

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead, held at the Riverhead Town Hall, Riverhead, New York, on Tuesday, April 20, 1993, at 7:00 p.m.

**Present:**

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

**Also Present:**

Patricia Moore,	Town Attorney
Barbara Grattan,	Town Clerk

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

Supervisor Janoski: "Before we get into the (inaudible) part of the meeting, I ask the members of the Board to join me (inaudible). First of all, we want to welcome exchange students from LaRochele, France. They are here with their-- with French teachers from the high school and the middle school, Valerie (inaudible). Did I say that right? Well, wait to you see what I do with the names of the students. So if you would, when I call your name, please stand and be recognized. Aurelia Barrand. Thierry DeBroca. Laure Dominici. Olivia Janmard. Nicolas Lorcy. Ronald Maxine. Emanuel Olliver. Patricia Pluchon. Cecile Rouillard. Welcome to Riverhead and to the United States of America. If you would like to come up, I wish to present a Proclamation to you. So why don't you all come up and we'll make TV stars out of you. Okay. If you will allow me to read this.

WHEREAS, the Town of Riverhead has welcomed its forefathers from the many nations of the world into this land of freedom and prosperity, and

WHEREAS, the arrival of the French exchange student group from LaRochele, France signifies an opportunity for the Town of Riverhead to display our great American culture and government,

NOW, THEREFORE, I, Joseph F. Janoski, Supervisor of the

Town of Riverhead, do hereby proclaim April 20, 1993, as French American Day in the Town of Riverhead, and I do urge my fellow citizens to demonstrate every kindness to the students during their stay. And furthermore, the Town of Riverhead welcomes the French exchange students and invites them to explore and enjoy the beauty and splendor of Riverhead and I do confer on our visitors honorary citizenship of the Town of Riverhead.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the Town of Riverhead to be affixed this 20th day of April, in the year of Our Lord nineteen hundred and ninety-three.

If the members of the Labor Management would join us up here. The Labor Management Committee was formed some time ago, of course, to strengthen the relationship between our employees and management in the Town of Riverhead so that we might better do our jobs and serve the people of the Town, and one of the ideas that we are very proud of is the recognition on a four time a year basis of the Employee of the Quarter. And that choice is made not by management but by the employees' peers in the government of the Town of Riverhead. This quarter we are going to recognize an individual who has been with the Town for the past nine years. She is married to Joe Pipczynski and has two children you see walking back and forth here, Joey and (inaudible). And our honoree, the Employee of the Quarter, is Lori Pipczynski. Lori, congratulations and allow me to present to you this proclamation:

WHEREAS, it is both fitting and proper that the Town of Riverhead recognize the outstanding service of its employees, and

WHEREAS, in order to provide a mechanism to recognize said employees and at the recommendation of the Labor Management Committee, the Employee of the Quarter program has been established, and

WHEREAS, Lori Pipczynski has dedicated herself to the service of this government and its citizens for the past nine years as an employee of the Town of Riverhead (inaudible) exemplified the highest ideals in the expression of public (inaudible).

NOW, THEREFORE, I, Joseph F. Janoski, as Supervisor of the Town of Riverhead, do proclaim Tuesday, April 20, 1993, as Lori Pipczynski Day in recognition of being named Employee of the

Quarter, and I call upon my fellow citizens to join with me in recognition of her accomplished service.

IN WITNESS WHEREOF, I have here unto set my hand and caused the great seal of the Town of Riverhead to be affixed this 20th day of April in the year of Our Lord, nineteen hundred and ninety-three.

Members of the Labor Management Committee have presentations to make, Sal?"

(inaudible)

Supervisor Janoski: "Okay. Well, down to the business. May I have a motion to approve the minutes of the Regular Town Board Meeting of April 6, 1993?"

Supervisor Creighton: "So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

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

Supervisor Janoski: "Reports?"

REPORTS:

**RECEIVER OF TAXES** A collection report as of April 16, 1993 (\$23,156,051.44)

**SEWER DEPARTMENT** Discharge monitoring report for the month of April

**OPEN BID REPORT** Furnishing and placing asphalt concrete and bituminous materials Bid opening - April 19, 1993 at 11:00 a.m.

Supervisor Janoski: "Thank you. Applications."

APPLICATIONS:

**PARADE PERMIT**

Maryhaven Center of Hope -  
Bike-a-thon to be held on June 13,  
1993, from 7:00 a.m. to 4:00 p.m.

**EXHIBITION PERMIT**

Riverhead Chamber of Commerce -  
Antique Show to be held on July 4,  
1993, in the Peconic River parking  
lot

**PETITION**

61 residents of Two Bear Estates  
requesting that at least three  
stop signs or speed bumps be  
installed in their community

Supervisor Janoski: "Correspondence."

CORRESPONDENCE:

**A LAWRENCE GALASSO**

A notice of resignation from the  
Assessment Review Board as of  
April 6, 1993

**ALEX HANSON**

A letter of support for the  
establishment of businesses (fast  
food restaurants) in the Town of  
Riverhead to increase tax base

**US ENVIRONMENTAL  
PROTECTION AGENCY**

An invitation to Peconic Estuary  
Management Conference on Monday  
April 19, 1993, at Long Island  
University in Southampton

**RAYMOND D. KELLY**

Requesting that the Wading River  
Creek be dredged either by the Town  
of Riverhead or by Lilco and also  
expressing his opposition to the  
plan of constructing a boat ramp  
next to the Wading River Beach

**WADING RIVER COMMUNITY  
GROUPS & BUSINESSES**

Invitation to Adopt the Duck Ponds  
dedication and clean-up, Sunday,  
May 2, 1993, 11:00 a.m. to 2:00 p.m.

Supervisor Janoski: "Thank you. We are well past the time for the first Public Hearing, so why don't we call that. Let the record show that the hour of 7:19 p.m. has arrived. The Town Clerk will please read the Notice of Public Hearing."

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 7:10 p.m. on Tuesday, April 20, 1993, to hear all interested persons who wish to be heard regarding the special permit application of Richard Visone to construct a golf driving range and miniature golf course on a piece of property within the Industrial A and Business CR Zoning Use District located on Route 25, Calverton."

Supervisor Janoski: "Thank you. Is there anyone present representing the applicant? Is there anyone present who wishes to address the Board on this application? That being the case, and without objection, I declare the Hearing to be closed."

Patricia Moore: "There's a hand."

Supervisor Janoski: "Where is there a hand? Oh, yes, sir."

Richard Mowdy: "I understood that you would hear on any issue."

Supervisor Janoski: "No. This is a Public Hearing on an application for a golf driving range and miniature golf course. We do get to that, however."

Richard Mowdy: "Oh, you will get to that?"

Supervisor Janoski: "Sure."

