were saying we went outside the scenic easement and just leveled the damn place.

Well, in our environmental assessment form which we gave to the town, we said that there are many dead-- we-- the trees along the bluff-- in our assessment form, what we did, are stunted somewhat due to their exposure to wind, sand and salt. There are many dead trees and branches throughout, the understory consists mostly of vines, honeysuckles, greenbriar. At present time, these vines have grown into the existing trees, in many cases, cover the entire tree. The vine intrusion over time can choke out sunlight to the tree branches causing harm and eventual death.

We took that out. The agenda of a lobby group that is against I guess development, suggested that what this was was destroying, hurting and criminally taking down vegetation, which is not so.

I'll address one other point. Mr. Cardinale, you were addressing the wetlands area, the pond, the construction, what was proposed with the DEC. For your information-- "

Supervisor Villella: "Bill, you have to go back. You have to speak-- "

Bill Fried: "For your information. I'm just going to point over there-- for your information, we had met, and I wish Mr. Kent was here-- because we met with Mr. Kent several times over the summer.

Mr. Kent said, have some meetings with the North Fork Environmental-- see what they want and what could be. Mr. Kent, I was just referring to some of the meetings that you had-- "

Councilman Kent: "Too many."

Bill Fried: "-- suggested, a good constructive request, why can't we work out any problems with the North Fork Environmental Council as since they are the most interested lobby-- environmental lobby. And we met with Mrs. Lamont as a matter of fact. In fact, it was Mrs. Lamont and Mr. Cetas' suggestion particularly Mr. Cardinale, particularly, to eliminate that pond. They said take it away in addition to other things they said. But they said take that away."

Councilman Kent: "He's referring to the bio-filtration system not the pond itself."

Bill Fried: "No, no. I'm just saying-- "

Councilman Kent: "I was clearing something up because people are--"

Bill Fried: "No, no. So for your information, that was taken out at Mrs. Lamont's suggestion. What the reasons are, there were many reasons she had and if she wanted that, fine. I think Mr. Kent said let's see if we can work this out, put your homes mostly behind the existing scenic easement that's up there, leave-- instead of putting your homes up into an area you left open, for instance there was a large area here in the scenic easement. Instead of putting your homes here, maybe you can put them somewhere else so we don't remove this lovely untouched green area. We said, yes, and Mr. Kent was serving as a mediator. He was very good. He said I-- just-- I'll mediate between you and this lobby group and they're not going to carry complete weight. They're not running this town and neither are you going to carry all this weight. And I'm going to do what's best for Riverhead.

So we adjusted the plan according to Mr. Kent's suggestions and Mr. Kent's oversight as to what he thought would be good for the town which is a meeting place between me, what's the right thing for the job and the lobby group. So basically this is-- and the other thing is this impact statement is pretty much directed toward comparing the Seawatch scenic easement and our scenic easement. The environmental impacts, one over the other. And I suggest to you that seeing that

we're going to get a much better plan than Seawatch resulting from splitting the difference between what a lobbying group wants. I suggest to you that our environmental area is as good if not better than the original Seawatch area which is what we're talking about. Thank you very much."

Councilman Cardinale: "Since there's no further comment, I think the Supervisor-- if there is a comment, let's make it and we're going to leave the hearing open for one week according to the Supervisor's direction for written comment. So if anybody wants to make written comment, you've got a week. If anybody has to make-- is compelled to make another statement, please make it now. Yes. We'll be closing it at 4:30 a week from today for public written comment and if there's any verbal comment right now would you put it on the record."

Peter Danowski: "I do think, Mr. Cardinale, that perhaps-- "

Councilman Kent: "Please go to the microphone."

Peter Danowski: "Just to point out a question of whether there shouldn't be a comment period of 10 days after the close of the hearing."

Councilman Cardinale: "You may be right."

Councilman Kent: "Usually we close it on a Friday-- "

Councilman Cardinale: "Do you know what the comment period is?"

Peter Danowski: "I think it is 10 days so I suggest that we close the hearing and allow comment for 10 more days."

Councilman Kent: "So the date should be Friday, March 26th-- "

Councilman Cardinale: "At 5:00 p.m. if you can get your written comments in, we'd appreciate it. Yes, go ahead."

Carolyn Zenk: "Thank you members of the Board. I'll be brief. For the record, my name is Carolyn Zenk. I'm the counsel with the North Fork Environmental Counsel. I'd like to emphasize-- begin by emphasizing the positive because I think that the two groups are coming together somewhat and perhaps, you know, there's a different tone that's been set here and people think we aren't coming together

but we are. In particular, I think we're coming together in terms of our views towards the bluff. The developer has moved towards trying to protect those bluffs more and we appreciate those movements.

I think also the groups are in consensus that the small isolated parts of the easement on Seawatch weren't that valuable and we don't know why they were there in retrospect. We can't tell because things were cleared so I think we're in agreement on that.

We'd also mentioned that the developers have moved the clubhouse from the area on top of the bluff which is primarily wooded and it probably would have required some removal of woodland. It's gone down towards the beach but it's off the scenic easement. I will point out that it was once on the scenic easement; it's been taken off and that's a point of consensus that we're moving towards. So, I think we should emphasize some of the positive here.

It's interesting-- there's another possible gain the developers have and I'm actually surprised that they didn't do better mapping to illustrate the gain that they're giving. Because we should keep in mind that what's really happened is there was an approved easement and the developers are asking that it be altered. The public, of course, feels that well if we are going to allow them to build on top of an easement, the town should get something for that. And now the developers have made the point that we're getting more contiguous woodland.

Now, it appears that that's the case and I'm just going to go to the map for a second and point-- sorry, but that's how it goes-- "

Supervisor Villella: "Let's see how quick you are, Carolyn."

Carolyn Zenk: "It appears that there may be more contiguous woodlands provided here and that's a gain. It also appears that there may be some contiguous woodlands saved here that would have been sacrificed under Seawatch and that's a possible gain. The problem in the analysis there was that and Jeff and I talked about getting a precise map showing where are the clear cut areas, where are the remaining treed areas and I know that he did try to put a map in and he did go out there and measure some trees. He actually calibrated them, how old are they, how wide are they? That was great that he did that. We still couldn't actually see the tree line and where the mature vegetation is. So I know that's more work for Jeff but we would like to see that."

And I would say that-- you're pretty festive. Anyway, on the woodland, it would be good to see that is-- where the remaining trees and I think that it will actually-- probably help the developer, that it will probably show that they're going to save more remaining woodland than Seawatch might save in some areas so I would ask you to illustrate that. You might as well. It looks like a gain for you.

And we'd like to be able to compare the Seawatch easement with the Maidstone easement.

On archaeology, I'm not going to pretend that I'm an expert. All I know is I read the impact statement. There's a lot of artifacts that were dug up out there. It sounded awfully valuable but, you know, Chris sat down at a meeting, Jeff sat down at a meeting, and I sat down at a meeting. We both all basically agreed we didn't really have the expertise to evaluate the archaeology. It may be perfectly fine that you can remove those artifacts and inventory them and put them someplace else. Intuitively my feeling would be that if you're building on top of a valuable site, probably not a good idea but I'm not going to stand here and say that's necessarily the case but I would stand here and say that SEQRA requires you to take a hard look at the areas of environmental concern so it probably makes sense especially given that-- I didn't even plan for the particular speaker to come in on archaeology but he seemed like an esteemed fellow, he's knowledgeable in the field and he says it's no good. So it looks like that's worth a look.

And that may prove that Mr. Fried is correct, there's no problem here, or it may be that there is a problem. I don't know. But it's an area that's unknown.

I respect Jeff's work a great deal and he's been very kind in the meetings and he's given me calls to try to work with me and certainly we appreciate that. I respectfully disagree with one of the things that he said today. I have some background in biology, I actually have a biology degree from Colgate University and I've studied botany; I've studied zoology, field botany, conservation marine biology, (inaudible) the study of lakes, sociobiology. I also spent four or five years as an environmental analyst with the Group for the South Fork and I have never really seen anyone make a case that somehow non-native species would have a better chance of surviving than native species. It's simply counter-intuitive.

So I'm going to stick by my guns on the North Fork Environmental

Council's point that we think there should be indigenous vegetation put in the middle of the site and if anyone has any knowledge of biology here and I'm sure you've studied just fundamental stuff, you would know that (inaudible) bluff's evolution has been taking place for several thousand of years. The plants have gotten used to certain temperature out there, certain salinity, certain PH, they evolve together. It just doesn't make much sense to say that a plant brought in from Florida somehow is going to do better out on those cliffs than something from good old native Long Island. It's just-- it's basic biology. I think any eighth grader is going to know that. So we would stick by our guns on trying to get some native vegetation.

Now, Jeff had also mentioned that he felt that native vegetation would attract rats and rodents or something like that. Well, that's also, you know, counter-intuitive. I mean, if we go with that argument, we might as well destroy all of the indigenous plants on Long Island. It's called habitat. You know, you keep an indigenous habitat so that you have certain bird species, certain mammals out there and I have never heard an argument made that we get rid of the indigenous species on Long Island and the indigenous, you know, eco-systems because somehow we're going to get rats. I just, you know.

A lot of the presentation, a lot of his words have been very professional and that supplemental EIS is very good, but comments like that is a credibility loss. It's silly, frankly.

Now, there are some legitimate points that Jeff made in his comments in that-- he said that the homeowners, you know, may want some cleared area and, again, I recognized that in our comments that, you know, there has to be some reasonableness used and people do want some light and air. And that's where the North Fork has agreed that there could be a limited-- a very-- well limited so to say, non-native area with lawns and that kind of thing. But it would be immediately around the condominiums.

Now, why would you have that? You would have that because people like a little bit of lawn and air to sun themselves or they want to see that beautiful view that Mr. Fried's going to have from those cliffs and also because of the Lyme's concerns. You don't want your children-- you want your children to have some area where they're going to use lawns, that kind of thing, to play. So in regard to Jeff's comment that somehow people wouldn't have a cleared area, we would allow or recommend that some limited clearing be allowed.

In conclusion, I just say, I think we made a lot of gains here but remember the developer did build on top of a conservation easement. That's a big deal. And the developer is asking you to allow him to build on that and the law requires in the first instance under the State Environmental Quality Review Act that you identify the areas of concern and you lessen them. You lessen the harm. This is a very dense development project. You don't see this kind of thing in East Hampton anymore. I'm hoping when you update your master plan, you're not going to see this kind of density again. It's just-- when you have this kind of density, it's going to look bad out there. You're going to have-- you have to do what you can do. The people-- the neighbors are-- when they see this thing go up, they're going to hit the roof, and unless you can somehow minimize the visual harm here.

So, again, I think that the law only requires that you minimize the harm. The developer is asking to build is asking to build on some parts of an easement. Give something back. These are really reasonable requests. Save some natural tree cover. Let's stick with organic vegetation. Let's save what trees remain out there. I think it's really reasonable. Actually, it's kind of embarrassing to ask for so little when really, ideally, there should never be this kind of density.

Mr. Fried is getting a lot of density. I wish you well. I hope you make a lot of money from your new project but I hope you'll give something back. I really do. We've tried really hard to work together and I hope you'll think about the environment, think about your community, and I don't think it's going to hurt you to cooperate with some of the residents and I see you moving towards that and I commend you and I hope you can just do some more.

Thank you very much."

Supervisor Vilella: "Thank you. You want to-- one. Okay. This is a rebuttal, I think."

Jeff Seeman: "No. It's not a rebuttal, really, it's a compliment to the entire review process and the plans that are worked out. It's more a point of clarification. I never said we were going to put in non-native species. Non-native species won't survive in an environment that supports plants. What I'm referring to are cultivars which are sometimes just generally referred to as ornamentals. I mean, even rye grass is a native species-- I mean, but we cultivate

it. And so there are some species of plants that are attracted to nature that survive very well and they're easily maintained and I suppose some of them are native. But they've been cultivated in order to sustain a certain livability in a non-native or non-natural environment. And I wanted to clarify it for Carolyn so they don't discredit my capabilities that I probably used that a bit out of context. I apologize for that. I want to correct my testimony. But also that some of the indigenous plants are as I stated very sensitive to certain soil conditions that once they're disturbed, once they're completely turned over, I don't need to state this in an agricultural community, they become very difficult to sustain and they may require actually more applications of pesticides or herbicides in order to keep them going. More water, etc.

So I agree that there's lots of opportunity to look at healthy plants that do not require long term maintenance."

Supervisor Villella: "I just want to say one thing before-- Chris and Carolyn, Jeff, I want to thank all three of you to get the project to where it is now. I know it took a long time. I know Bill, you had more hair on your head last year, but we'll take care of it. I'm going to keep this open just for one week-- 10 days, excuse me. All right, we've already got it figured out. Ten days and then that will be it. Thank you."

Peter Danowski: "Just so I understand the-- the hearing is closed but comments are kept open for 10 days."

Councilman Kent: "March 26th."

Peter Danowski: "Correct."

Barbara Grattan: "5:00 p.m."

Councilman Kent: "5:00 p.m. The Town Clerk's Office."

Supervisor Villella: "Thank you. Okay. Let the time show it's-- all right, let's have it quiet now. The time is 4:26."

Public Hearing left open for written comment
to March 26, 1999 at 5:00 p.m.

Public Hearing opened: 4:26 p.m.

Supervisor Villella: "The time of 4:26 has arrived. Would you please read the public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 2:20 p.m. on March 16, 1999 to hear all interested persons who wish to be heard regarding the consideration of a Local Law amending Chapter 52 Building Construction of the Riverhead Town Code, Section 52-10 Building Permit Fees."

Supervisor Villella: "Okay, we're not going to continue. Could you please go out in the hallway and speak? Get your pow-wow outside. Please. Could everybody go outside if you want to speak?"

Adam Grossman: "I'd like to ask the administrator of the Building Department to come up if he could for a minute or two. This is a public hearing regarding a new section in the Town Code under Chapter 52, construction fees. Mr. Barnes."

Supervisor Villella: "Leroy."

Leroy Barnes: "Hi. Leroy Barnes, Building Department. Pretty much, this public hearing will add a new section to 52-10 which will allow us to charge a fee double the normal amount if someone commences construction without a building permit."