Richard Mowdy: "Thank you."

Supervisor Janoski: "Let the record show that the hour of 7:21 p.m. has arrived. The Town Clerk will read the Notice of Public Hearing."

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 7:20 p.m. on Tuesday, April 20, 1993, to hear all interested persons who wish to be heard regarding Chapter 108, Section 108-61,

off-Street Loading."

Supervisor Janoski: "Madam Town Attorney, would you like to explain?"

Patricia Moore: "Very brief. We have an off the street loading provision in our ordinance and we've been finding that it's a little bit unmanageable and we are recommending-- the Planning Department has recommended that (inaudible) or language change be implemented here that would allow a hundred feet, a minimum area of 100 feet from the building line as a loading area to be retained, however, we would (inaudible) all directions."

Supervisor Janoski: "Is there anyone present who wishes to address the Town Board on the amendment of the Off-Street Loading Provision of the Town Code? That being the case, and without objection, I declare the Hearing to be closed."

Hearing closed: 7:22 p.m.

Supervisor Janoski: "Let the record show that the hour of 7:22 p.m. has arrived. The Town Clerk will please read the Notice of Public Hearing."

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 7:25 p.m. on Tuesday, April 20, 1993, to hear all interested persons who wish to be heard regarding the special permit application of Robert Andrews to expand a preexisting nonconforming Agricultural Use on real property within the Residence A Zoning Use District located on Sound Avenue."

Supervisor Janoski: "Is there anyone present representing Mr. Andrews? Mr. Andrews himself."

Councilman Stark: "It hasn't hit 7:25 yet."

Supervisor Janoski: "We're moving along too quickly. It is not yet time for your Public Hearing. Jimmy very correctly notices. So, I would recognize the gentleman who wishes to speak on any matter."

Richard Mowdy: "My name is Richard Mowdy. I come from

Janesport. I've been here before and at that time you weren't here, Mr. Janoski, about the amplified music coming from the Community Center in Jamesport. After my last complaint, it had stopped, but it's back with a vengeance. And I live within 150 feet of this thing. I've heard this thing go off from nine to nine, 13 times a day, cranking out music that's unbelievable. You can't go in the bedroom. It's only going off three times now, but I live with the fear it's going off-- it'll go back to six, eventually it will go probably to 12 again, 12 times, 13 times a day. Regardless of how many times. With everybody-- I'm sure everybody here is aware of how dangerous noise pollution is. In fact, you passed a law around two years ago trying to curb it. And yet we have this racket going on next to me. I'm sure in a distance-- I understand that there was a woman, a local woman wrote a poem about how nice it is to hear chimes in the distance. I don't have that luxury. I hear it like I'm in a big boom box and I think I deserve some sort of a relief from this. I don't want to go through another summer like I did last summer with this thing. It jolts you in-- it jolts you. You know it's going to go off, you're still-- it just gets you. Now there's no reason why some people if they want to hear it, they can take the tape home and they can play it. They can play it in their yard. I don't care. But it dances across my house, in my bedrooms. It bounces off the walls. I don't think I should have to put up with this. And I don't think the Town should permit it. Especially when you have an anti-pollution law. Noise pollution law. Thank you."

Supervisor Janoski: "I would say that the hour of 7:25 p.m. has arrived. Just to be on the safe side, Barbara, read it again."

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 7:25 p.m. on Tuesday, April, 20, 1993, to hear all interested persons who wish to be heard regarding the special permit application of Robert Andrews to expand a preexisting nonconforming Agricultural Use on real property within the Residence A Zoning Use District located on Sound Avenue."

Supervisor Janoski: "Thank you, Barbara. Mr. Andrews? Mr. Andrews, this is no big deal. Just state your name and your address and basically explain what it is that you want to do."

Robert Andrews: "All right. My name is Robert Andrews. I'm from Wading River. What I am going to do-- what I want to do is I want to put up two greenhouses-- plastic temporary greenhouses to be added to existing greenhouses that I already have. Because we need the additional space for our spring flowers. And that's about it. If there's anybody that opposes, I'll say more. But that's it. Okay?"

Supervisor Janoski: "Thank you, Mr. Andrews. Is there anyone else wishing to address the Board on the matter of Mr. Andrews' application for a greenhouse?"

Peter Danowski: "I would just like to support the application. Pete Danowski. He got stuck in a very unfortunate thing where the previous Town Board rezoned his property from agriculture where he would not need the special permit, and they made him Residential A which requires this long winded process. So, I know he's aware of it and that's just an additional support for this application."

Supervisor Janoski: "Thank you, Peter."

Councilman Stark: "Frankly Pete, I think they should have grandfathered this (inaudible). I have seen other overlay zones that have developed in the Town of Riverhead where they have grandfathered, and being in the agricultural business, I can't understand why the previous Board did this."

Peter Danowski: "Well, I am sure he agrees with you."

George Schmelzer: "It shows you how America is going. You got to get a permit to farm. What the hell's going on? Need a permit for to put a greenhouse up. What a system. Well, we'll cross each other some day. Russia's going our way, we're going their way. And you guys cause it. Well, you're not the only ones in the country, you're just a part of it. What the hell kind of system we have? You need a permit to put a greenhouse up. Pretty soon you need a permit to breathe. Good bye."

Supervisor Janoski: "Thank you, George."

George Schmelzer: "Yeah. You're welcome."

Supervisor Janoski: "Are you supporting Mr. Andrews application?"

George Schmelzer: "Why not?"

Supervisor Janoski: "Okay."

George Schmelzer: "He shouldn't even have to bother with this."

Supervisor Janoski: "Well,-- "

George Schmelzer: "That's a disgrace-- "

Supervisor Janoski: "The fact is-- "

George Schmelzer: "Some fact."

Supervisor Janoski: "As Peter points out, the property was rezoned to Residential C and that's the cause of it."

George Schmelzer: "So what. You need a permit to get the right to put a grass lawn in because it's not Agriculture? Good bye."

Supervisor Janoski: "Thank you, George. Mr. Andrews, you have very strong support there. Steve, do you have something to add to this discussion?"

Steve Haizlip: "Steve Haizlip of Calverton. I hope my good friend here, Mr. Schmelzer, won't think any more of me or any less of me, but if I have to come up and give my name, Steve Haizlip of Calverton, and George has been out of order for so long, I think that he should start giving his name of Calverton. Because, I mean, this is the rules and the procedures that this Town Board put down."

Supervisor Janoski: "You're right, Steve."

Steve Haizlip: "Who is going to know who's on that tape later on?"

Supervisor Janoski: "That's right."

Councilman Stark: "We couldn't miss that one, Steve."

Steve Haizlip: "Right. Okay."

Councilman Stark: "We could not miss the interpretation of that one and (inaudible) want to know directly who it's going to affect and who it's tied to."

Steve Haizlip: "All right. Now, it seems like to me that according to Mr. Danowski there was a previous mistake made by a Town Board. Now,-- "

Supervisor Janoski: "No."

Steve Haizlip: "Well, whoever went and zoned land and looked it over and said: Well, I think we better put this in C and A and somebody that's not competent, and knowledge of farming and what farming entails."

Supervisor Janoski: "That's not exactly the situation, Steve. As a result of a study (inaudible) a decision was made to rezone this property to Residence C. I don't think Mr. Andrews is complaining about that. I would certainly hope not. But when you have a residential development potential, I'm not going to get into arguing about this, but that's what it is."

Steve Haizlip: "I wouldn't be arguing with you, Joe. You could give me your explanation and I would-- "

Supervisor Janoski: "-- Councilman over here-- "

Steve Haizlip: "Right, no. Well, the only thing is-- "

Councilman Stark: "All I'm saying is it should have been-- "

Supervisor Janoski: "It wasn't."

Councilman Stark: "It should have been."

Steve Haizlip: "Well, I will go back and say usually when you got government body people out there just like we had in Texas, you know, they make decisions without making a fair study and understanding. They're not knowledgeable. So that's what

happened there. But, anyway, what I want to know, now in my line of business years and years ago, when you had something non-conforming -- I know you can't hear me if you're talking too-- so I want to be able to have the floor when I'm talking. All right. Now as I was saying, in my line of business years ago, in quality control when something was non-conforming, it meant it didn't meet the blueprint or specifications. And now, how does the word non-conforming come into this, when he already had two greenhouses?"

Supervisor Janoski: "It is an expansion of a pre-existing, non-conforming use. He had two greenhouses, now he wants to have four. That is an expansion of the use. It is a pre-existing use. Listen, there is no controversy here. Mr. Andrews is going to--"

Steve Haizlip: "Hey, I'm in support of it. The only thing is I'm trying to find out is how this word non-conforming got in there."

Councilman Stark: "It's non-conforming to the present day zoning. But it's pre-existing so that changed to that zoning, Steve."

Steve Haizlip: "All right. Okay, good enough. Because, you know, these convoluted words throw you off sometimes."

Supervisor Janoski: "Is there anyone else present-- yes?"

John Brezinski: "I'd just like to know what constitutes a cold frame or a temporary greenhouse compared to a greenhouse."

Supervisor Janoski: "Fair question."

John Brezinski: "And I also-- my name is John Brezinski. My grandfather did own that farm before Mr. Andrews. I live next door. And putting up the greenhouses there, there is a water problem where the water rushes through there. That's the only thing, if it's going to block the water. I just want to let that be known there is a water problem."

Barbara Grattan: "John, spell your last name, please."

John Brezinski: "B-R-E-Z-I-N-S-K-I."

Barbara Grattan: "Thank you."

John Brezinski: "And I have pictures."

Supervisor Janoski: "Did you want to make them part of the record?"

John Brezinski: "Well, I just want to make sure that, you know, there's water coming through my property and I just want to make sure that I don't have that problem when they are up and going through there."

Supervisor Janoski: "Okay. They are temporary greenhouses. As far as the question you asked what makes the difference, I will ask Mr. Andrews or whoever to answer that. Somebody has to put it on the record, the answer to the question."

John Brezinski: "Is there going to be-- you know, it's right on my-- is there going to be fans running all night?"

Councilman Prusinowski: "Mr. Andrews I think can answer it very simply. Foundation or no foundation."

Supervisor Janoski: "Mr. Hanley, do you want to answer it?"

Councilman Stark: "Movable, non-removable."

Supervisor Janoski: "I don't care who answers it. Just so it's part of the record, that somebody answers the question."

Bob Andrews: "I already discussed this with John."

Supervisor Janoski: "I'd like to say something. This is like the most non-controversial thing that we have in front of us here, and it's turning into a-- but, please answer the question. All right, sir. If you would just make them part of the record. You're off the microphone now and-- Mr. Andrews."

Robert Andrews: "Me, too, could I see the pictures before, whatever. What's the pictures you have there?"

Supervisor Janoski: "Excuse me. I hate to interrupt your conversation there. There is a question on the floor, What is

the difference between what you're doing and a permanent greenhouse. I think that's what the question is. And if you would like, you could go out into the hall and take a look at-- "

Robert Andrews: "Okay. But let me tell what's going on with this. I had discussed this with John today already. I thought it was cleared up. I have already taken into consideration I can't help when I have a northeaster or whatever happens, whatever on a farm, we get water. But I have taken into consideration where that water runs and this greenhouse is not going to be put in where that water gets out. I had taken that into consideration when I put the plan in that the water would get out of it. And I explained it to John that it would be back 28 feet from his property line on the one side where it goes through, and that's all I can say. I'm not out to create a problem and I hope that it doesn't-- that John doesn't feel that I am. But-- "

John Brezinski: "Well, I just want it on public record that there is a water problem and that's it."

Robert Andrews: "But the water problem that happens and when it happens is when we have these big storms and I don't think there's a farmer around-- if you rode down the road two or three weeks ago, I would have said you would have had flood areas all over the place. That I can't help. You know. But I've taken into consideration where this greenhouse is going that it will not create a water problem and that is my word of honor on that."

Supervisor Janoski: "Would you put on the record, please, the difference between the temporary greenhouse and the permanent greenhouse?"

Robert Andrews: "The difference between a temporary-- a temporary greenhouse is a plastic greenhouse. It is just actually put into the ground. It's not anchored in the ground, on any kind of concrete footing whatsoever, and that's the extent of it. It's put right into the ground. And it's a plastic house."

Supervisor Janoski: "Do you object to this application?"

John Brezinski: "No. I just want it on record about the drainage. That's all."

Supervisor Janoski: "Is there anyone else present wishing to address the Board on this matter. Because this is a time critical application, I have prepared a Resolution for consideration of the Board if they would consider the application and the Resolution this evening granting the permit. It is done, there is no serious objection to the application, and the Board will consider acting upon that this evening if they wish to.

(Pictures were submitted by John Brezinski.)

Supervisor Janoski: "I believe we have one more Public Hearing. Let the record show that the hour of 7:37 has arrived. The Town Clerk will please read the notice of Public Hearing."

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 7:30 p.m. on Tuesday, April 20, 1993, to hear all interested persons who wish to be heard regarding amending various sections of Chapter 105 "Water" of the Riverhead Town Code."