Supervisor Villella: "That's very good. That's needed. Anyone else like to speak on this public hearing? Bill."

William Kasperovich: "William Kasperovich, from Wading River. The increasing of the fee for starting to work without a building permit is not severe enough. It's a tap on the wrist. It doesn't carry much weight and it's overlooking the importance of not permitting work to start without a building permit both for the township and for the people that live in the area of the construction."

There are many involvements in starting a construction project besides digging a hole or taking down some trees. And this is not severe enough to make people pay very concentrated attention before they start and once again the reputation in the trade that you go at it, you can fix-- it's easier to fix up afterwards. This has got to be terminated, this attitude of the contractors. The penalty should be severe enough to where there is no question."

Supervisor Villella: "What is the penalty anyway on this, Leroy?"

Adam Grossman: "These are doubled for anyone who fails to get a building permit prior to construction or clearing or any activity at the site. Without a building permit all fees are doubled what they otherwise would be and, of course, the amount would depend on what it is they're-- "

Councilman Lull: "If I'm correct, Adam, we're talking about doubling the fees as a preconstruction fee. Correct?"

Adam Grossman: "That's correct."

Councilman Lull: "And then we need to get the building fees as well on top of that?"

Adam Grossman: "That's correct."

Councilman Lull: "Okay."

Adam Grossman: "Yes."

Supervisor Villella: "But you're right, Bill. We've got to take care of this problem. And that's what Leroy's addressing."

William Kasperovich: "I might say that in my lifetime in exposure to different filing of-- for building permits in the United States, that this is not severe enough."

Councilman Kent: "I agree."

Councilman Cardinale: "Can I get a clarification from the Town Attorney on this? Let's assume if I build a deck without a permit, and I came in and asked Leroy and I had built this deck around 10 years ago. Now, I assume then that you would be-- you would have one big problem because you would be imposing the requirements of today on a deck that was built 10 years ago so that one problem that person has is that even if he complied with the requirements except the permit, he may not have built a deck that would pass today's standards. Okay. In addition, under the new proposal, let's say it was \$100 for that permit. Would this impose a \$200 preconstruction fee or a \$100 preconstruction fee?"

Adam Grossman: "It is my understanding that it would impose a \$200 preconstruction fee."

Councilman Cardinale: "And then you would have to pay the \$100 that you should have paid in the first place so in effect you've tripled the fee?"

Adam Grossman: "Yes."

Councilman Lull: "In that particular case, there would be absolutely no penalty fee simply because at this point we don't have the-- what's done on the books."

Councilman Cardinale: "I'm talking about with the proposal."

Councilman Lull: "In other words, the preconstruction could only begin-- "

Leroy Barnes: "If someone comes in and applies now for a permit and it comes out to be \$100 but they commenced construction without the permit, then it would be \$200."

Adam Grossman: "Yes. I misunderstood."

Leroy Barnes: "And that seems to be working in other municipalities. I've researched this on the internet."

Councilman Cardinale: "They're coming to you to ask for-- they're coming for a permit, or you're not going to see them in the first place, correct?"

Leroy Barnes: "Right."

Councilman Cardinale: "And if they have already built the deck, what is the difference-- what happens?"

Leroy Barnes: "Well, then they'll be subject to the provisions of this new chapter or this new-- "

Councilman Cardinale: "Okay. Let us assume that if they had come to you before they built the deck and you would have gotten \$100 from this-- now they come to you and they say, hey, I got my deck up. Sorry about that. But it's all within the lines of their property, they don't need a variance or anything else. What are you going to

charge them for preconstruction?"

Leroy Barnes: "Well, I think you're asking me if they came to me before they constructed the deck?"

Councilman Cardinale: "No. I'm talking-- they came to you for a building permit but the deck is already up."

Leroy Barnes: "Okay."

Councilman Cardinale: "What are you going to charge them?"

Leroy Barnes: "It would still be twice the fee."

Councilman Cardinale: "Okay. So if it was \$100 for the building permit, you would charge them \$200?"

Leroy Barnes: "Correct."

Councilman Cardinale: "That would be called a what? Preconstruction fee?"

Leroy Barnes: "Correct."

Councilman Cardinale: "Now, does that incorporate the \$100 building fee or not?"

Leroy Barnes: "That's incorporated in the fee of \$200."

Councilman Cardinale: "So you are truly doubling the fee for these ne're do wells, not tripling it as has been suggested by a couple things said. What would-- Bill, can I ask you a question? What do you suggest as the appropriate penalty for such activity? Shall we triple it? Quadruple it? Make it eight times? Ten times? What's your suggestion?"

Adam Grossman: "Before Mr. Kasperovich answers the question, I just want to raise the point to the Board that in terms of increasing the fee, we have to keep in mind that this is going to be a penalty, this fee. However, we can-- we couldn't have such a high number that it could be conceived to be a tax. Okay. If we increase it beyond a certain point, I think there could be a question of its validity."

Councilman Kent: "But at the same time they may have been

(inaudible) tax dollars by not having the enhanced assessment from the improvement to begin with so we may be authorized to charge them a tax. I have another question for Leroy also. If they built a deck 10 years ago and they didn't make the application until now and we had this new law on the books, wouldn't they now have to meet the requirements of the deck-- the deck building requirements today because they're only filing their permit application today?"

Leroy Barnes: "Yes. Well, regardless of the fee or the preconstruction fee they still, even in today's standards, they would have to comply with the current New York State building code."

Councilman Kent: "They'd have to comply with the standards at the time they make the building permit application so if the standards have changed, they would be subject to the new standards?"

Leroy Barnes: "That's correct. Absolutely. And keep in mind that other municipalities are addressing the assessment issue. New York State law provides under Real Property Tax Law you can go back up to three years in certain cases if the assessment was omitted. However, case law has dictated that that would require a local law instead of an actual relying on the New York State law for us to impose that additional penalty on that. So if the town would ever want to consider that in the future as well, they're certainly welcome to."

Councilman Kent: "The maximum period is three years though on that."

Leroy Barnes: "Under State law, yes."

Supervisor Villella: "Better than nothing."

Councilman Cardinale: "In your experience, did anybody ever build a house like back in the woods and then come in around 10 years later for a permit?"

Leroy Barnes: "It has not been my experience, no."

Councilman Cardinale: "You never had one of those?"

Leroy Barnes: "I never had anybody build a house without a permit."

Councilman Kent: "Back in the woods, never?"

Councilman Cardinale: "Decks are pretty common though."

Leroy Barnes: "What I'm concerned about more than anything else is that we're talking about possibly tripling the fees in certain cases if you would consider that. Keep in mind that a residential house today is running an average of \$700, \$800. So to triple that, that would be excessive. So I would believe that-- "

Supervisor Villella: "Excessive. They shouldn't have done that-- "

Leroy Barnes: "Well, I do understand that and this local law, I believe, or this amendment to the statute will certainly, I think, prevent a lot of the problems that have been created recently."

Councilman Cardinale: "What did you just say about a residential house running what?"

Leroy Barnes: "Around \$700 or \$800."

Councilman Cardinale: "Oh, I thought you said \$7,800. I was going to say geez. \$700 or \$800, okay."

Leroy Barnes: "Correct."

Supervisor Villella: "Thanks, Leroy."

Leroy Barnes: "Okay."

Supervisor Villella: "Bill, is there anything else you want to-- if not, we've got to hand it over to George."

William Kasperovich: "The deck seems to be a popular example to what-- use as a talking point. This deck or a deck is actually a part of the building unless it's a fully detached structure. But most decks are attached to the building and the reasons why somebody would come for a building permit if they got away with it for 10 years, why are they concerned with a building permit 10 years later?"

Councilman Cardinale: "Because they've got to sell their house and when they sell it, they need to get a CO."

William Kasperovich: "Exactly. They have to show a CO that is complete and valid. And they could not get one so you are in essence allowing them to obtain a CO on the basis of a modification to the building without permission. We may not have deck situations in the past 20, 30 years in Riverhead but we've had small additions, lean-to's, large entryways, porches which are not just seasonal things but are enlargement and modification, alterations to the structures.

Now getting a CO to sell your building is an important point without which you're dead in your tracks. And here you are allowing permission that this could be done by not considering the addition of a driveway-- of a deck as part of the structure and part of the CO requirement."

Councilman Cardinale: "I don't think you get it. That's not what we're doing."

William Kasperovich: "I know what you're doing. But what you're not doing is allowing something that's-- involves the issuance of a clear certificate of occupancy."

Councilman Cardinale: "The code-- certain things require building permits, it's kind of byzantine, good luck trying to figure out which. But there are certain things. A deck, for example, requires a building permit. A lot of people go ahead and build a deck and don't get the building permit. Then a few years later when they sell their house they come and make application for the building permit and lo and behold when he goes out to look for it he finds the deck. In those instances he believes and that is why he's proposing the law for the Town to consider, that they've ought to pay double what they would have paid had they done it right in the first place. In addition, if they built the deck or were so stupid to build the deck too close to their lines, they have to go then to the ZBA and they have to pay how much? Sixty dollars, which is good because in Southold it's like \$250-- \$300 and something, in fact. But, in any event, if they did it too close to the line they've got to go to the ZBA. Furthermore, and even if they did it-- but if they did it 10 years ago, they've saved tax for 10 years. So the idea is at least get them for double the fee when they come back in looking for the building permit 10 years later because they need it to obtain a CO to sell their house.

So there's a lot of logic to the law and the only issue that I think is-- that I understand you are making is, is the doubling

sufficient to curtail the offensive activity of building structures without permits. And that's a legitimate question but I'm asking you what do you think is sufficient to curtail that activity, doubling is significant. How much does it cost to get a building permit for a deck? Approximately, Leroy."

Leroy Barnes: "About \$75 on average."

Councilman Cardinale: "So it would mean that it would only be a \$75 fine in effect, so I think Bill's point is maybe it ought to be a bigger fine. And that's a legitimate point."

William Kasperovich: "Let's-- "

Councilman Cardinale: "The rest of what you said I didn't understand."

William Kasperovich: "I take it for granted, I just assume that the Town Board fully appreciates the purpose of having a building code and having a building permit. This is for the interests of the public. Primarily the public is concerned."

Councilman Cardinale: "Right. The theory is that Leroy knows what he's doing."

William Kasperovich: "The owner or the intended purchaser may not have any knowledge or any professional assistance. The contractor would just as well get away with it and pick it up after he's caught."

Councilman Cardinale: "Right."

Supervisor Villella: "Maybe the next time he comes in for a permit for another house, we can, you know, there's ways of getting even, Bill."

William Kasperovich: "You haven't used that weapon in the last year so I assume you-- "

Supervisor Villella: "Leroy's been pretty good at it lately. He's quick."

William Kasperovich: "Now, the-- "

Supervisor Villella: "Things have changed, Bill."

William Kasperovich: "Yes, I've gotten older everyday."

Supervisor Villella: "No, you've got younger. Leroy's getting older. Bill, I want Councilman Lull to read into the minutes-- "

Councilman Lull: "We didn't have a copy of this up here and I just would ask if Adam would get it for us. And just to make it clear exactly what it is, I'll read the whole code because it's only one sentence long.

It's 52-10 Building Permit Fees. Subsection E. Preconstruction fee. If a land clearing or excavation or building or a commencement of any construction activity is without the benefit of application-- excuse me-- of applicable town permits, all fees associated with any land clearing or excavation or building or construction activities will be equal to double the otherwise applicable fee for all permits provided by the town code.

And, Leroy, when we were talking about it, this is what I heard-- I remembered from when we talked about it previously. I have a question as to whether or not the wording of this would actually apply to anything that has already been done. There is a question in my mind as to whether or not any activity that has taken place previous to passing this code could actually be covered by the code."

Councilman Kent: "How do you prove it?"

Leroy Barnes: "I think the distinction-- "

Adam Grossman: "Jim, just to clarify, is if something was previously done without approvals and then after this code was adopted the applicant comes for approvals, at that point, that's when this would apply. Okay. Regardless of the time period at which the construction took place."

Councilman Kent: "How are you going to prove when you did it if you didn't apply for a building permit? The applicable date would be when you applied for the permit. If the law goes into effect and then you come the day after to apply for your permit for something you did 20 years ago, the law would be in effect. That's the way I would feel it would work."

Councilman Cardinale: "But Jim does make an interesting point."

Councilman Lull: "It doesn't say any land clearing or building that was done without permit. It says "is"."

Councilman Cardinale: "Well, you know, it's an interesting point that you make and doesn't the IRS do the same thing? That have an amnesty period to encourage all of you with those illegal decks out there-- "

Supervisor Villella: "Hey, we should do that. I like that."

Councilman Cardinale: "So we could indicate in the statute an amnesty period and that would-- and then we would say anytime after that, then your theory is a very good one."

Councilman Kent: "It would-- it could raise some money for us. So we'd give them a week. When do we really need some money? Okay, Bill, is there anything else you want to say?"

Supervisor Villella: "Don't leave that out; let's do it. Good-- all right. Bill, thank you for bringing that up. See, we're getting some work done up here."

William Kasperovich: "You see my-- "

Councilman Kent: "That amnesty idea was a good suggestion, Bill."

William Kasperovich: "-- purpose of my approaching this problem is that when you want to build a new deck and they charge you \$75 the Building Department just doesn't pay any attention to the difficulties, the safety measures, the hazards, the violating of the code for ingress or egress. Putting a deck, usually is a small structure in the backyard (inaudible). This doesn't spell out how big or how large or how extensive the deck is. Some decks have been built quite extensively. It's a large structure and a lot of items are involved."

Councilman Kent: "That's covered under a different section of the code. This just talks-- I mean there are other sections in the code that deal with how big your deck is and what the structural requirements you have to meet to build a deck. That's not covered in this section. It's in another section."

William Kasperovich: "All right. But that's-- to apply that

section and review it and see it and inspect the site isn't done because it's only \$75 bucks and for 75 bucks you run the town car over to the site and back."

Adam Grossman: "Okay. Bill, I just want to add another point just for clarification on this particular section and Chapter 52 generally. Just because we have the section that is going to be added on preconstruction fee doesn't mean that the Building Department or the Town is obligated to grant every building permit request that is before us, whether we get the fee or we don't get the fee. All other rules apply in terms of any application for a permit, applying every other portion of Section 52 of the town code so the people have to be in compliance with the current code in order for the building permit to issue and in addition to that, they (inaudible) in the first place."

Supervisor Villella: "Okay, Bill. Thank you very much. George. I know you've got the opposite to say what Bill has, so let's hear it."

George Schmelzer: "Looks like we're coming to a soviet America."

Supervisor Villella: "All right."

George Schmelzer: "So if I want to put a little railing outside the door with a two foot step, I need a permit? Nobody knows, huh?"

Supervisor Villella: "No. You don't need anything, George."

George Schmelzer: "Huh?"

Councilman Cardinale: "I believe the code says any-- "

Supervisor Villella: "Just make sure it's steady though. That's all."

Councilman Cardinale: "Any structural alteration. That would not be structural. So you're all right."

Supervisor Villella: "Build it safe."

George Schmelzer: "Build out two or three feet more with a railing-- "

Councilman Cardinale: "Yeah, you need it."

George Schmelzer: "There you go. Soviet America. Can't you do something useful instead of bothering people? Why a criminal has more rights than a landowner. He's god damn criminal, give him a permit to live in his own house. What he hell kind of system is this?"

Supervisor Villella: "Watch your language. We have children. We have children in here. Watch your language."

George Schmelzer: "Well, this isn't for children."

Supervisor Villella: "Yes, it is. It's for everybody."

George Schmelzer: "Well you act like children. Pardon me. You act worse than children."

Supervisor Villella: "Thank you."

George Schmelzer: "Yeah. Imagine. Live in your house, you treat them worse than a criminal, without a permit. Aren't you ashamed of yourselves?"

Supervisor Villella: "Adam, don't even say-- "

Adam Grossman: "George, if you can't be-- if you have a point to make, make your point."

George Schmelzer: "Yeah. Can't leave people alone. Just for their own safety? Maybe you should have a shoe inspector so people can get the right shoes so they can walk good. Maybe you need an eyeglass inspector so people can see when they're driving. Maybe you need an ear inspector so they can hear things, listen to you guys. Really."

Supervisor Villella: "Very good, George."

George Schmelzer: "I think we're getting worse. Maybe there's a particular peculiar virus in these Town Halls. When they get a new bunch in, usually get worse than the ones you throw out. And maybe if you (inaudible) the Town Hall should be fumigated before you enter it. There's some kind of virus going around he whole country in all governments. I don't know what the hell it is."

Supervisor Villella: "George, do you really believe that or are you grandstanding here? The TV is off to begin with, but anyway, what's happening?"

George Schmelzer: "Grandstanding?"

Supervisor Villella: "What are you talking about?"

George Schmelzer: "You're grandstanding."

Supervisor Villella: "All right. Thank you, George."

George Schmelzer: "You're very welcome. I don't welcome what you're trying to do to people."

Supervisor Villella: "We're trying to help them."

George Schmelzer: "Help them?"

Supervisor Villella: "You're the only one we're not helping it seems like. I don't know."

George Schmelzer: "(inaudible) different parts of the town government. You missed one. You should put on there you need it more than the others. Department of hindrance, you left it out."

Supervisor Villella: "Thank you."

George Schmelzer: "Yeah, yeah. You're all department of hindrance but you don't list it, really."

Councilman Kent: "What's that got to do with the public hearing?"

Supervisor Villella: "All right. Thank you, George."

George Schmelzer: "Okay, so long."

Supervisor Villella: "Smile before you leave. Okay, now we know you're all right. Okay. That's fine. Anyone else like to speak on this public hearing? Mike, was that a-- I thought you had-- what do you have, an itch? 4:56, we declare the public hearing closed. 4:52."

Public Hearing closed: 4:52 p.m.

Supervisor Villella: "Comments on resolutions."

Councilman Kent: "We have two resolutions that are not in the packet. Vinny."

Supervisor Villella: "Come on up, Lauren."

Lauren Kratoville: "Good evening, gentlemen. My name is Lauren Kratoville. I'm a resident of Aquebogue. George, you always make this look so easy. I have a question on a couple of resolutions. First of all, Resolution #278. It's a general fund budget adjustment for \$100,000 to Town Board litigation. The Town Board budget for 1999 was adopted back in November of '98. At that time, Councilman Cardinale who is offering this resolution today, stated that department heads would be held accountable for staying within their respective budget lines. That there would be no fund balance transfers.

We haven't even completed the first quarter of 1999 and yet we need an additional \$100,000 in Town Board litigation. I'm concerned quarterly if we're going to have to put in \$100,000 how are we going to as residents and you as the Town Board stay within your budget for the year of 1999?"

Supervisor Villella: "Well, we will stay within the budget but not on this particular budget. You're absolutely right, Lauren. What this situation is, that we're protecting the rights of the people of the Town of Riverhead. We're going to fight for them on these legal battles. We can drop the lawsuits but what is that going to gain us? Nothing. We have to fight them, especially now that we got a good decision on the Lilco one, we have to go full speed ahead on that.

We have some-- Grubb & Ellis for the Grumman property, not Grubb & Ellis, excuse me, Wilke, Farr, there's a lot of expenses. There's a lot-- you're absolutely right. And it's going to be over the budget because these are emergency type issues. And second of all, it won't affect the Town budget. I appreciate your concern."

Lauren Kratoville: "Okay. Have we-- we've hired a Deputy Town Attorney. Is anything being done in house to alleviate the costs

towards this litigation?"

Supervisor Villella: "Would you like to handle that?"

Adam Grossman: "Yes. We have a Deputy Town Attorney in Riverhead who was hired and began working a few weeks. And that's the purpose of having a Deputy Town Attorney, is to alleviate some of the costs associated with giving litigation to outside counsel. However, the extent of the total in terms of litigation in the Town of Riverhead is something that's handled differently by each township in the county and in the state and in the Town of Riverhead historically we have largely given work to outside counsel in certain areas, including in the area of labor law, in the area of negligence cases against the town and in certain other areas where, for example, for our Sewer Department, our Water Department, a few other departments in the town that's handled outside of the Town Attorney's Office and that will continue as of now.

If in the future the Town Board decides to have a change in policy in terms of largely increasing the staff in the Town Attorney's Office that's a decision in the future for the Board to make. Other towns, like the Town of Brookhaven, handle many things in house. That's why they have about a dozen lawyers. Each township handles these issues differently."

Lauren Kratoville: "Were these issues not also addressed in '98, '97, '96? I mean you planned in 1999 for a particular budget for litigation."

Supervisor Villella: "Every year the budget has been over, Lauren, from God knows when. They always put \$150,000 in there and it goes way above it. You're right."

Adam Grossman: "It's been the case for many years."

Supervisor Villella: "I don't know where-- "

Lauren Kratoville: "And it's just going continue to be way above?"

Supervisor Villella: "No, no. We're trying-- with the new Deputy we hope to curtail it a little bit. It's the selling of the Grumman property, we're going to be taking care of that. There will be less expenses once we get that going, Lauren."

Lauren Kratoville: "Okay."

Supervisor Villella: "Just to get it up to that point. You're 100% right."

Lauren Kratoville: "The second resolution I wanted to ask about is Resolution #283 which re-establishes membership for the Riverhead Recreation Advisory Committee. It states in here that the Town Code of the Town of Riverhead provides for a membership of seven members on the Recreation Advisory Committee. Having been a past Town Board Coordinator, I was on that Recreation Advisory Committee as a Secretary for the Town Board members. I have never known there to be seven members on that Committee. My understanding was always that the Committee that exists in statement in the Riverhead Town Code is a Committee that was established back in 1960 when Riverhead Town Recreation Department was formed. Seven members were to advise at that time the Recreation Department on programs and various issues that would becoming newly along.

What I understand the Recreation Advisory Committee to be since 1989 is an ad hoc committee to this. When the Town of Riverhead established the \$2,000 per lot fee for recreation capital projects, the Town Board established an ad hoc recreation advisory capital project committee which is what these members that have been on this committee are a member of."

Supervisor Villella: "And they still are. There's 18 or 19 members on that committee."

Lauren Kratoville: "Correct."

Supervisor Villella: "Just according to the Town Code, that there's only seven that are allowed to vote."

Lauren Kratoville: "What I'm saying is that it's two different committees. That's what I'm asking."

Councilman Lull: "Vinny, she's talking about two totally different committees."

Supervisor Villella: "The ad hoc committee and the other committee. Right."

Councilman Lull: "The committee that was appointed when Don

Reuter (phonetic) was the first recreation department advisor when I was working for the Recreation Department at that time. That committee was appointed because we didn't know what direction the Recreation Department was actually going to go in and that was an appointment of a committee of seven people to advise the Recreation Department on policy and so forth.

When the recreation fees-- developer's fees began, a call went out to begin a new committee, an ad hoc committee, which basically was aimed at bringing in three members from each of the hamlets into a Recreation Advisory Committee which was an ad hoc committee to advise the Board on the spending of that money and they're two totally different committees. One committee which has been inactive for a number of years and if you wish to make it more active by bringing it up by resolution now, that's fine. But it shouldn't replace the larger more broadly based committee which is aimed at making the capital expenses from the recreation funds from the developer's fees more representative of what the entire town would like to see."

Councilman Cardinale: "Jim, was that committee, the second committee, the larger committee, was that established by resolution?"

Councilman Lull: "No. It's an ad hoc committee."

Councilman Cardinale: "So, I see. Okay, thank you."

Lauren Kratoville: "My concern was that-- "

Councilman Kent: "Wait a second. Let me ask a question. The ad hoc committee, that's formed strictly at the discretion of the Town Supervisor, is that how that would work?"

Councilman Lull: "The Town Supervisor cannot form committees of members of the public. The Town Supervisor can appoint members of the Town Board since he is head of the Town Board to these committees. But the other committees must be done in other ways. And that was done by the two people on the Town Board at that time who were the members of the Town Board in charge of recreation. Vic was one, I don't remember who the other one was. But they were the two who were in charge of recreation at that particular time and they put out a call for an ad hoc committee and that's where that second committee came from. And that's the committee that has been making such decisions and the group you've been meeting with."

Councilman Cardinale: "Well, what I'm a little unclear on. I know the committee exists but this was a committee founded sometime ago to assist two members of the then sitting Board to make recommendations which were non-binding on anybody in regards to expenditure of funds and those two members of the Board would then discuss it with the whole Board and that's what they still do. Right?"

Councilman Lull: "Yes."

Councilman Cardinale: "Okay, now I get it."

Lauren Kratoville: "I'm concerned or I guess what I'm questioning is it seems that some of the members that are on-- is this committee the same committee that is meeting monthly currently now? The Recreation Advisory Committee which I don't know that it's bound to the seven members because it isn't-- the committee that meets now is a very different committee than what is stated in this resolution.

The Committee that's stated in this resolution has been inactive since late 1960's, early 1970's. The ad hoc committee which is currently meeting on advising the Town Board members as to what they would like to be seen done with that money, it's a very different committee and there are individuals in this town who have worked 12 to 14 years because they care about the town, they care about the recreation facilities, and previous Town Boards and yourself have taken great pains to get people on that committee who have children or who are in different areas of community where capital projects need to be made within the Recreation Department.

This resolution states that seven individuals as voting members. An Advisory Committee I never knew to be a voting member; they're simply advising, they're not voting members. They discuss-- "

Councilman Kent: "Well, we take votes at every meeting, so, they have motions and they have seconds and they have votes. So I think the intent of this resolution was to limit the number of voting members on that committee to seven. The seven members will sit in on the resolution, they're all members of that committee today. But-- "

Supervisor Villella: "That could change."

Councilman Kent: "What we're going to do is I was going to move to table not based on any comments you're saying today but based on

some activity that's going on within the committee. We had set a policy at our January meeting of the Recreation Advisory Committee of which I am the Town Board member on that committee. So it appears to be my authority to name members to this committee from what I'm hearing since this is an ad hoc committee to advise me and I'm the head of the recreation committee. It would be my authority then to name the members, it seems to be from what I am hearing up here.

We decided in January at our committee meeting to set a policy. There had been about 18 or 19 members as of January 1 listed as members of that committee. We decided to give these people an opportunity to attend meetings because we had poor attendance and we were going to give them three months to see who came to meetings in February, March and April and then the committee chairman and the other members of the committee were going to decide those members which-- who were no longer going to be on the committee. So I am going to move to table this resolution and ask that we take it up in the second meeting in April and that will give us the opportunity to have our regularly scheduled Recreation Advisory Committee meeting in April and at that time we will-- they will provide to me and I will provide to the rest of the Board for discussion at a work session who should be the members of that committee. Because that appears the way it should be handled."

Supervisor Villella: "Because there's two or three people that are on that list that might be off by the time this next meeting comes."

Lauren Kratoville: "Then I would ask that the Town Board consider people who have given many years of their time to this committee and many hours of their time away from their families to this committee to help. I was at-- or happened to be present at a March of Dimes meeting where the Recreation Advisory Committee was walking in after. Two members that walked into that meeting aren't listed here.

From what I understand, this was never discussed at that meeting. So it seems to me or my concern as a Town member is you've got people who want to volunteer to help you do the paperwork, to help you do the work and get through it and you're in essence throwing them off the committee. You're passing a resolution a week later or five days later, not including the names on a resolution, and never discussing it with them."

Councilman Kent: "Well, that's why I was going to move to table this because I said we were going to discuss this at the April meeting because we hadn't discussed it."

Lauren Kratoville: "Okay."

Councilman Kent: "So we are going to discuss it at our next meeting which is coming up the first week of April. I will then bring back my recommendations to this Town Board at a work session after we've met with the Recreation Advisory Committee."

Lauren Kratoville: "Great."

Councilman Kent: "And that's what I had suggested today to Vinny when I saw this resolution."

Supervisor Villella: "Yes, he did."