Patricia Moore: "There is amendments that's been proposed by the Water District, and I'll just read them first and go down the line. Section 105-2. There are meters that are installed by the Water District and it is illegal to break the seal (inaudible) on the meter and remove any meter. The Town Board is considering adding the following language that any intentional breaking of the seal, tampering with the Water District seal by someone who is unauthorized is punishable by (inaudible) punishment provision under 105-33. The second change is the use of the fire hydrants. Only an officer or a firefighter under the direction of the Riverhead, Jamesport or Wading River Fire Department in the performance of their duties, will be authorized to connect to the fire hydrants. Under 105.11. Discontinuance of service. It was at one time \$50 and now it will go up to \$250 as a civil penalty for turning on and off meters without authorization. Barry will have to correct me if I'm wrong on any of these. The punishment for these offenses are going to be misdemeanors and shall be punishable by a fine not to exceed \$100. The penalty-- furthermore under 105-25, Penalty for Unpaid Water Charges, the water service which is terminated due to non-payment shall not be restored until the account is brought current and the fee for turn off and turn on is paid. Then the penalties for violation (inaudible) which have been referred to (inaudible) have been increased to \$250 and imprisonment not to

exceed 15 years."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Board on the proposed changes to the Town Code regarding water? Mr. Pendzick, these proposals are of your suggestion and support."

Gary Pendzick: "Gary Pendzick, Riverhead Water District. These are bringing up to date codes that have needed revision to bring us into the 1990's. Of the things that Pat ran through-- to give you an example that's not obvious here, is that for 75 years we served only the Riverhead Water District. But in the last few years, now we serve three, Jamesport and Wading River as well. So the wording had to be brought up to date and that's what these code revisions mean."

Supervisor Janoski: "Thank you, Gary. Is there anyone present wishing to address the Town Board on these changes? That being the case, and without objection, I declare the Hearing to be closed."

Hearing closed: 7:40 p.m.

Supervisor Janoski: "Is there anyone who wishes to address the Town Board on any matter? Mr. Danowski."

Peter Danowski: "Just a matter of information. From time to time I bring some good looking girl from overseas here representing the Rotary Club. Today I don't have that opportunity but the young man who's got the bandana in front of him is from Equador. His name is Victor Juavier Ortega Pinto. He starred on Riverhead High School Soccer team. He's a star of their tennis team right now. His average is in the 90's. He's a great guy and he's now living across the street from the Town Hall at Paul Lacan's (phonetic) house and Paul is seated next to Juavier tonight. I just want to introduce him to the audience and this Town Board. I thought he might catch the young kids from France. Juavier stand up. Paul stand up."

Supervisor Janoski: "Thank you, Peter. Is there anyone else who wishes to address the Town Board? Yes? On any subject."

Raymond Kelley: "My name is Raymond Kelley. I had wrote the

letter regarding the Wading River Creek and the dredging of it and I'm wondering what the Board's position is on this subject and basically has the research been done on it-- whose responsibility it is to dredge it, whether it's Lilco's, the Town of Riverhead or the Town of Brookhaven."

Supervisor Janoski: "I will tell you that I do not believe it is the Town of Riverhead's responsibility. While the Town of Riverhead has accepted over the past number of years the task of dredging that creek, and it was running with our own personnel and the rental of equipment around thirteen, sixteen, eighteen thousand dollars to do that job, and, of course, to distribute the sand according to the permit along the beach, to replenish the beaches. Because of the severity of the storms this past year and this year, the amount of sand which has deposited itself has led to an estimate of about \$100,000 or more. This is money that the Town does not have. We believe that the responsibility is that of Lilco. I don't know if you really want me to get into the entire history of this thing because it is quite lengthy, but suffice it to say that Lilco was prevented from dredging that creek in 1988. And it was, of course, part of the State of New York's opposition to the Shoreham Nuclear Power Plant. The Town of Riverhead, at that time, the Town Attorney who was Mr. Ehlers, Dick Ehlers and myself went to the DEC to plead for some relief here, which was denied quite frankly, because they were under orders from the Governor's office not to issue any (inaudible). But in the basement in a cardboard box at DEC at Stony Brook, we found a permit which had two years left on it to dredge that creek, and under that permit we moved forward and did accomplish the dredging for those two years. Subsequently, we were able to get permits issued to us for the dredging of the creek. Each year, of course, we protested because the permit of 1968 issued to Lilco for the Shoreham Nuclear Power Plant set forth a provision and the requirement that on a yearly basis Lilco dredge that creek so that there would be a free flow of water into the salt water marshland which is adjacent to that area. And you know that that marshland is a habitat and breeding ground for all sorts of-- what is the word, fauna. Good word. We also have as part of the agreement of 1968, a boat ramp. That entire area is Lilco property, the house, the boat ramp and the parking lot adjacent to the boat ramp. The only thing that belongs to the Town of Riverhead is the width of the road. And the creekbed belongs to Lilco and, of course, the property where the-- on the other side of the creek where the plant is, belongs to Lilco. We intend to

continue with our effort to force Lilco to undertake this. The Board received word that they today, as Mr. Prusinowski related to me, that Lilco has refused. We will see. And I don't know what action the Board may want to take as far as any future action against Lilco, I don't want to say government-- but management. I think this can be resolved if we got some help from a number of other agencies like the Army Corps of Engineers and, of course, the State of New York. Because it was not our requirement that the creek be dredged. It was their requirement. I have never understood over these many years, why the State of New York was not forcing Lilco to dredge that creek. Because it was an ecological matter of concern to them in 1968 and certainly remains one today. We will get back to you as we progress with this. I met with representatives of Lilco just last Wednesday, I believe it was-- Thursday, and we had agreed to meet in the very near future to see what happens."

Raymond Kelley: "Oh, okay, thank you."

Councilman Prusinowski: "I just want to point out that without fanfare, since 1989, the Town has been routinely maintaining that creek, which is in Brookhaven Town. So, in effect, general Town tax dollars have gone on Brookhaven Town's property to maintain a creek for the benefit of our community. Lilco was, I would say 99% adamant about it's not their responsibility anymore. I do have a contact name at LIPA which we'll try to pursue. They recommended that we call LIPA. When the Town Engineer called LIPA last week, LIPA said that the only thing they own is the containment reactor. They do not own the rest of the property. When we called back Lilco, they confirmed this. My argument now is that since Lilco owns the property, the permit in 1968 and also a 1972 hearing officer's ruling from the Department of Environmental Conservation stated that, which I'm sending a copy to Lilco tomorrow because they, he, requested it, that basically the ruling was regardless that the plant was ever operating or not, because Lilco's project changes directions of the natural flow of the creek and caused erosion hazards to the easterly beach, or potential hazards-- this was back in 1972, they should be required-- this was a hearing officer's decision, should be required to do (inaudible) maintenance dredging of that creek. That's one of the pieces of evidence that we have in our favor. Also, there's a reference to an NRC requirement although Lilco will tell us it's no longer-- it's moot now because we never did receive a full operating license, however, there is data in there and the data surrounds environmental and Army Corps of Engineer

staff reports that shows that an environmental potential hazard here because of the erosion factor, because of the two main jetties that go into the Sound which is where their outflow pipe is. We're going to pursue the case. We'll do the best we can. You know, when it's \$15,000 and I have to tell you in all due respect, this project is way beyond \$100,000. Also, our permit that we currently hold, just so you know, is only authorized for 3,400 cubic yards of removal. That is way, way under what is necessary to do the job. Also FEMA staff report, which I reviewed, they want even for us to qualify for reimbursement, they want a real project here. They want jetties built and everything else. So, we'll do the best we can, but it's-- I think the Long Island Lighting Company and I hate to be grandstanding here a little bit, but as I told the gentleman on the phone, you gave your chairman an eight percent raise which comes to about \$80,000, and you keep raising the rates in addition to the five percent, and I found out this week that the only thing that LIPA owns is the containment reactor, you know, they have some responsibility, too. Besides it's their creek. The entire creek in the back is theirs. The only thing they do is lease a part of it to the Nature Conservancy, I'm sure for tax purposes. On the north-- south side of the road there is some individual lots, some owned by the Nature Conservancy, some owned by individual taxpayers. Two attorneys showed up at Town Hall last week in the Town Engineer's office and when Ken Testa on a suggestion that I had was possibly we could do a lease agreement or tell us who really owns the property, two attorneys stormed in and literally put maps on the table, and said this is our property, we're not interested in selling it or disposing of it in any way because in the future we might want to use this site for something else. And they need a minimum acreage. So that's where it pretty much lies right now. And financially and engineering-wise, it's a big, big job."

Raymond Kelley: "Right, I realize that."

Councilman Prusinowski: "And the crux of it is it would be a lot easier if we could get reimbursed from FEMA. But we don't own the property, FEMA said right in its staff field report, we-- immediately Ken Testa was there January 26th with the inspectors and he did the report, everything was submitted to FEMA, and they rejected our claim on the grounds of the ownership problem."

Raymond Kelley: "Right."

Councilman Stark: "I just want to add, Mr. Kelley, that one of my greatest fears up there is not so much for the entrance of the creek. I think we have another potential Dune Road. The existing jetties of Lilco, after the three major winter storms that we had-- we have high tides right up to the porches right now. And if we don't address it, Statewise, Countywise, Townwise, Brookhaven and Riverhead, we are going to have some homes that are going to be floating out in the marsh. That's more of a concern to me right now."

Raymond Kelley: "That was the next point I wanted to bring to your attention, although the homeowners aren't here, their homes are in jeopardy."

Councilman Stark: "Very much so in jeopardy. And I think Vic was up a couple of weeks ago. We had Channel 12 up there to try to bring some publicity to it, put some pressure on some higher up politicians so to speak. They've got to recognize, and if we do it now it will be a lot cheaper than say two or three years down the road and experience what Fred Thiele is experiencing over in Southampton, you know, putting a band-aid on a bullet wound."

Raymond Kelley: "Exactly."

Councilman Prusinowski: "The data from the Army Corps of Engineers over the years that I've read in the file, which we-- I have to thank-- we have to thank Congressman Hockbrueckner's office who obtained that Freedom of Information for us. We were able to see that most of the data that is, that pertains to the dredging of this really has to do with the maintenance of the beach as much as the dredging of the creek to make it navigable for boats. I would say the majority of the concern is for the erosion of the beach east of the jetties."

Raymond Kelley: "Right, I realize that. The next subject that I had brought up in my letter was the construction of a new boat ramp that was possibly going to be adjacent to the Town beach at Creek Road in Wading River."

Supervisor Janoski: "There was some discussion about it. There doesn't seem to be-- temporary is the word that was used. There seems to be some concerns that have been expressed, so you're expressing your opinion."

Raymond Kelley: "Obviously, I think it's a very dangerous situation. There's swimmers there. Last year we had a teenage boy lose his foot in a boating accident, never mind having a boat ramp there. Any idea when this is going to be resolved?"

Supervisor Jansoki: "I wish we could tell you."

Raymond Kelley: "No time frame?"

Supervisor Janoski: "It has been unresolved since 1988 when Lilco was refused a permit to dredge at a time which they were very willing to dredge."

Raymond Kelley: "Right."

Supervisor Janoski: "And their attitude right now is they stopped us, so we're not going to do it."

Raymond Kelley: "Okay. Thank you."

Supervisor Janoski: "But thank you, Mr. Kelley, for your input. Mr. Kasperovich? Did you wish to be recongized, Mr. Johnson?"

William Kasperovich: "William Kasperovich from Wading River. In certain areas my memory is very good, and I remember that this creek was a meandering boundary that existed when the plant was being designed. Now, in order to establish a permanent fixed boundary line, they came to Riverhead and came to negotiate an agreement to establish a fixed boundary from a meandering boundary. Now, for this they were going to keep the creek clear for us to use for recreational purposes, and some place in the records it is in print somewhere. They didn't-- we gave for their use and convenience and they gave in return for it. And what they gave us in return was a commitment to keep the creek open. And I think we should hold onto that tenaciously. Thank you."

Supervisor Janoski: "Thank you, Mr. Kasperovich. Where did Mr. Johnson go? Michael Johnson."

Michael Johnson: "Good evening. How are you doing today, Mr. Janoski, Town Board? Mike Johnson, African-American Leadership Council. I'm here in behalf of the Langhorne's who are here tonight

and they would like to speak to you also, and we have other guests in regards to the memorial for Garfield M. Langhorne, the Congressional Medal of Honor winner who resides or formerly resided in Riverhead. The question that I've had is, we've been looking at news articles and a committee is to be established and I just want to try to get some firm basis on what is being done in regards to the memorial for Garfield M. Langhorne. Number one, it says in the Resolution, I believe this is Resolution #217, am I correct with that?"

Councilman Creighton: "Yes, we passed it last (inaudible)."

Michael Johnson: "Okay. That a committee will be composed of family members, organizations and citizens to be formed to assist in review of the formulation of recommendations. We would like to know where we stand on the committee and, I believe, if I'm reading this correctly, Mr. Creighton would be the person to answer that one."

Councilman Creighton: "Were you contacted by Mr. Duffey in the last few days?"

Michael Johnson: "I was contacted by Mr. Duffey. I was led to believe I thought you were making the contact. I didn't know Mr. Duffey at all."