Lauren Kratoville: "Okay. Very good. The third and hopefully last what I'd like to discuss is Resolution #288 which-- let me grab it here-- authorizes the Supervisor to execute agreements. In this resolution it says attached management agreements. The agreements are not attached."

Councilman Kent: "They are to ours."

Lauren Kratoville: "They are attached to yours?"

Councilman Kent: "Yes, they are."

Lauren Kratoville: "Okay. Are these-- how many agreements are attached to this? As a public person and an employee-- or a-- "

Councilman Kent: "There are two agreements attached."

Lauren Kratoville: "There are two agreements attached. Are these two people currently CSEA employees?"

Councilman Kent: "Jack, I would say yes."

Lauren Kratoville: "You are voting-- gentlemen, you're voting on the resolution. I just-- I'm trying to get a feel for your idea as to where you stand on the vote on this resolution."

Councilman Kent: "I believe they are currently CSEA employees."

Lauren Kratoville: "Okay. Has the Town Board negotiated outside of the bargaining unit with these two members of the CSEA unit which is a bargaining unit?"

Adam Grossman: "I just want to bring up while this discussion is going on, I just want to bring to the Board's attention, they are aware that there is a grievance that has currently been filed in connection with this. So I suggest that you limit your comments in response to any questions because of that situation."

Lauren Kratoville: "I thank you for your input but I'm not addressing that at all. I'm addressing the CSEA and my concern that in the past perhaps the Town Board has stepped outside of the bargaining unit and bargained with a member of CSEA and negotiated a contract separate from the CSEA with that unit with no privilege of CSEA's knowledge at all. And I am concerned that this is happening again. Article 2 Section 1 recognizes CSEA Local 1000 as the sole and exclusive representative for all members. And if you are, in fact, negotiating outside of the bargaining unit, this is a form of union busting."

Councilman Kent: "Well, first of all, I haven't done any negotiating with anybody outside of the union setting and, two, there is litigation going on right now on this very issue so I do think we should not comment on it. I believe the CSEA has brought us to the Appellate Division in this in Brooklyn. I think we argued this very issue whether CSEA employees were being-- whether the Town was negotiating with the CSEA employees outside of the union setting and I don't believe that we should discuss this in an open meeting like this for one because there is litigation pending."

Lauren Kratoville: "Okay, I can appreciate that. My concern is that you say that you have not negotiated anything but yet you're authorizing the Supervisor to execute the attached agreements. Apparently something has to have been negotiated because you're simply authorizing the Supervisor to sign what's been negotiated. Who has negotiated these agreements? If you're saying you haven't been part of negotiations, how are they negotiated because now they're at the point of being executed?"

Supervisor Villella: "I've been negotiating in a certain manner. Because they came to me. They are-- they have been doing--"

department head-- I really don't want to get into it too much. I know, Adam, you've got this microphone turning here and everything. But I just want to tell them the truth, that's all."

Adam Grossman: "I understand but we have pending litigation."

Supervisor Villella: "We have pending litigation and we know the whole situation. I know the reason why you're up there, that's fine."

Lauren Kratoville: "No. There's no reason other than, again, I'm-- and you know my stance with CSEA with the union."

Supervisor Villella: "Right."

Lauren Kratoville: "Unions were established in this country for a very good reason and the Town Board has in the past, as you say you're in litigation-- "

Councilman Cardinale: "I can't resist. Let me see if I got this straight. I think we're talking about what are commonly called as the management contracts that occur in this town, aren't we, including the one that your husband, Russell, had when he worked for the town. And I think you're saying, correct me if I'm wrong, that they are subject to attack as a matter of-- which I think is a legitimate point, that you have to negotiate the contract with the management member and if he was a member of the union at the time you were negotiating, that that might constitute a violation. Correct?"

Lauren Kratoville: "No. I believe that what-- yes and no. I believe that what I am stating to you is that it's unprecedented except for this year that someone in CSEA has been addressed outside of the bargaining unit for a management contract."

Councilman Cardinale: "Well, what about all the-- "

Lauren Kratoville: "The other employees with the management contracts came on as management. They were not members of CSEA when the contracts were negotiated with them."

Councilman Cardinale: "Well, what-- all right. You're making the distinction between-- they're all civil service-- "

Lauren Kratoville: "CSEA and civil service are very different."

Councilman Cardinale: "But you're saying CSEA. Okay."

Lauren Kratoville: "CSEA is the bargaining unit and in the CSEA contract that you gentlemen all voted on, it states in there that it is a bargaining unit and you will not bargain with any members or members outside of that bargaining unit."

Councilman Cardinale: "I understand-- so you're making that distinction and you're indicating, which I have no knowledge of, that the other contracts involved had different situations. Is that what you're saying basically? I just want to understand you."

Lauren Kratoville: "Yes."

Councilman Cardinale: "Thank you."

Supervisor Villella: "Jack, do you have anything to say on this?"

Adam Grossman: "And I just want to mention as well that this is all comment on the resolutions-- comment on resolutions doesn't mean that Board members have to answer questions."

Councilman Cardinale: "Curiosity."

Jack Hansen: "There have been several employees that were members of the CSEA bargaining unit that went on to become department heads and they were discussed as far as contract agreements, that type of thing, Gary Pendzick being one, Michael Reichel being two, just to name two people. So that is not a precedent."

Councilman Cardinale: "So what you're saying-- just so the public is not less-- more confused than I. What you're saying is in direct contravention to what Lauren just said. She said that there were no similar situations in the past. You're saying there were numerous similar situations."

Jack Hansen: "Yes. The CSEA contract says that you can negotiate with people outside of the CSEA bargaining unit. The CSEA bargaining unit is one of the exceptions. It lists the employees in this town that are not covered by CSEA. A department head being one, the police department being another. Appointed officials are outside the CSEA bargaining unit."

Councilman Cardinale: "But before they get to be department heads, how do you get between-- I think the point is in any of your department head contracts how do you get there without negotiating?"

Councilman Kent: "I think what they're saying is we should be bringing in people from the outside, not promoting from within, which I feel is contrary to-- "

Lauren Kratoville: "No, my question is-- "

Councilman Lull: "No, that's not the case at all."

Lauren Kratoville: "-- has the CSEA been made aware of-- "

Councilman Kent: "We should bring in the union official to negotiate a management contract."

Lauren Kratoville: "At least to authorize your being able to negotiate with them outside of the bargaining unit. Just because it hasn't been done in the past or has been done in the past, doesn't make it right."

Councilman Cardinale: "But you're bringing it up now and incidentally in regard to this, the-- as I recall, the last work session, the CSEA-- at the last work session, the CSEA representative was there in regard to both these contracts."

Councilman Kent: "Was there and the employee asked-- said that he was not necessary to be there and then he excused himself. So that was the one session that-- "

Lauren Kratoville: "I was told they're not aware of it at all. They weren't aware that this was going on, that they were not part of the negotiations or aware that it was happening."

Councilman Kent: "Yes, he was."

Councilman Cardinale: "He was there. I think-- unless I'm missing something, this is much adieu over nothing. He was there at the session."

Councilman Lull: "No, he left before the session."

Councilman Cardinale: "No, he didn't leave before the session."

He asked the worker if she wanted him there and she said no. So, I don't get the issue. If you can clarify it for me, I'd be glad to listen."

Lauren Kratoville: "The issue again is that I, again, in the contract itself it states that the CSEA is a bargaining unit and I'm concerned that it's union busting that's going on. My other question-- "

Councilman Cardinale: "Well, I can tell you that the CSEA representative was there at the work session."

Supervisor Villella: "As a matter of fact, both of the people that are in the contracts already spoke to him about this. He knew about-- they were going to become department heads. They spoke to him and wanted to get facts and everything."

Lauren Kratoville: "So, as you stated these management agreements are similar to the other agreements that are in effect with the Town of Riverhead right now. As I understand it, the proposed contracts represent in excess of 30% increase for one employee and 25% increase for the other since this administration took office less than two years ago. If it is, in fact, the same as the other management agreement, aside from that, it will also provide without authority from the Supervisor the ability for each of these employees to earn upwards of 14% because the current contract states that the employees are allowed-- their salaries are based on 35 hours. They are allowed to work up to 40 hours without the Supervisor's approval for additional compensation. That will then give them an additional 14% increase on their salaries. Given that-- "

Supervisor Villella: "Comp time or are you talking above overtime?"

Lauren Kratoville: "I'm talking about time."

Supervisor Villella: "Time itself. Okay."

Lauren Kratoville: "Straight time afterwards."

Supervisor Villella: "Which is not money involved."

Lauren Kratoville: "It is money involved in it. At the end of the year if they don't use the comp time, it reverts to sick which

in-- by their contract they're allowed to buy out. So, yes, it does revert to money and this Town Board has stated very often that they're concerned about fiscal responsibility. And I want to-- I just question where fiscal responsibility is that-- "

Supervisor Villella: "In the contracts we-- Lauren, you're absolutely right. They got increases, they got a freeze in the year 2000, everything you're saying is right about the contracts. I reward my department heads, I would like to reward my department heads, the ones that have been doing great work for this Town. Where I'm saving money is underneath the department heads and what they're doing and changing laws and codes and everything. That's where we're saving money. It's not in the contracts; you're absolutely right. I'm rewarding them for saving us money and that's the bottom line."

Lauren Kratoville: "You're rewarding them by giving them money that they made in 50 hours and you're going to pay them 35 hours, that kind of money."

Supervisor Villella: "No. That's something you're throwing in there. I'm just rewarding them in something else."

Lauren Kratoville: "What kind of salary are you talking about then? What kind of salary increase?"

Supervisor Villella: "Actually between the two of them we are will be saving money. If you do the right thing."

Lauren Kratoville: "How are we going to save money?"

Supervisor Villella: "Come on up here, Jack, and explain how we're going to save them money."

Lauren Kratoville: "I'm really-- and I don't think-- "

Supervisor Villella: "He takes care of the overtime."

Lauren Kratoville: "-- no indifference to Jack-- "

Supervisor Villella: "No, it has nothing to do with Jack."

Lauren Kratoville: "-- and no disrespect-- I want to get a feel from the Town Board on exactly what they're voting for. We as the public are asked to come to Town Board meetings."

Supervisor Villella: "The Town Board is voting on a contract that they are getting a little higher in their salary but we're saving a lot on the overtime that they've been getting, so overall between the two of them, we'll be saving approximately maybe six or seven thousand dollars which, you know, whatever it is, it is."

Lauren Kratoville: "So you're taking what they were earning on a basis of 50 hours with their overtime, you're now including that in the 35 hour week and without your authorization, Vinny, they can work five hours a week extra."

Supervisor Villella: "No. They have to come in front of me with a signed piece of paper-- over 40."

Lauren Kratoville: "Over 40?"

Supervisor Villella: "Right."

Lauren Kratoville: "Between 35 and 40 they don't need you to do that."

Supervisor Villella: "Right."

Lauren Kratoville: "That's a 14% increase just in those five hours alone based on what their salaries are. We as the public are asked to come to Town Board meetings."

Adam Grossman: "That 35 to 40, that's all department heads."

Supervisor Villella: "I know, right."

Lauren Kratoville: "Absolutely. But, again, let me get down to bare bones then of these contracts that you're authorizing execution of. What is the dollar amount for these employees? It's public knowledge; it's not personal."

Supervisor Villella: "It will be public after we vote on it."

Lauren Kratoville: "So we as the public are not afforded the opportunity to see what you're voting on? We're given just a generic resolution that says execute agreements. We're not allowed to know what the agreements are or the content of those agreements."

Supervisor Villella: "I guess we could, yes, we could-- okay,

one is for \$47,000 and the other one is for \$53,000 that's been here for I forget how many years. How many-- "

Lauren Kratoville: "Okay, the one at 47-- what was that person making in the beginning of the year?"

Supervisor Villella: "Almost 41."

Lauren Kratoville: "So \$6,000 increase. Twenty percent."

Supervisor Villella: "Right. But we took away 15,000-- 14,000 in overtime she's not entitled to."

Lauren Kratoville: "That's quite a bit of overtime. How is she going to get her work done now? If she couldn't get the work done in 35 hours at \$47,000 or at \$41,000, how is she going to get it done at \$47,000?"

Supervisor Villella: "We took the work away from her. She's not-- what's the word we're looking for? She's not in charge of the youth corps, but she's still helping out with the youth corps."

Lauren Kratoville: "So you're giving her less work but an increase in salary?"

Supervisor Villella: "Increase in salary but taking away overtime."

Lauren Kratoville: "Taking away some of her work. You're-- "

Councilman Kent: "Her overtime work, yes. Work that she was-- last year she made in excess of \$50,000. Now this year she's making \$47,000. And we're cutting away the time-- some of the time that she was dedicating and getting paid overtime for. Okay."

Lauren Kratoville: "But and again from a budgetary standpoint, you're also putting in for an administrative aide for Riverhead Youth Corps. So-- "

Supervisor Villella: "That's a grant."

Councilman Kent: "We got grant money for that."

Supervisor Villella: "That's grant money for that."

Councilman Kent: "That's not coming out of town money."

Lauren Kratoville: "That's all grant monies that's going-- "

Supervisor Villella: "That's the reason why we're taking it away from Judy and we're putting this particular person-- "

Lauren Kratoville: "So, again, you're going to give an employee a 30% raise and I'll talk about one for now-- a 30% raise and you take away some of her duties-- "

Supervisor Villella: "That's your figures."

Councilman Kent: "Thirty percent."

Lauren Kratoville: "Let's say 20% gentlemen-- "

Supervisor Villella: "Whatever."

Lauren Kratoville: "-- if you don't want to bicker. If you want to say it's \$6,000 on \$41,000."

Councilman Kent: "\$6,000 on \$41,000 is about 14%-- "

Lauren Kratoville: "Now, I sat here at a Town Board meeting-- "

Councilman Kent: "We're giving her a 14% raise."

Lauren Kratoville: "-- where Mr. Cardinale stated that CSEA, getting a 4% percent raise, they're given a gift of 2.5%. So the CSEA was given a 4% raise, yet you're giving an employee a 20% raise and taking away from what you stated a good portion of her time. And you're taking that work away, here, you don't have to do this work-- "

Councilman Kent: "For which she was compensated with overtime."