Councilman Creighton: "Right. Mr. Duffey has been designated by the Viet Nam Veterans of America to work with the Town and the family to see that an appropriate memorial is established. We're fortunate that he was identified because you probably know that he has quite a bit of experience in this, having been involved in the establishment of a monument for Viet Nam Veterans both in Washington, D.C. and even more recently, with respect to the committee that established the memorial at Bald Hill in Suffolk County. He contacted me and told me he was designated to assist us in this. He indicated to me that he would and then subsequently did talk to the family to determine primarily what kind of a memorial is desired and recommended that I understand in turn, also, at the suggestion of the family, talked to you about that, with the idea that a coordinate recommendation can be developed and brought before the committee which essentially will be primarily those same people to determine then what it might cost, the siting location, and then put a package together to come to the Town Board

as a whole to determine what, if any, decisions are required and what kind of funding is appropriate. So that's my understanding as to where we are right now and I look forward to meeting with you, the family, Mr. Duffey, and any other people who might be interested in helping us in this matter. I should point out, that we've also had other volunteers, just good citizens who want to participate. And I should mention that the Moore memorial-- monument-- business on Griffing Avenue has been in Riverhead, I think for 100 years or so, has volunteered their advisory and consulting services to assist us in this matter, too. I think primarily probably in getting estimates and identifying expertise should we need that. So I feel that we are well on our way and that in the near future we should sit down and bring the ideas which I think are pretty well formulated together and put them in a format to present to the Board, initially, probably at a Work Session, and then subsequently for the Board to consider and make whatever decisions are necessary."

Michael Johnson: "Okay. Explaining-- listening to you right now seems like it's more coordinated than it actually is, because when Mr. Duffey did approach us, prior to Mr. Duffey approaching us, I had spoken to Mrs. Langhorne and she had indicated that you were going to make the initial call and let us know who was coming, what to expect, when we would get together, etc. Those calls were not received. Mr. Duffey, when he did approach us, he was a lot vaguer than the information that you have just laid out for us. Right now, it sounds a lot more coordinated and concise, but he's open and matter of fact, we just met tonight, actually prior to this meeting, we were hoping that we would have a representative of the Town Board available so we were just going to speak to you tonight about let's get that type of a meeting because we can't do anything, and we know it's not going to move any further without having you sit down at the table where we have a proposal right now. What the family and friends are requesting is the original bust that was, I'd say was scheduled to be made back approximately 12 or 13 years ago. That's what they're looking for. Still the same location situated at the Town Hall, preferably in the lobby or right outside the doors. There's no change in that. And if there's any questions regarding that, if we have to put it in writing or something like that, then we'll go that route. But to have the meetings and coordinate it, let's say we'll talk to the memorial, who's at the memorial company in Riverhead that does the headstone work over there on Griffing Avenue. Okay. We can make

contact with them now that I know that they are players in this and we see what they can offer us also. But we were-- "

Councilman Creighton: "As you recall, Mike, you brought this up on the 6th of March at the Board Meeting and, frankly, caught me and I believe the rest of the Board by surprise. I was, frankly, shocked at what you suggested and I'm not sure that it serves any purpose to go into the history but the idea is to get to where we want to be from where we are."

Michael Johnson: "Absolutely."

Councilman Creighton: "It was only-- unfortunately only two weeks ago that the decision was made to form this committee. I thought, and I still believe, that the other Veteran organizations would want to participate in this and I was informed by the leader of the Combined Veterans Organizations that they needed like a month notice to have a meeting because they all meet once a month, and they all have different meeting schedules and they'd like to present it to their membership to identify people to participate. So that's why we haven't had formal meetings in the last two weeks. I'm not sure that that process-- from what I hear you're further down the road than any of us realize, that you may be prepared to go into detail on a proposal which is sufficient to put numbers on as far as cost and feasibility and identify people that can actually produce it. And we weren't aware of that, I think, at the time, so we may be further along than we thought we were."

Michael Johnson: "Should I submit that proposal to you the next business day?"

Councilman Creighton: "Absolutely. Absolutely."

Michael Johnson: "Okay. Secondly, another concern is that the memorial that we're asking for is for Garfield M. Langhorne and that it not be let's say spread out among all of the different veterans who did serve in Viet Nam and have passed, but this one is in particular because this is a Congressional Medal of Honor, and they have others who would like to get up and speak in regards to that and add their comments to it. I wish you would come up now if you're coming up."

Everett Robinson: "My name is Everett Robinson from Baiting

Hollow and I'd like to just speak on behalf of the Garfield memorial that they're proposing that the Town do for Garfield. I grew up with Garfield, was a friend of his. I, myself, am a Viet Nam Vet. I was in Camp LeJune when Garfield was killed in Viet Nam. Shortly thereafter, I got my orders to go to Viet Nam. Now, I don't know if any of you knew Garfield but, you know, he was one heck of a guy. You know, I mean I was sort of a hell raiser myself, I'll have to say when I was coming up. But Garfield, and I've spoken to his parents since, and we've talked about it and, you know, couldn't get Garfield to hang out with the guys really to do any hell raising. He was, like I said, he was a real good guy so when I heard about the memorial, and it sort of was in the back of my mind that I sort of remembered back when Mr. Smith was Supervisor that it was proposed but back then I was, I don't know-- I was single back then, you know, and not too involved in what was going on in the Town of Riverhead, I'll have to be honest with you. But now I'm a married man, children of my own, and like I say, this memorial really means a lot to the family and it means a lot, you know, I think to a lot of people in Riverhead that we get this off the ground and really get this moving now. I don't really want to see this fall on the back burner again and that's the reason I'm up here, to say let's get the ball moving, because Garfield was a real good guy. I mean he was like, you know, a real American hero. I mean I don't know if any of you have ever seen the movie, Heartbreak Ridge with Clint Eastwood. You know, when you see the Officer actually salute Clint Eastwood even though he's a Non-Commissioned Officer, he's got that CMH and that's the only medal that hangs around your neck, you know. I mean it's a whole lot different than other medal that you can get. It's the highest award that the nation gives. What we have in Riverhead here is a real genuine American hero and I think that, you know, it's time for Riverhead to honor him. And that's about all I have to say. Thank you."

Michael Johnson: "So, let's, I can sit with you tomorrow."

Councilman Creighton: "Yes, please do. Pick a time."

Michael Johnson: "And we'll-- let's see tomorrow is what, Wednesday? It has to be first thing in the morning. I'd say about 9:00 a.m."

Councilman Creighton: "Sounds good. I'll be here."

Michael Johnson: "Okay."

Councilman Creighton: "Thank you, Mike."