Lauren Kratoville: "But we're giving you the money."

Councilman Kent: "For which she was compensated in overtime pay."

Lauren Kratoville: "Right."

Supervisor Villella: "Besides that, Lauren, we have a

resolution tonight on organizational chart. If you look at all of them, you'll see that we're trying to-- "

Lauren Kratoville: "We don't have it attached to our resolutions."

Supervisor Villella: "Okay. Well, that's-- this is what I've been talking about for the last six months. Jack and I have been working on this; I'm very proud of the work we've been doing on it. Organizational charts, so everybody knows who they-- who their peers are, I guess. They have to be-- one person has to speak to another one instead of someone not doing the work or they're hiding somewhere or something-- I don't say it's done in this town, but we're trying to-- I don't want to say too much, but what we're trying to do here is run it like a business, streamline it, everybody's accounted for and that's the bottom line. That's the reason why we took the duties away from Judy in that area."

Lauren Kratoville: "I don't know any business, Vinny, that runs by saying we're going to take away duties and give you a 20% raise. Never. We'll give you a 20% raise and here's your work you get done in that allotted time."

Supervisor Villella: "If we save money in some other areas--"

Lauren Kratoville: "That's how most businesses work."

Supervisor Villella: "If we save money in some areas where these people are, yes, I will reward them the 4% like they have in their contract."

Councilman Kent: "In taking away duties, she's making less money because she's not going to be paid overtime."

Lauren Kratoville: "She has the ability to make five hours a week more-- "

Councilman Kent: "And \$6,000 over \$41,000 is not 20%. Okay."

Supervisor Villella: "Jack, do you want to clarify that 40 hours-- the other one."

Lauren Kratoville: "Between 35 and 40 hours they don't need your authorization to work and they get straight time for those five

hours. That's additional compensation."

Supervisor Villella: "Go ahead, Jack."

Jack Hansen: "Number one, the one thing that you, I guess, everyone here is forgetting is these are promotions. They are taking on extra duties or added duties by being department heads. That's what these contracts are for."

Supervisor Villella: "We know that."

Jack Hansen: "That's one issue. The second issue is that they are getting FLSA which is Fair Labor Standards rates of pay based on federal law. Federal law says that if they are, in fact, part of FLSA, or covered by FLSA, they, in fact, get time and a half overtime. They're not getting that. But those five hours and strictly those five hours are strictly for over and above the actual hours of work in a work week. So if there's a holiday or if there's a vacation day, they've got to work a lot more hours to get to that five."

Supervisor Villella: "Or even if they take one sick day that week, they still don't get it."

Jack Hansen: "They've got to do the seven plus another five in order to get there. So it's not an automatic five hours."

Supervisor Villella: "Okay."

Lauren Kratoville: "In regard to promotions, there have been a number of promotions already in the Recreation Department this year. It's good to see CSEA members are also being promoted within the bargaining unit and CSEA."

Supervisor Villella: "We did quite a few this year, this is the first time that we've done it."

Lauren Kratoville: "But there are quite a few people that were promoted. What's the need now for giving these people department head status and a substantial increase in salary?"

Supervisor Villella: "That pertains to the lawsuit, Lauren, and I can't even answer that."

Lauren Kratoville: "It's not a decrease in salary, their base

salary was one amount. Because they made overtime and couldn't get their work done in 35 hours, they got extra money."

Councilman Kent: "And you know what? They're not going to get the extra money now."

Lauren Kratoville: "Right. Because we're going to take those duties away, but we're going to give you more money."

Councilman Kent: "We're not going to take duties away."

Lauren Kratoville: "You just said you were taking duties away, that's how she was going to get it done in 35 hours."

Councilman Kent: "I never said that."

Supervisor Villella: "Just on Judy for the Youth Corps. She's still working in the Youth Corps. She's still going to be doing that. She's not going to be paid overtime for it."

Councilman Kent: "She's going to be a supervisor in the Youth Corps. She's going to have somebody doing the actual work."

Lauren Kratoville: "How do we as residents know she's not going to be paid overtime? You can authorize overtime for anyone even a department head, Vinny."

Supervisor Villella: "I wouldn't do it because that's in the contract. She's not getting overtime for that. That's the deal."

Lauren Kratoville: "Well, I would just like the public to be aware of the kind of money that-- "

Supervisor Villella: "I like the idea of the public being aware. They should."

Lauren Kratoville: "And, again, the other employee that's up to \$53,000 a year is quite a substantial increase in salary as well and, Chris, I will argue with you the dollar amount. From base salary to what this contract is is 30%."

Councilman Kent: "Okay, you tell me. What's the percentage increase? What's her percentage increase?"

Lauren Kratoville: "Thirty percent."

Councilman Kent: "Thirty percent? The one that's going to 53 is 30% increase?"

Lauren Kratoville: "Yes. With the ability to make 14% on the five hours. I just want people to know what kind of increases. I know in my job, 30% you don't hear of. Ten percent you don't hear of."

Councilman Kent: "First of all, she's becoming a department head."

Lauren Kratoville: "That's great."

Councilman Kent: "Second of all, it's not 30%. She's not getting a 30% increase. I believe her base salary was in excess of \$50,000 last year and-- "

Lauren Kratoville: "Well, I would like-- "

Councilman Kent: "And now her base salary is going to be \$53,000."

Lauren Kratoville: "I would like to offer to any resident, they can go into the Town Clerk's Office and look at the first resolution of the year and see what the base salaries started at and look at this contract and see what kind of an increase in salary. Because I'm not going to differ with you because unfortunately I haven't been given the back of the paperwork on this resolution-- "

Supervisor Villella: "You're absolutely right. From January-- from the regular salary to what she's as a department head, yes, there's an increase. You're not going through the whole story, Lauren. The whole story is with overtime she was making much more than she would-- "

Lauren Kratoville: "Why did she need overtime?"

Supervisor Villella: "Why did she need overtime?"

Lauren Kratoville: "Yes."

Supervisor Villella: "She had to do her work."

Lauren Kratoville: "Shorthanded? I'll leave you at that. Thank you."

Supervisor Villella: "No, not shorthanded. Because maybe someone else wasn't doing their work, which I didn't want to say that, Lauren. Believe me."

Lauren Kratoville: (From the audience, inaudible).

Supervisor Villella: "Take it off record. Anyone else like to speak on this? Resolutions, yes. Go ahead, Bill. So that's all the department heads that you're talking about then, right, Lauren?"

Lauren Kratoville: "I was speaking about the resolution up at the Town Board today."

Supervisor Villella: "Okay."

William Kasperovich: "William Kasperovich from Wading River. A long way from home. I would like you gentlemen to say something about the first resolution of the evening, 252, which is the establishes organizational structure of the Town of Riverhead."

Supervisor Villella: "That's the organizational charts that we were talking about?"

William Kasperovich: "Well, apparently it is. It's certainly a prime example of why leaving these resolutions go without posting them to the public until the time of the voting of the resolution. I assume from what was said by the previous speaker that the department heads and the administrative personnel have been pretty well established to date. At this point in time all the department heads and all the major divisions have been put into working order. Let's see. These charts that you have don't have any page numbers to them so I have to go by the title which the head-- the lead page which is the Town of Riverhead Government Organizational Chart. Down the line from the Town Board to the Supervisor to what is referred to as Line that goes to utilities and utilities has water, garbage, waste, highway department, engineering department. When looking down this chart, I get-- I stumble over the highway department. I don't think this chart truly shows the position of the highway department in this township.

This has been the point of discussion and times, difficulties for

many years and yet here we have an elected official in the same level here as water. This is not correct.

On the third page titled Accounting Department Organizational Chart, the lead individual, top of the chart, is financial administrator. Going down including municipal garage, computer operator II, I don't know what it means-- senior auditor, I would assume to be in financial administration, but I don't see in there personnel. This individual has an extensive involvement and control in personnel and yet on your chart, personnel doesn't show."

Supervisor Villella: "Go ahead. Where would you like to put it, Bill? Under the finance-- "

William Kasperovich: "I haven't-- if you want it there, spell it out. If you don't want it there, then put it someplace else."

Supervisor Villella: "Well, this is the charts that we got from each department head and we put them all together, so-- "

William Kasperovich: "All right. In the next page, you have Office of the Town Attorney Organizational Chart. It would appear that the code administrator and who else, should be a part of this organization. I don't see it."

Supervisor Villella: "Have you got any more, Bill, because we've got to get going."

William Kasperovich: "Now, in the first lead page the-- which I'm looking at now to see where is the town engineer-- I don't see. Oh, way down the bottom here, below scavenger waste, sewer and refuse and garbage, directly lined from utilities and yet at the Organizational Chart of the Town Engineer between two engineers, just buildings and grounds and street lighting is shown. And yet this man is the salaried consultant to the town in all phases of civil engineering. And it's down in the lead-- the first page, it doesn't reflect that.

Highway Department, the first page, is-- just has a supervisor-- a superintendent, a deputy supervisor, a superintendent and then the what the outside world called general foreman. We call them crew leaders. But tying this into the township, this by itself is an independent department, but tying this department into the township isn't reflected in the Organizational Chart."

Supervisor Villella: "Why isn't it reflected?"

William Kasperovich: "Because we are not utilizing the town engineer to his position and capabilities and we're not placing him in line of the one technical consultant that we have on the payroll."

Supervisor Villella: "Do you have any others, Bill? Other people would like to speak, too."

William Kasperovich: "Well-- "

Supervisor Villella: "Because you're over the five minutes."

William Kasperovich: "If I had to sit up there and listen to what's being said right now, I would want to get rid of the speaker."

Supervisor Villella: "No, not get rid of the speaker. I just wanted to know if you have anything else."

William Kasperovich: "Well, you have the last page, the building department where you have the code enforcement officer and where you have the fire marshal. I believe that the fire marshal should be in the legal department not in the building department."

Supervisor Villella: "He's in the public safety with the police. The boxes on top are the main boxes, then it breaks down into the smaller ones you're talking about. Public safety takes in the police, ambulance and building department. But you're-- "

William Kasperovich: "I'm looking at the police department and I don't see it."

Supervisor Villella: "We had to take it out because there is a few corrections that were made in the past couple weeks."

Councilman Lull: "Bill, the presentation of these charts will be done without the police department in it because the Chief felt it needed more polishing up to more carefully recognize what is going on. So that will not be in the charts that are referred to by the resolution."

William Kasperovich: "Well, there still should be a place for the fire marshal who we have waited so many decades to get a qualified man doing the job."

Supervisor Villella: "He's doing a great job for the town."

William Kasperovich: "And we've got him listed in the building department. Well, I'm not going to tear this assemblage of charts any further but I think I've shown you enough items and enough examples to indicate that it is not-- does not reflect accurately what exists now."

Supervisor Villella: "Then we should set up a meeting with you and Jack. We thought this was the right way, the department heads thought it was the right way, so we're just trying-- "

William Kasperovich: "Well, the town is being run by you, not the department heads."

Supervisor Villella: "That's right."

William Kasperovich: "You tell them where they are and where they stand in the township."

Supervisor Villella: "That's what this Governmental Organizational Chart says."

William Kasperovich: "Well, it doesn't do that as far as I read it."

Supervisor Villella: "Oh, okay. Any other resolutions you'd like to speak on before we go in-- go ahead, Jim."

Jim Flood: "Jim Flood, Aquebogue. You have a resolution coming up involving some property owned by Mr. Tuccio. My question to you, Mr. Supervisor, is are you intending to vote on this resolution?"

Supervisor Villella: "This resolution was brought up by the Farmland Select Group, it wasn't brought up by me."

Jim Flood: "That's correct. I understand that. My question to you, sir, is do you intend to vote on this resolution?"

Supervisor Villella: "I could recuse myself, if that's what you're talking about."

Jim Flood: "That's correct. I was wondering if you would

be-- "

Supervisor Villella: "It has nothing to do with this. This is something that the Farmland select-- in other words, you don't want to preserve farms in the town. Is that what you're saying?"

Jim Flood: "That's not what I'm saying."

Supervisor Villella: "Oh, okay."

Jim Flood: "My question to you, Mr. Villella, is are you planning on recusing yourself on this vote?"

Supervisor Villella: "Why? Because I'm friends with Ed. Is that why?"

Jim Flood: "No. Is he your landlord presently? Do you rent a house from Ed?"

Supervisor Villella: "Yes, I do."

Jim Flood: "Okay. I think that issue alone would-- "

Supervisor Villella: "Recuse, right."

Councilman Kent: "I think the Town Attorney should comment on it but I believe if you disclose-- I don't think he really needs to recuse himself. He could disclose it and let it be known that he is his landlord but this has nothing to do with that. This is a farmland, something that was proposed by the Farmland Select Committee."

Jim Flood: "I understand that and I probably agree."

Adam Grossman: "Sorry, I didn't mean to interrupt you. I would second Councilman Kent's analysis in terms of what obligations are-- "

Jim Flood: "Can we get a ruling from this from the Secretary of state before we-- well, why not? I mean Ed Tuccio, there's going to be many resolutions that are going to surround Ed Tuccio in the future with the Court Street property. I think-- did we vote on an appraisal for the Court Street property Ed owns?"

Supervisor Villella: "I think Frank Isler is doing all those in

that area, yes."

Jim Flood: "But did we vote on anything on that piece of property so far, as far as any bringing up to the Town Board?"

Supervisor Villella: "I don't think so."

Jim Flood: "Did we have an appraisal or anything like that on that property?"

Supervisor Villella: "Yes, Frank Isler was working on that, right."

Jim Flood: "Okay, but we haven't voted on that?"

Supervisor Villella: "No."

Jim Flood: "Okay, because that would be interesting to see if you would recuse yourself on that also."

Councilman Kent: "I think the requirement is only that you recuse yourself for something that-- a vote that would reflect some personal gain to you. If you had to recuse yourself in a small town like this from voting on every matter that you had some connection with because someone you know is the principal in interest, we'd probably never have a majority up here to vote on anything. Because I think everybody on this Town Board knows quite a few people in the town."

Jim Flood: "Well, absolutely. And I agree with that."