Supervisor Janoski: "Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. I want to reiterate on a subject that Mr. Kelley brought up about Lilco when he was talking about the dredging of the creek and about their Chairman getting an eight percent. I got a letter here that I wrote to the Public Service Commission about those rate increases. It seems like to me the contents of this letter, Lilco is got the rate increase in the bag. Because the guy that signed this is a Mr. Vaughn. And Mr. Vaughn is an administrative law judge. So you can tell me how a hearing is to be conducted without a law judge getting involved and he can know the evidence ahead of time before they even present it and sign a letter saying that the hearings all point to the evidence. That would be like me writing a letter to you, Joe, and saying what is the status on a certain court case coming up, and then having Mr. Ehlers to write me to present the case before it's even heard and that's what goes on in the Public Service Commission."

Supervisor Janoski: "Is there anyone else present wishing to address the Town Board? Let's take up the Resolutions. George, you woke up long enough to get your hand up, did you?"

George Schmelzer: "I found out I got Lyme Disease today. That's what's wrong with me for a couple of months. Oh, this crossing in Calverton, you're waiting for somebody to get killed there. I almost got hit today, River Road and Edwards Avenue. People come barreling down Edwards Avenue, the traffic can't see them, they get almost half way out in the road and sometimes you got no time to back up. No time to go forward. I almost got it today. Happen before, too. But, you know about that for a long time, but some gobbley-gook and some bureaucratic rules and something, nothing is done. There's a sign on the right side of Edwards Avenue, just south of River Road, that says end of 30 mile zone. There's no 30 mile zone. Should be a 20 mile zone from the track down. Can't see what's coming. Please look into it. That's all."

Supervisor Janoski: "Thank you, George."

George Schmelzer: "Yeah, okay, very welcome. I'll see what you

you do by next-- "

Supervisor Janoski: "-- got some kind of echo in there, Steve. Why don't you both come up on camera right now and you can do a duet?"

Steve Haizlip: "I've got to help George out."

Supervisor Janoski: "He doesn't need any help, Steve."

Councilman Stark: "George, would you state your name and your address, please, for the record."

George Schmelzer: "My name and address? I don't know where I live, I can't spell my own name. My name is George Schmelzer. You want my middle name, too?"

Councilman Stark: "Let the record show that it's George Schmelzer, lives in Manorville."

George Schmelzer: "River Road, Calverton."

Councilman Stark: "Calverton."

George Schmelzer: "Yeah, okay. Thank you, Jim."

Councilman Stark: "You're welcome, George."

Councilman Prusinowski: "George, did it ever dawn on you to stop by the Superintendent of Highways Office and tell him about this?"

George Schmelzer: "I get the same results."

Councilman Prusinowski: "He is the Superintendent of Highways."

George Schmelzer: "Yeah, they give me some it seem to me like (inaudible) if it's true or not that have the right to do it because-- some, maybe the state has to give him permission first or whatever, so nonsense like that."

Councilman Prusinowski: "For the speed zone, yes."

George Schmelzer: "Yeah. I don't understand those rules, but run by bureaucrats or lawyers, I don't know, or both. All right. Thank you, Vic. We'll see what happens. Someone gets knocked off there, they'll do something fast. I'm not trying to pick, I don't like to pick on anything, but that looks very risky there. Unless we take the hill down, and that would be crazy, too. Okay."

Supervisor Janoski: "Did you wish to add something, Steve?"

Steve Haizlip: "Yes. Steve Haizlip of Calverton. I want to input information for the benefit of George that I have pursued this vigorously. I have contacted Cracciolo's office. I have talked with his secretary, Judy Collins. There has been letters established to Mr. Steve Hydack on this and as George says, nobody is doing anything and to go one step farther, I personally drove right up to Yaphank one day. Went right in to the Engineer's Office in there and talked with him. We went into the vault, pulled out Highway 94, that's County Road 94, pulled out the tape or the video and I showed him what was right on there. That there has never been no 30 mile an hour speed established on Edwards Avenue right up to the intersection of River Road. So when people come charging down there, there is nothing telling them or forewarning them anywhere on that road that it's 30 miles an hour. It is 55 miles an hour and when they hit that intersection they are going 55 or 60 whatever they're going. And the time they see that 30 mile an hour sign, the end of it, what end? I never did see one that said 30 on there. And there's a couple of other things that I've been pursuing on there like on the right hand side going north, they've got a sign there says 30 miles an hour. What for 150 feet to the intersection of River Road and 94? You've reduced your speed from 55 over the river and then when you see that sign, throw on the brakes and then go 30 up to River Road and then step up 55. That's the situation. So I've been all the way to the top-- I consider it the top, and I got nothing done. So anybody here that's on the Highway Committee or any of your letters that you want to write to try to pursue this, I wish you would."

Supervisor Janoski: "Let's take up the Resolutions."

Resolution #230

Councilman Prusinowski: "Resolution calling for a Public Hearing for the acquisition of real property adjacent to the

Riverhead Sewer District main plant. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #231

Councilman Stark: "Appoints special counsel to enforce and prosecute matters regarding violations of the Riverhead Town Code. So moved."

Councilman Prusinowski: "Seconded."

Councilwoman Gilliam: "I have a question on the Resolution. It's my understanding that there is going to be a built in ceiling as to the maximum legal costs that can be incurred under this retainer agreement? Is that correct?"

Supervisor Janoski: "That's correct."

Councilwoman Gilliam: "Okay."

Supervisor Janoski: "Please call the roll."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #232

Councilman Creighton: "This awards a bid for a 1993 Ford F-350 truck to Sayville Ford in Bohemia. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #233

Councilwoman Gilliam: "Amends Resolution 207 granting leave of absence. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #234

Councilman Prusinowski: "Reaffirms and approves recreational use special permit petition of William Schulman. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #235

Councilman Stark: "Amends site plan of Calverton Links."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #236

Councilman Creighton: "This approves the special permit application of Little Flower Children's Services. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #237

Councilwoman Gilliam: "Appoints guard to the Riverhead Recreation Department. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #238 and 239

Councilman Prusinowski: "Appoints guards and recreation aide to the Recreation Department. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #240

Councilman Creighton: "This authorizes the Town Clerk to publish and post Notice to Bidders for Snack Vendors for the beaches and parks. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #241

Councilwoman Gilliam: "Authorizes the solicitation of bids

for the purchase of candy for the use of the Town of Riverhead Teen Center. So moved."

Councilman Creighton: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #242

Councilman Prusinowski: "Appoints member to the Board of Assessment Review. We've had a resignation and the new person would be Bruce Stukey (phonetic). So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

Councilwoman Gilliam: "I'm voting no because of Mr. Stukey's vocation in the real estate business. Rather than have a situation where he may have to recuse himself on certain cases, I think that there are other individuals who could have been considered without that possibility of a conflict there. So I vote no."

Councilman Creighton: "I've discussed this with the Town Attorney and the Town Assessor and I'm convinced that the individual and all the people involved understand the potential conflicts of interest and are prepared under the law to deal with it appropriately. So I vote yes."

The Vote (Cont'd.): Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #243

Councilman Stark: "Approves application of Swezey's Department Stores for a tent sale. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #244

Councilman Creighton: "This awards a bid for the percent off the Grainger Catalog for acquisition of supplies. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #245 through 252

Councilwoman Gilliam: "These Resolutions awards bids to furnish and place asphalt concrete and bituminous materials. So moved."

Councilman Creighton: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #253

Councilman Prusinowski: "Appoints Stephen Magee to the position of Full Time Custodial Worker I. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam--

Councilwoman Gilliam: "As a member of the Personnel Committee, I was not privy to any discussion regarding this decision other than a memo I received that had already reached the conclusion which is the context of this Resolution. What

we are doing is combining two part times into one full time and there has been no breakdown in terms of the cost impact on that as compared to having two part time individuals. In addition to that, having participated in the screening of previous applicants for the part time position, there were over 30 people who came in for part time position, and I would hope that the Town would have considered giving an individual who is unemployed an opportunity for part time employment rather than trying to consolidate these two positions without there being any basis or justification that there's a cost saving here. So I vote no.

The Vote (Cont'd.): Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #254

Councilman Stark: "Reassigns members of staff of Buildings and Grounds Department. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam--

Councilwoman Gilliam: "And I vote no on this Resolution. As a member of the Personnel Committee, I was not apprised of this situation other than again as stated in a conclusory memo from the Supervisor's Office and I think regarding the reasons set forth in the Resolution alluding to the health condition of an individual that with the Americans with Disability Act that you're getting into some very serious legal ramifications if you start making decision based upon an employee's fitness without there being adequate documentation that this is, in fact, the employee's choice. And I have not been provided with any information from the employee in question that this is his decision. Secondly, I have not been provided with any information as to the particulars on the scheduling of the Civil Service examination, whether all individuals were afforded ample opportunity of notice to sit for the exam and whether or not it was their choice. These matters have not come to me in a clear and conclusory way and for those reasons I vote no."

Supervisor Janoski: "I'm not going to let that slide, Harriet."

Councilwoman Gilliam: "Well, that's up to you."

Supervisor Janoski: "I've got the floor now, Harriet. You are alluding to some things and making some innuendo here that I'm just not going to accept. Mr. Jackson is here in the room. He can speak for himself. The exam for the position was given. My understanding is that Mr. Jackson decided not to take it. His choice. You are familiar enough with Civil Service to know that once Mr. Jackson does not sit for the exam, his tenure in that position is ended immediately. I've explained to you in a memo the situation. If you had any question which I put into the memo you should have talked to me about it, which you did, and I explained it to you in person. I don't like the innuendo that something sinister is going on here. We've got a business to run here. The rules are clear. One individual, two individuals, three individuals sat for the exam. One of those individuals who is presently with the Building and Grounds Department is going to take that Maintenance Supervisor position if the Board votes on it. That's the way it works, that's the way Civil Service law requires it and you are not going to get away with this constant innuendo that something underhanded is being perpetrated here. I'm just not going to stand for it. I don't care if you are a member of the Personnel Committee. So is Mr. Stark."

Councilwoman Gilliam: "Yes. And he was on vacation."

Supervisor Janoski: "Mr. Stark wasn't here. But I've got--"

Councilwoman Gilliam: "May I-- I have to respond to what you just said, Mr. Supervisor."

Supervisor Janoski: "This argument is over as far as I'm concerned."

Councilwoman Gilliam: "No. It's not an argument. But-- "

Supervisor Janoski: "Ma'am, you are out of order. I do not recognize you."

Councilwoman Gilliam: "Please do not point your finger at me."

Supervisor Janoski: "I'll point with whatever I wish to."

Councilwoman Gilliam: "Yeah, okay. And anyway, in response-- "

Supervisor Janoski: "You are out of order."

Councilwoman Gilliam: "In response to what you said-- "

Supervisor Janoski: "This meeting is going to recess. We will meet in my office right now on a matter of personnel. I'm not taking this any longer from you, ma'am."

Councilwoman Gilliam: "You are free to leave. We still have a quorum."

Supervisor Janoski: "We will recess this meeting, ma'am, and you will join us."

(Recess)

Councilman Creighton: "As I understand it, the role was called. Harriet voted no. I have spoken to the professionals on the staff earlier today on this subject and also discussed it with the individual affected the most and I'm satisfied that justice is being served whether the administrative procedure to get there or not was right or wrong. I'm also-- in voting yes on this Resolution, I want to be sure that it's understood I do not condone the conduct of the Supervisor that just took place, whether it's a political year or not."

Supervisor Janoski: "Mr. Creighton, I am sorry that you can sit by and allow a member of this Board to question my integrity and my honesty and memos that I have written and explanations that I have given. I am certain I have every justification to be angered by what has been-- tried to have been hinted at here this evening. It is too bad that the process that I must follow is a constant question. It would be nice sometimes to have your support and if you have any questions about this, and as I said in my memo, please come and see me and talk to me about it. You did not. But I understand that you checked with other people. Continue with the roll call."

Councilman Creighton: "I support your right to defend yourself, it's just the way you did it I do not agree with. Let's have that clear."

Councilman Stark: "This is a duty of the Supervisor and staff to make changes within the infrastructure of the Town government and the employees in the government. It is not a problem that should come before the Personnel Committee. The Personnel Committee is nothing more than an extension of the Supervisor's Office and we work at his will. We actually help the Supervisor. We interviewed thirty some-odd junior civil engineer applicants last week. I was not in Town, I was absent. The other member of the Personnel Committee did not even show up."

Councilwoman Gilliam: "That's not correct. Okay. If you don't know your facts, then don't (inaudible) about them."

Councilman Stark: "This is a personnel problem that the Supervisor's Office has all the opportunity to work out. I have no problem with it. I vote yes."

Councilman Prusinowski: "I have the highest regard for Laurie Jackson and it's unfortunate Laurie that this had to happen like this tonight. Naturally I vote yes on the Resolution."

Supervisor Janoski: "Yes."

Barbara Grattan: "The Resolution is adopted."

Resolution #255

Councilman Creighton: "This authorizes the Supervisor to make a budget adjustment of \$750 from two accounts to two others. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #256

Supervisor Janoski: "Well, will the Board consider acting on Resolution #256, the (inaudible)."

Councilman Prusinowski: "After we pay the bills, which would be 256. I made a motion to pay the bills."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted."

Councilman Prusinowski: "I'd like to introduce Resolution #257 which approves a special permit for Robert Andrews for a temporary greenhouse. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted."

Councilman Stark: "Move that the meeting be adjourned."

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

Meeting adjourned: 8:37 P.M.

*Barbara Quatten  
Town Clerk*