Councilman Kent: "So the requirement ethically, you're talking an ethical issue, the requirement ethically is to disclose your association and then you can vote on it as long as the rest of the Board doesn't feel your association would be to the such extent that you couldn't vote on it."

Jim Flood: "Well, I think the association must be made clear then and one way to clarify the association would be to make sure that yes, I know that Mr. Tuccio is a friend of Mr. Villella's, and I know that he is the landlord. What I'd like to know and what would make me feel very comfortable is a disclosure with proof of what he pays for rent every month to Mr. Tuccio and if it's fair market value. I don't think that's very funny. I don't think that's funny at all. I'd like

to know if Mr. Villella-- "

Supervisor Villella: "Do you want to see one of the cancelled checks?"

Jim Flood: "Well, that would be very helpful. Yes, I would like to see-- that would make me happy."

Supervisor Villella: "So instead of grandstanding, why don't you just ask me that first?"

Jim Flood: "You know, you've accused me of grandstanding many times and this is just a legitimate question that I have for you."

Supervisor Villella: "That's fine."

Jim Flood: "You know, it's just like you made a comment to Mrs. Kratoville in an offhanded manner to an employee who has worked for this town for many years-- "

Supervisor Villella: "Well, she shouldn't-- you're absolutely right."

Jim Flood: "No, you're supposed to sit there and listen to public comment. Okay. And a cheap shot taken at the end of a public comment is not the way to go. It demeans the stature of the Town Supervisor. Mr. Kratoville, from what I can recall on his leaving town was given a proclamation for the wonderful work he did. Okay. So let me-- do not say that he did not do his work. And I feel that the Kratoville family-- "

Supervisor Villella: "He did his work and that-- "

Jim Flood: "-- when I look at what the Kratoville family does in this town-- "

Supervisor Villella: "They do a lot."

Jim Flood: "And I look at-- "

Supervisor Villella: "I have a lot of respect for the Kratoville family."

Jim Flood: "And the amount of teams that Mr. Kratoville coaches

and just being out there helping in many, many ways, I don't think that your one second half-assed comment should have been made at the end of that and I feel very bad for the family because you made this in public-- you made a public statement as to the performance of his job and I think that was wrong."

Supervisor Villella: "That's why the court's will bear that out. Thank you."

Jim Flood: "Which brings me to the last deal and that's what happens now, now that we've made two more department heads where one existed, what happens if the town loses its litigation? Then we have three department heads and an additional salary. And there's always that possibility that you'll lose the litigation in this case."

Supervisor Villella: "If we do win, he'll probably have the job up until the end of this year until his contract is over and then it terminates, right."

Jim Flood: "So now we have three department heads instead of two if he loses."

Supervisor Villella: "Not really."

Jim Flood: "Not really? I mean we'll have three department heads."

Supervisor Villella: "I don't want to say too much but these two are doing exactly what they've been doing for all these years and I don't want to say anything about Russell at this time."

Jim Flood: "Okay."

Adam Grossman: "I really would advise the Board (inaudible)."

Supervisor Villella: "Doing the job in the Supervisor's office is not doing the job for recreation and senior citizens. So-- anyone else like to speak on the resolutions? If not, we're going to go into the resolutions. We are going to do the CDA's first and then we're going to do the tabled ones."

Meeting adjourned for CDA meeting: 5:45 p.m.

Supervisor Villella: "Thank you, Andrea. We will reopen for

the regular meeting. Resolution-- "

Councilman Kent: "Don't we want to go with the tabled resolutions at this-- "

Supervisor Villella: "The tabled resolutions first."

Councilman Lull: "Resolution 184 which was tabled previously on February 18th. Declares lead agency and determines significance of action concerning Riverhead Landing LP, special permit. So moved."

Councilman Cardinale: "I would second that and I would ask for a discussion as to the requested amendment. The second Resolve clause, I would ask that it be stricken. I discussed this with Rick Hanley and briefly with Chris. Not only in this particular instance but in all instances, it seems more appropriate that the Planning Board whose expertise we seek in this resolution be asked also to comment on whether the proposed project will have a significant effect upon the environment such that a draft environmental impact statement would be necessary.

So I'd like to refer it to the Planning Board but with the deletion of that second Resolve clause. So I'd ask for a vote on that amendment."

Councilman Kent: "I'll second-- "

Supervisor Villella: "More discussion, more discussion."

Councilman Lull: "Before-- quickly, just fill me in or maybe Rick will have to fill me in. Do we have the power to pass that?"

Councilman Cardinale: "Yes, I think-- explain that, yes."

Councilman Lull: "Do we have the legal right to pass that onto the Planning Board to make that kind of decision?"

Rick Hanley: "Yes, essentially the decision by the Town Board on SEQRA is not necessarily required to make a referral. That's been a past practice of the relationship between the Town Board and the Planning Board for a number of years. I think it might be worthwhile actually to have the Planning Board involved a little bit earlier on before any SEQRA decisions are made in that they probably have some expertise in that regard as well.

I think once they do this once, the Planning Board will react. I don't think they will react negatively but that, again, has been past practice for quite some time. I'm really not sure what the genesis of it was, but I think it's probably worthwhile looking at."

Councilman Cardinale: "And it should be noted, Jim, that, of course, as you know, the Planning Board is an advisory board in regard to this so they would be advising us as to their opinion but, of course, we would retain the ultimate decision."

Rick Hanley: "Correct."

Councilman Cardinale: "Okay. Thank you. So I'd ask that that amendment be voted-- be made and with that amendment I would move the motion."

Supervisor Villella: "You want a second. Who's going to second it?"

Councilman Kent: "I seconded it already."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale; yes, Kent, yes; Lull, yes; Villella, yes. 4 yes, 1 absent."

Resolution #232

Councilman Kent: "Resolution 232-- are we going to withdraw that one or the one that's on today, because they're the same. Which is the one that's on today? Yes."

Supervisor Villella: "It's right here, with the indentification."

Councilman Cardinale: "A different one."

Councilman Lull: "This one was one we pulled off last time. We tabled it because Mr. Barnes felt that there was a chance for negotiations. At this point, the negotiations have not been ongoing; he would like to continue the process."

Councilman Cardinale: "Right. And what Chris is pointing out is that the 232 tabled is repeated in our present resolutions at 259."

So we should determine which one we're going to pass."

Councilman Kent: "I'd like to move Resolution 232 and when we get to Resolution 259, I'll move to withdraw it. But at this point, I'll move Resolution 232 which authorizes the Town Clerk to publish and post public hearing notice to consider the demolition of buildings owned by Thelma Booker pursuant to Chapter 54 of the Code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures, property owned-- at 23 Zion Street, Aquebogue."

Councilman Lull: "Second."

Councilman Cardinale: "Okay, we have a moved motion and a second."

Supervisor Villella: "All right. Moved and second. That's it, 232."

Councilman Lull: "We moved it simply to take it off the table."

Supervisor Villella: "Right. Now it's voted on."

The Vote: "Cardinale, yes, to take it off the table; Kent, yes; Lull, yes; Villella, yes. The resolution is moved off the table."

Councilman Kent: "Now I'll move to pass it. Adopt Resolution 232."

Councilman Lull: "And I'll second it."

Supervisor Villella: "Moved and seconded."

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

Resolution #252

Councilman Lull: "Resolution 252 establishes the Organizational Structure of the Town of Riverhead. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Lull: "Wait a second."

Councilman Kent: "Discussion?"

Councilman Lull: "Take a second to talk about this. I have a couple problems with it. One is I don't see any reason whatsoever in the world why this has to be a resolution. We are not establishing anything in terms of a code; we're not establishing anything in terms of procedure; we are not, hopefully, discussing any-- determining anything which is policy. Such a flow chart can be one of two ways. It can be descriptive or it can be prescriptive and as I understand it, this was to be descriptive of what is going on.

Now that there are some things in there that are prescriptive and, in fact, those would have to be done away with before we were to accept it if we were to accept it as a descriptive flow chart. But, in fact, if we're simply accepting it as a flow chart, this is what happens-- this is what is happening-- we are in no way establishing anything that has to be established by a resolution. I don't see any reason for it."

Councilman Cardinale: "I think I agree with you, and I also think that I want-- I think it's wonderful we finally got a flow chart, we've been working on this. I'm amazed how long it took us but at the request of the Supervisor and also the Accounting Department head, Jack Hansen, I commend everybody for getting it to us. But I was surprised to see it as a motion as well-- or as a resolution. Because I would expect that you would want at times to amend this and I would expect further that if you wanted to amend it, it would be the Supervisor who does supervise that would instruct in regard to that and if a resolution is necessary we'll, you know, pass a resolution then."

Councilman Lull: "You're right. A change in it which should be a change which would take place basically between the Supervisor and the department head."

Councilman Cardinale: "Department head, right."

Councilman Lull: "Unless it becomes something which is policy and so there really is no-- "

Supervisor Villella: "You don't see any problem with that, do you?"

Councilman Lull: "I would have to say and Jack who I know worked very hard on it, but I would have to say thank you to Michael and Gary. I've done a lot of these flow charts over the years and the two sections of this flow chart that are the most obviously professional are your two and I appreciate that."

Councilman Kent: "Well, Jack's is pretty good, too. And I think we should give him a proclamation for this."

Supervisor Villella: "All right. So we're withdrawing this-- "

Councilman Cardinale: "I would motion that we withdraw 252."

Supervisor Villella: "As long as we keep with the chain of command. That's the main issue."

Councilman Lull: "I'll second that."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes, to withdraw; Kent, yes; Lull, yes; Villella, yes. The resolution is withdrawn."

Resolution #253

Councilman Cardinale: "Resolution 253 authorizes the payment of an invoice to Harold F. Franchon, Jr. for surveys for the Town of Riverhead owned property at Dogwood Dr., in Wading River, the sum of \$490. So moved."

Supervisor Villella: "Is there a second?"

Councilman Kent: "I'll second this resolution."

Supervisor Villella: "Moved and seconded."

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

Resolution #254

Councilman Kent: "Resolution 254 authorizes the Town Clerk to publish and post public hearing notice for a Local Law to consider an amendment to Chapter 3 entitled Appearance Tickets of the Riverhead Town Code. If you look at the attached notice, it grants some authority for certain town employees to issue summonses and citations to appear before the Justice Court. And I think this is a good move and the public hearing will be on April 6 at 7:05 p.m. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #255

Councilman Cardinale: "This resolution authorizes the Town Attorney to order an appraisal for property owned by Edwin Fishel Tuccio in connection with the acquisition of development rights to said parcel. As we heard earlier, this is by recommendation of the Farm Select Committee and I move that."

Supervisor Villella: "Is there a second?"

Councilman Lull: "Oh, I'm sorry, second. I didn't realize-- "

Supervisor Villella: "That's all right. Moved and seconded."

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

Resolution #256

Councilman Lull: "Authorizes the Town Attorney to order an appraisal for property owned by Arthur Stakey in connection with the acquisition of development rights of said parcel. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #257

Councilman Cardinale: "This resolution authorizes the temporary storage of a trailer at Calverton Enterprise Park, specifically that of-- donated to East End Aircraft who will be setting up at that site the memorial. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #258

Councilman Kent: "This resolution approves the application of the Salvation Army, John J. Juston, Director, for the purpose of conducting an open air preaching with brass quartet."

Barbara Grattan: "Just called the office this afternoon, he's withdrawing the application."

Councilman Kent: "Oh, I was kind of looking forward to the brass quartet."

Barbara Grattan: "He's withdrawing it."

Supervisor Villella: "Withdraw it, okay."

Councilman Kent: "Okay, so-- well, why don't we table this and I'll move to table this-- "

Barbara Grattan: "Just to be sure."

Councilman Lull: "He may come up with a different date."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded to table."

The Vote: "Cardinale, yes, to table; Kent, yes; Lull, yes; Villella, yes. The resolution is tabled."

Resolution #259

Councilman Kent: "This resolution I would move to withdraw it based on the passage of resolution 232."

Supervisor Villella: "Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded to withdraw."

The Vote: "Cardinale, yes, to withdraw; Kent, yes; Lull, yes; Villella, yes. The resolution is withdrawn."

- Resolution #260

Councilman Lull: "Authorizes the Supervisor to accept proposal of summary of services and fee schedule with Suffolk Online Advertising for the Town of Riverhead website. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Councilman Lull: "Can I get a clarification just for one second? WWW.RiverheadLI.com. That is Riverhead's website?"

(Unidentified): "That's our new registered domain name."

Councilman Lull: "Okay, thank you, yes."

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

Resolution #261

Councilman Cardinale: "261 authorizes the execution of a lease agreement between Kenneth Demchak and the Town of Riverhead for additional parking behind the Town Hall. So moved."

Councilman Kent: "And the lease agreement is attached; it's the same price as last year. Second."

Supervisor Villella: "Moved and seconded."

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

Councilman Lull: "We'll have the buildings and grounds stripe it and number it, shall we? Yes."

Councilman Cardinale: "Yes. Good idea."

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

Resolution #262

Councilman Kent: "Authorizes the Town Supervisor to execute a change order for landfill groundwater monitoring well installation project. This has to do with our sewage-- SWAMP which is our management plan up at the landfill. It's part of our proposal with the DEC. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I'm pleased to vote yes because I think this is one of the first I've seen. This is actually a change order which reduces by \$11,738 a \$31,000 contract. I didn't think they work that way. Well, I'm pleased that we have this one."

Councilman Kent: "Expect good results, too."

Supervisor Villella: "Yes, we've got the cleanest water in any landfill in Suffolk County."

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

Resolution #263

Councilman Cardinale: "This resolution authorizes the Town Clerk to advertise for bids on 100% acrylic traffic paint - cold application. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #264

Councilman Lull: "Before we do 264, I would like to move Resolution 185 off the table. 264 is a rewording of 105-- there is some new language. So what I would like to do is take 185 off the table, vote it down and then bring up 264 with the new language."

Councilman Kent: "We can just withdraw it."

Councilman Lull: "I-- whichever way. It's on the table already so we have to bring it off the table."

Councilman Cardinale: "Okay. I will second the motion to bring it off the table."

Councilman Lull: "Okay."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Lull, yes; Villella, yes.
The resolution is brought off the table."

Councilman Lull: "And I'll move the resolution, we'll just vote on it and kill it."

Councilman Cardinale: "Okay."

Councilman Kent: "Okay, I'll second it."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, no; Kent."

Councilman Kent: "Since I once knew this man, I'll abstain."

Supervisor Villella: "Cut it out now. Wise guy."

Councilman Kent: "I'll abstain."

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

Councilman Lull: "If I abstain, there won't be enough votes. I'll vote no."

The Vote (Cont'd.): "Villella, no."

Councilman Lull: "All right. Now I'll move resolution 264 which refers the special permit petition of Sunken Pond Estates to the Planning Board with the new language which is I believe on the one that we were given out tonight. So moved."

Councilman Kent: "Well, we should-- we have to amend it though. So-- "

Councilman Lull: "Yes, with the-- well, it has the language on it."

Barbara Grattan: "It has it already."

Supervisor Villella: "This is the new one."

Councilman Kent: "Okay, I think-- "

Councilman Cardinale: "I understand. I have a thought on that but, yes, you're moving that #264, right?"

Councilman Lull: "Yes."

Councilman Cardinale: "I would second."

Supervisor Villella: "Moved and seconded."

Councilman Kent: "For discussion. I would just like to say that this was a prior application that had approval for I believe over 220 units of garden apartments for rent. They've now amended the application to reduce the number of units to 192 and it's going to be condominium ownership. So the new application has to come before us for a SEQRA determination. They've already made a SEQRA determination a few years ago, 1996 I believe, and this is senior citizen condominiums now and we are moving this SEQRA determination at this-- "

Councilman Lull: "The original one did say that the Town Board was considering it a Type II action. The new language says reaffirms its earlier decision that the petition be considered a Type I action without significant impact on the environment and that an EIS need not be prepared."

Councilman Cardinale: "I have a motion to amend in regard to the resolution clause you just read, Jim, which is the first resolution clause in the motion-- in the resolution. I would like to delete it and for the same reason I advanced on the-- yes, the first Resolve for the same reason I advanced on the earlier that I'd like to get the opinion when we refer it to the Planning Board as to whether they think it has a significant impact upon the environment since they're supposed to-- "

Councilman Lull: "So when we send it along-- we are going to send the EIS along with it anyway."

Councilman Cardinale: "Yes."

Councilman Lull: "The environmental assessment form."

Councilman Cardinale: "So I would ask that with that-- that deletion is acceptable, we can move it and vote it."

Councilman Kent: "We are going to delete the first Resolve clause?"

Supervisor Villella: "The first Resolve."

Councilman Lull: "Delete the first Resolve."

Supervisor Villella: "Is there a second?"

Councilman Lull: "I'll second the change."

Supervisor Villella: "Okay. Moved and seconded for the change."

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

Councilman Cardinale: "As it turns out, you see what they

added? It was just stricken anyway. So all you have is one Resolve clause; this Resolve is out. Right. Thank you."

Resolution #265

Councilman Cardinale: "Resolution 265 is approval of site plan of AdChem Corporation. This also requires I am advised by Rick Hanley of the Town Planning Board Director, that an amendment-- you'll note that the covenants go to #13. There are four additional covenants and conditions which repeat each other, both in the conditions of the resolution and the covenant to be filed, I guess. And they are as follows: 14. That all work shall be done in accordance with plans prepared by Young & Young dated February 5, 1999 and Dunn Engineering dated March 10, 1998.

15. Any new or relocated signage shall be reviewed by the Architectural Review Board.

16. The existing driveway be removed and the area restored, grading, seeding, within six months of the completion of the new driveway as well as all necessary turning lanes, and the acceptance of same by the Suffolk County Department of Public Works or a bond be posted with the Town of Riverhead for such work.

17. That all improvements within the right of way of County Route 58 shall be in accordance with the requirements of the Suffolk County Department of Public Works and a highway work permit shall be obtained by the applicant prior to commencement of any work within said right of way, with a copy of the permit to be forwarded to the Planning Department.

And all references to Young & Young drawings on this resolution should read February 5, 1999, which apparently is the most recent drawing."

Councilman Kent: "It does, yes, in some places it says March 10 where I think it should say February."

Councilman Cardinale: "And I'll hand this to the Town Clerk so she can include it. As amended, I move the resolution 265."

Councilman Kent: "So the other amendment should be in the first Resolve clause, Barbara, that instead of March 10 it should say February 5."

Councilman Cardinale: "I need a second, Chris."

Councilman Kent: "Okay. And I'll second that with the amendment."

Supervisor Villella: "It's moved and seconded."

The Vote: "Cardinale, yes."

Supervisor Villella: "Send a copy to Allen with the correction."

Councilman Lull: "Let's-- sorry, another add on. We've discovered some of this recently; we haven't been doing this as carefully and maybe, the last one-- who do we send it to? Make sure one gets sent to Allen M. Smith."

Councilman Kent: "The attorney for the applicant."

Councilman Lull: "The attorney for the applicant. Yes."

Supervisor Villella: "And also to make sure that the handicap parking spaces are done the right way on this. Need one eight footer."

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

Resolution #266

Councilman Kent: "This accepts the letter of resignation of Stanley Carey who is a water treatment plant operator 1B. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Councilman Lull: "I just want to make a point. Stanley was, I believe, third in command. Is that right, Gary? Stanley was your third in command up there?"

Gary Pendzick: "That's right, he was."

Councilman Lull: "Yes, he worked for us for many years, did a real good job. Very pleased that he's getting a new and probably better job-- more lucrative job certainly with Suffolk Water Authority. We wish him well. Yes."

Barbara Grattan: "The resolution is adopted." Oh, Villella, sorry; yes."

Resolution #267

Councilman Kent: "This appoints Theresa Davis as a part time clerk typist in the Building Department. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #268

Councilman Lull: "Authorizes the Town Clerk to publish and post a help wanted ad for site plan review. So moved."

Supervisor Villella: "Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I have a question before I vote. Rick, this advertising is necessary-- I'd understood that we had interviewed a number of candidates and that-- is this necessary, this advertising?"

Rick Hanley: "That resolution was proposed at the last meeting, I think, and it was-- I can't remember whether it was withdrawn or it was tabled."

Councilman Cardinale: "Right, I remember it. So it never was advertised."

Rick Hanley: "It's a personnel matter. I don't know that I want to say it in public the reason for it."

Councilman Lull: "The first time we did this resolution, we did it for-- we published and posted and worked off the list. The list is exhausted as far as we're concerned."

Councilman Cardinale: "So now we go to the public in advertisement. I thought we had done this last week."

Councilman Kent: "I thought we advertised in Newsday."

Barbara Grattan: "But the Supervisor's office told me not to put it into the paper, that's why we're doing it again. I don't know why-- "

Councilman Cardinale: "There was a hold on it, okay, fine. Then-- "

Supervisor Villella: "We wanted to make sure the other person denied-- "

Councilman Cardinale: "Okay, then we're repeating, therefore, and I would vote yes on it as simply a repetition of what we did. Thank you."

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

Resolution #269

Councilman Cardinale: "This resolution authorizes the Town Clerk to publish and post help wanted ad for part time administrative aide for the Riverhead Youth Court. This is a position funded by a recent grant obtained. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #270

Councilman Kent: "Authorizes the Town Clerk to publish and post a help wanted ad for a part time driver/messenger. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #271

Councilman Cardinale: "This resolution ratifies appointment of a softball instructor to the Riverhead Recreation Department, specifically, Sharon Truland (phonetic) at \$12.50 an hour. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #272

Councilman Lull: "Authorizes the Supervisor to execute addendum to an agreement with WFT Data Services. I assume we ended up somewhere in the middle, right?"

Supervisor Villella: "\$65.00."

Councilman Lull: "Okay. So moved."

Supervisor Villella: "Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #273

Councilman Cardinale: "This resolution awards a bid for sale of roll-off containers. We're actually selling these; we're not buying them."

Supervisor Villella: "Right, we're selling them."

Councilman Cardinale: "And good bye to them. So moved."

Supervisor Villella: "(inaudible) we're keeping some in the highway department."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #274

Councilman Kent: "This awards the bid for the sale of parking meters for \$300. So moved."

Councilman Cardinale: "How many do we have?"

Councilman Lull: "An ambulance full."

Councilman Cardinale: "And we-- we could sell them to college dorms, \$300 for all them. Am I supposed to vote here or was I-- I'm going to second, what the heck."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, absent; Lull."

Councilman Lull: "It is funny, but this has taken three months to get this-- the sale of used parking meter parts is what it really is for the most part, for \$300 to Tricom. Yes."

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

Resolution #275

Councilman Cardinale: "Awards the bid for janitorial supplies. So moved."

Councilman Lull: "Seconded."

Councilman Kent: "Seconded. Oh, I'm sorry, go ahead."

Supervisor Villella: "Moved and seconded."

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

Resolution #276

Councilman Lull: "It's an ambulance fund budget adjustment from one kind of supplies to another kind of equipment. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #277

Councilman Kent: "Upon the recommendation of the Recreation Advisory Committee after a vote that was taken at our last meeting, I'm moving this budget adoption for capital project for Stotsky Park fence improvement, it's \$25,000. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #278

Councilman Cardinale: "This resolution is a general fund budget adjustment in regard to Town Board litigation-- litigation fees associated with litigation the Town is involved with. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Councilman Lull: "I have to share the dismay from the audience from before the amount of money. If I remember correctly now, it's somewhere in the neighborhood of \$180,000 for outside-- so far outside counsel so far. That's a pretty piece of change."

Supervisor Villella: "\$90,000 is taken from '98 put into '99 because we got it late, but it was '98 appropriation. But still it's too much."

Councilman Lull: "No, this is basically for Calverton Industries and the sand mining-- "

Councilman Kent: "Those are both major litigations that we're involved with. We can't ignore them."

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

Resolution #279

Councilman Kent: "This is the capital project budget adjustment for Garfield Langhorne memorial, \$2,250. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #280

Councilman Lull: "It's Rimlands acquisition capital project budget adjustment, \$14,000. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #281

Councilman Cardinale: "This resolution relates to 519-525 Osborne Avenue demolition, it moves \$28,000 from real property taxes to demolition of real property. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Councilman Lull: "One more yes and Leroy can go get the bulldozer. Yes."

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

Resolution #282

Councilman Kent: "This resolution-- it says it amends a prior resolution but I don't know if we ever passed that prior resolution. I thought we tabled it."

Councilman Cardinale: "I don't know."

Councilman Kent: "Because I remember discussing it and Jack had told us since there was no-- "

Councilman Lull: "Even if it's tabled, it still needs amending."

Councilman Kent: "Okay. So I move this resolution which amends Resolution 72 of 1999."

Supervisor Villella: "Second?"

Councilman Lull: "Yes, second. Sorry."

Supervisor Villella: "Moved and seconded."

Councilman Kent: "Maybe I should explain what it is so people will know. This is approving \$770 worth of expenses to cover the attendance at a seminar upstate by our assessor, Paul Leszczynski-- he's named in here-- for attendance at a seminar upstate. So moved."

Councilman Lull: "That's part of the-- "

Barbara Grattan: "That resolution was tabled."

Councilman Lull: "Part of the issue of this particular resolution is that this is required for Paul and it is also reimbursed by the state."

Councilman Kent: "I believe only the tuition."

Councilman Lull: "Yes."

Barbara Grattan: (Inaudible)

Adam Grossman: (Inaudible) ...

Councilman Cardinale: "Okay."

Supervisor Villella: "Take out the amend 72 on all of them"

Councilman Kent: "Strike the third Whereas clause-- gets stricken."

Councilman Cardinale: "Just the end was authorized under."

Councilman Kent: "The portion reimbursable is only the tuition. It's not the housing and travel expenses."

Councilman Cardinale: "And the 770 covers only housing and travel expenses."

Councilman Kent: "Not true? Then please step up and tell us otherwise. I'm just saying what it says on the resolution."

Supervisor Villella: "Shall cover housing, meals, travel expenses at seminar."

Laverne Tennenberg: "Laverne Tennenberg, Chairman of the Assessors. The state reimburses the town for all training, for

tuition costs, breakfast, dinner, mileage if you take your personal car, tolls and things like that."

Councilman Kent: "The resolution just says that the tuition is subject to reimbursement by the state upon completion of the seminar."

Laverne Tennenberg: "Unfortunately I didn't write the resolution but all the-- all of his travel expenses would be covered by the state as part of his training. Thank you."

Councilman Kent: "That's good to know. Whoever drafted the resolution-- I moved it."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #283

Councilman Kent: "I'd like to move to table Resolution 283 so we can discuss this at our next Recreation Advisory Committee meeting and at the next work session, actually at the work session after the next work session."

Councilman Cardinale: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes, to table; Kent, yes; Lull, yes; Villella, yes. The resolution is tabled."

Resolution #284

Councilman Lull: "Approves the temporary sign permit of Steve Kirschenbaum, Grumman Memorial Park. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Lull, yes; Villella, yes."

The resolution is adopted."

Resolution #285

Councilman Cardinale: "This resolution is a budget adjustment from electricity to street lighting maintenance. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #286

Councilman Cardinale: "This resolution rescinds Resolution #305 and awards the annual drainage contract to Patrick Bistran, Jr., Inc. So moved."

Councilman Lull: "Yes. I'll second that, it's Resolution 805 of '98, yes."

Councilman Kent: "That's 1998."

Councilman Cardinale: "One question, Adam. I know that we are replacing the initial-- we are replacing the low bidder with the second bidder because of his failure to perform. Are you comfortable that the file is covered in regard to putting him off the job? When we send him the notices, do we do what we're supposed to be doing?"

Adam Grossman: "I'll make sure that that's done."

Councilman Cardinale: "Okay, very good. Am I supposed to vote? Okay, I'll vote yes."

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

Resolution #287

Councilman Kent: "This authorizes a change order for the Town of Riverhead commercial Sewer District Extension for consulting engineers. I believe this was a negotiated sum down from \$70,000 to

\$35,700. I will move that resolution."

Councilman Lull: "I'll second it and, Phil, there goes the (inaudible)."

Councilman Cardinale: "I don't think Kenny is here but I had a question on this. I note that we're (inaudible) it \$35,700 and it says they have submitted a proposal outlining the monies owed. I have not seen it, have you?"

Supervisor Villella: "We talked about it. It was in the 70's and we said to negotiate it down to the 30's. That's exactly what happened. We did talk about it."

Councilman Cardinale: "Okay. I stand. My recollection now is coming back."

Supervisor Villella: "It was moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "Well, since we're paying 35 on a 70 alleged debt, yes."

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

Resolution #288

Councilman Kent: "This authorizes the Supervisor to execute management agreements. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "This resolution has been on before and tabled largely because I had asked that it be tabled for further consideration. I have reservations about the contract concept, the contract terms. I have some reservations which I think I shared at some point with Jim in regard to the concept of this reorganization. I have no reservation, however, that this has been a very troubled

department from the moment I stepped on the Board a year ago or more, and I'm going to vote yes on this resolution. And the reason I'm going to vote yes on this resolution is the following.

As was pointed out by the accounting chief, Mr. Hansen, this is a promotion and I'm comfortable rewarding those people that work long and hard in the department, specifically Judy Dahl and Jane Van deWetering (phonetic) for 12 years and 16 Vanderthorn (phonetic) apparently respectively. I also think in context it's a fiscally responsible promotion. My understanding is Judy made \$42,000 base as of April 1st of this year. Now she'll be making 48 but, in fact, Judy made 53 with overtime last year. So in some ways, this could be reviewed as a reduction since she made 53 and she'll now be receiving 48 with the right to five hours of comp time for overtime over 35 hours under strict conditions.

Secondly, Jane, if I understand it, made 52,000 as of April of this year and is getting 53 under the contract and last year she made \$54,000 with overtime, so I think it's a promotion worthy, well-deserved. I think it's fiscally responsible and I think the contract is identical to those that were recently approved by others and I because I still have those reservations and it was argued to me that we should not hold these two out because the contract should be really negotiated as a group, the management contracts.

But the thing that really convinced me is that this is a troubled department. It needs some reorganization; it needs some direction and the Supervisor is the Supervisor. He sinks or swims on his ability to supervise and run this town. He supervises, we, the council, counsel him and he believes that this is the right move and for those reasons I'm voting yes."

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

Councilman Kent: "Not to belabor this, I think Phil made most of the points. I just would like to make one thought. I believe that these departments have been troubled with no clear leadership. I think this is a vote of confidence to two employees that have long served the town and long served these departments and that this is our way of rewarding them for a job well done and gives them, hopefully, the confidence to do better as department heads. So I vote yes."

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

Councilman Lull: "And I'm going to vote no and basically for two reasons. And it's not fiscal. I agree with Phil, it's not a tremendous fiscal outlay here and I do believe in rewarding people who are doing their jobs. But I've made it clear to both Judy and Jane that I do not believe in these two departments being separated. I believe we should have a human services department which involves both. I've said that right along. I've always believed that. I said it to Jane when she was with us at the work session last week and I still believe that same thing. And for that reason I cannot vote in favor of making this essentially two department heads.

The second thing is that I don't believe we should be making this kind of decision at this point in our litigation and I will listen to anybody who could argue against that but, in fact, I have gut feeling that this is not a wise move to make with something that is going to come before a judge before too much longer. So I'll vote no."

Councilman Cardinale: "In-- just in answer to that. The-- I share your concern as to whether it's the right move. But I believe the Supervisor studied it and he wants this move made and, again, I think he's the Supervisor.

As to the legal ramifications, I spoke at length with out counsel and he assured me that that concern is not-- but I had the same gut reaction as you did. I did speak to him and that was one of the factors in my decision to go ahead with the vote."

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

Supervisor Villella: "This is the reason why I brought this up to vote on this. I don't want to go into the reasons why because I have to do that probably in court some day. But we did ask for an audit and Jim wasn't there that day but the four of us were there and verbally they did say, but not in writing, but verbally, they said in front of four people and also in my room they said it in front of three other people and I have to (inaudible) in case there's a court-- you know, a court (inaudible). But I vote yes on this because it's well deserved, 12 and 14 years or 17 years I think Jane is and it was promised to her oh six years ago and they kept on putting it off, putting it off and I like to reward people that work hard for the town and that's what I'm doing."

Barbara Grattan: "The resolution is adopted."

Resolution #289

Barbara Grattan: "Resolution 289 is to pay bills."

Councilman Cardinale: "So moved."

Supervisor Villella: "Is there a second?"

Councilman Lull: "I'll second it, sorry."

Supervisor Villella: "Moved and seconded."

Councilman Cardinale: "Jack, do we have any problems with the formalities or presenting these bills?"

Jack Hansen: "They are all fine."

Councilman Cardinale: "Everything is okay?"

Councilman Lull: "Jack, let me ask another question about that same thing because I've already made my comments about the \$110,000 of legal fees. I'm not going to vote against it for that. But are all of these bills-- do all these bills have signed vouchers? Do all these bills come from the-- with the correct signatures? In other words one signature."

Jack Hansen: "All the bills on those abstracts are in proper form with our purchasing policy if that's your question."

Councilman Lull: "Which is the Supervisor signs."

Jack Hansen: "He either signed the requisition that initiated the acquisition or he signed it after on the voucher. Either he signed he voucher or he signed the requisition initiating the expense."

Councilman Lull: "Okay."

Councilman Cardinale: "No. We need to vote on the bills."

The Vote: "Cardinale, yes, to pay the bills; Kent, yes; Lull, yes; Villella, yes. Resolution to pay bills."

Resolution #290

Councilman Lull: "Authorizes the Supervisor to execute indemnification agreement with Chesterfield Associates for the demolition of property located at 519-525 Osborne Avenue owned by Christopher Veokas. For those of you who know it's Chris' store across the street from the Pulaski Street School and it's good riddance. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Lull, yes; Villella, yes."

Supervisor Villella: "Good riddance. Jim hit it right on the head. Yes."

Councilman Kent: "I'd like to move resolution #291."

Councilman Lull: "One second. Excuse me, one second. Leroy. We have copies of this going to Chesterfield, copies going internally. Do we have a copy going to his attorney?"

Leroy Barnes: "No."

Councilman Cardinale: "I think that's a wise-- "

Supervisor Villella: "A very wise move."

Leroy Barnes: "Yes. That would be Henry Saxtein."

Councilman Kent: "Whose attorney?"

Leroy Barnes: "Henry Saxtein."

Councilman Kent: "No, but who-- this is an indemnification agreement between ourselves and Chesterfield. This is not-- doesn't have to do with the property owner at all."

Leroy Barnes: "Well, Chesterfield is he one that requested the indemnification, so I'll make sure that he gets a copy of it-- a certified copy of it."

Councilman Kent: "All right. This doesn't have to go to the property owner. This is just between the two of us."

Leroy Barnes: "Okay."

Councilman Lull: "I think everybody should have the record on it."

Resolution #291

Councilman Kent: "Yes. I just wanted to make two amendments to this resolution. This is regarding revising the leave of absence request for Mark Roberts who is a member of our police force and also a member of Air Force 106 Rescue Wing. First of all in the third Whereas clause, it should be Resolution #1145 of 1998 and then after his brief period back with the town from March 17th to April 28th in the first Resolve clause he should resume his military leave. And with those amendments, I move the resolution."

Supervisor Villella: "Is there a second?"

Councilman Lull: "I'll second it. Sounds like the Chief is getting him back there for the time in between the two periods so we can cut down on his overtime."

Supervisor Villella: "There you go, I like that."

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

Councilman Kent: "Public-- anybody wish to speak?"

Supervisor Villella: "I just want to say something first. Lauren is not here but we went to last night-- we went to the March of Dimes Walk America is going to be Sunday, April 25th and it will be at Indian Island Country Park-- I was going to say country club.

Personally, myself, I am going to be walking. I'm going to be handing this to each department head and see-- I'd like you to get as many people to sign up because it's for a worthy cause. So, 10 miles, I'm going to be huffing and puffing, but we're going to do it. So I would like every department head to try and sign up as many people as possible to back the March of Dimes. Thank you. Go ahead, Jim."

Jim Flood: "Jim Flood, Aquebogue. There was just made mention of a meeting between the auditors for the town in relation to, I guess, it was Russell Kratoville. Is that correct? Four met with

the-- four people-- four members of the Town Board met with the auditors and the auditors made a verbal report to the Town Board. Is that correct?"

Supervisor Villella: "Twice."

Jim Flood: "Okay. That meeting that consisted of four members of the Town Board, was that a Town Board meeting?"

Supervisor Villella: "No. Mr. Heffner didn't want it to be-- what did he call that type of meeting? It's a special type meeting he was talking about."

Adam Grossman: "I guess it could be-- I don't want to get into too much detail about this, but this was on-- "

Supervisor Villella: "It was on the recommendation of McAlpert Bank to have a special type of a meeting, so-- "

Adam Grossman: "McAlpert Bank (inaudible)."

Jim Flood: "Wasn't there a reservation made by one of the Town Board members as to the legality of that meeting?"

Supervisor Villella: "Yes. That came after the fact. Right."

Councilman Lull: "That's the reason I didn't go."

Jim Flood: "Right. And why would you have a meeting without minutes when it concerned somebody's job? That's what I don't understand. You know, you have a meeting without minutes."

Supervisor Villella: "This particular thing-- like I said, I don't want-- "

Jim Flood: "And is McAlpert Bank the final say as to whether a meeting is going to be a Town Board meeting or not and shouldn't you have taken probably the same step of at least publishing that this meeting was going to take place with proper notice? I don't understand how you can have four people in a Town Board meeting and not have a Town Board meet."

Supervisor Villella: "Well, before we had that meeting, we had a meeting in my office, just myself and two other people from the Town

and-- "

Jim Flood: "Town Board members?"

Supervisor Villella: "No."

Jim Flood: "Okay, thank you."

Supervisor Villella: "No, no, it wasn't. The first meeting-- because I wanted to get-- we had an audit done on the recreation department. It wasn't done on a particular person like you said, it was done on the recreation department. So they did a field audit and it came back-- that's the reason why I wanted to permit-- to have two department heads because that's the report that came back to us verbally. They wouldn't put it in writing so that's the reason why they're not here."

Jim Flood: "Why wouldn't they put something like that in writing? I don't understand. You pay these people good money and their recommendation should be placed in writing just in case there's questions at a later date."

Councilman Cardinale: "I can't agree with you more, Jim, and that's one of the reasons they're no longer our auditors."

Supervisor Villella: "You're absolutely right. That's why they're not our auditors anymore."

Councilman Cardinale: "And in answer to your question which, I think, no one has yet answered and it's still out there, you asked about that meeting. I believe-- at the time the meeting took place, I believe that most of the Board-- at least myself believed that it was an executive session, both the accountant and the attorneys had no problem with it. In fact, I don't even remember Jim having a problem with it. In fact, we were waiting for him with Mark over there and I was wondering what happened to him. So, the Board meeting was to talk with their accountant about personnel issues and it's not uncommon as you know for the Board to meet in executive session to discuss personnel issues."

It certainly, incidentally, did not factor largely in my decision in regard to the budget or in regard to the last vote this evening. Because I didn't think much of-- I did not rely upon that for the same reason you didn't rely upon it. If they're not willing to put it in

writing, it didn't do anything for me."

Jim Flood: "But shouldn't the Board-- "

Councilman Kent: "I did rely upon that meeting though in making a decision in not keeping them as our auditors."

Jim Flood: "My question to you is if you go into executive session, shouldn't you be in a Town Board meeting first?"

Councilman Kent: "We were at a work session."

Jim Flood: "You-- "

Councilman Cardinale: "That's correct. I mean, I'm not going to-- I don't know because I am not an expert in this area of law, but I do know that neither the-- there was no objection to the meeting from any member of the Board. I do know that the attorney didn't object to it and our accountant didn't object to it and I do know we discussed personnel matters which are generally the subject of an executive session."

Jim Flood: "So this was done at a work session meeting?"

Councilman Kent: "No. It was done in their office. Actually they advised us that quite often on their exit conferences-- "

Supervisor Villella: "They've been doing this for years with the Town Board-- "

Jim Flood: "I'm wondering if it's correct."

Councilman Cardinale: "I have the same question that you do whether it is correct. I felt odd that number one they weren't putting it in writing and number two that they wanted to have it at their office and that's why-- that's one of the concerns I had with the firm."

Jim Flood: "My question, hopefully, (inaudible) that's what my problem is. If you went into executive session, first you have to have a Town Board meeting before you can go into executive session. And if you have a Town Board meeting, it should be posted, that's what I'm saying."

Councilman Cardinale: "I think he'll clarify that for you. That is inaccurate."

Adam Grossman: "That's not true."

Jim Flood: "Educate me, Adam."

Adam Grossman: "We always do have executive session as part of our work session. A work session is technically a Town Board function but it's not a (inaudible) Town Board meeting. That's what we're doing today which includes the adoption of resolutions. (Inaudible) that we have work sessions and as part of those work sessions usually a portion of the day, usually an hour or two of the day, and the work sessions of the Town Board are all day events and you probably know as well."

Jim Flood: "Do we normally post work sessions as far as we know that a work session is going to be held at a certain day?"

Adam Grossman: "Yes, we generally-- "

Jim Flood: "Okay."

Councilman Lull: "They're done at the beginning of the year, Jim, too, the time is done the beginning of the year. But you are right in the fact that when we go to an executive session, we must be someplace first. You can't just call an executive session. You must call, in this case we go from a work session or from a Town Board meeting, you must by law, by the rules of procedure, you must go to a work session announcing that you are going to go to the work session and for what purpose. The purpose of the work session must be made public in the public session."

Secondly, the fact that we were discussing was supposedly the specifics of a report-- of a draft of a written report which we had gotten. That written report did not mention the specific people-- did not call into account the specific people, the written report that we had as a draft response, was a policy-- work policy suggestions for the Board."

Tape ran out and meeting was adjourned at 6:40 p.m.

Barbara Stanton
Town Clerk