

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead, at Town Hall, Howell Avenue, Riverhead, New York, on Tuesday, March 17, 1998, at 2:00 p.m.

Present:

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

Also Present:

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

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

Supervisor Villella: "We're going to do a proclamation first."

Councilman Lull: "We have a proclamation to begin today-- and I think it's probably quite fitting considering our entertainment and the day today and the amount of green in the audience that-- Kathy Murphy is the representative of the American Red Cross here to receive the proclamation.

WHEREAS, it is fitting and proper that the Town of Riverhead recognize those organizations which provide a service to our community; and

WHEREAS, the American Red Cross provides relief to victims of disaster and help people prevent, prepare for, and respond to emergencies; and

WHEREAS, the Suffolk County Chapter of the American Red Cross was founded in 1905, has over 4,700 volunteers who played an integral role in providing relief after the Suffolk County wildfires; the TWA disaster, and most recently the ice storms upstate; and

WHEREAS, on a daily basis American Red Cross volunteers can be

found feeding hundreds of senior citizens throughout our nutrition program, teaching residents CPR, first aid and water safety, and offering shelter to the victims of single family house fires.

NOW, I, THEREFORE, VINCENT G. VILLELLA, Supervisor of the Town of Riverhead do hereby proclaim March, 1998 to be American Red Cross Month in the Town of Riverhead and ask that the residents of the Town of Riverhead join in sustaining public awareness of this vital volunteer service.

Congratulations."

Katherine Murphy: I'm Katherine Murphy and I'm the Eastern Suffolk Regional Administrator, Jim Freedman, of Riverhead, is a volunteer and just for those who may not know, we have offices located in Southampton and in Mattituck and we're here to serve the needs of the Eastern Suffolk region. So if you have any questions or need any information, please give us a call. Thank you."

Supervisor Vilella: "Thank you. Okay, we would like to swear in our new Town Attorney. Barbara."

Barbara Grattan: "Raise your right hand, please."

Oath was administered to Adam Grossman, Esq.

Barbara Grattan: "Duly sworn in."

Supervisor Vilella: "We've got to approve the minutes here, guys. Who's going to move it and second?"

Councilman Kwasna: "I'll make a motion to approve the minutes of March 3rd, 1998, and the Special Board Meeting of March 13th. So moved."

Councilman Lull: "Seconded."

Supervisor Vilella: "Moved and seconded."

The Vote: "Cardinale, yes; Kwasna, yes; Lull, yes; Kent, yes; Vilella, yes. The minutes are approved."

Supervisor Villella: "Barbara, can you please read the reports?"

REPORTS:

Receiver of Taxes

Total collections to date is
\$30,832.425.12

Recreation Department

February monthly report of
\$3,682.00

Open Bid Reports

Wendelken Subdivision Ext. 50
opened on 3/3/98 at 11:00, 3
bids were received, Bancker
Construction, Grimes
Construction, and Pat Noto

Janitorial Supplies, opened on
3/6/98 at 10:00, 4 bids were
received, Emerald Island Supply
Corp., Interboro Packaging
Corp., Center Moriches Paper
Company, and TDS Distributors

Electronic Supplies, opened on
3/6/98 at 10:35, 3 bids were
received, Hawk Labeling Systems,
Patchogue Stationery, Innovative
Office Supplies

APPLICATIONS:

Exhibition Permit

St. Johns R.C. School for a
carnival on April 1 through the
5th, 8 - 12, Monday thru Friday
6 p.m. to 11 p.m. and Saturday
and Sunday, 3 p.m. to 11 p.m.

CORRESPONDENCE:

East End Recycling &
Composting Co.

re Calverton rezoning

Donald Denis

regarding Aquebogue Square relating to the structure which was condemned by the Town and to date no effort has been made to clean up the buried material in the back of the property

Atlantis Seaquarium

12 postcards received in favor of

today 32 postcards were received in favor of

Mid Atlantic Race Complex

1 postcard was received in favor of

Barbara Grattan: "That concludes Correspondence."

Supervisor Villella: "Thank you, Barbara."

Public hearings, we don't have any today. What about the closing of the one we were supposed to be doing today from two weeks ago-- the Calverton rezoning? We can close on that today?"

Adam Grossman: "We can close that, Vinny. There was an issue that was raised two weeks ago-- at the Town Board meeting on March 3rd, there was an issue raised by attorneys who are actually here today from Kahn, Wishod & Lamb related to their concern that before we receive written confirmation from the Suffolk County Planning Commission, that, in fact, they have processed this application. The attorneys took the position that we could not close the Public Hearing. I have researched the law that was cited by these attorneys and I have concluded that it is within the authority of this Board to close the public hearing at this time."

Supervisor Villella: "Okay. Thank you very much. Should we have a more public comment on it? Would anyone like to speak on that? Yes?"

James Gesualdi: "Mr. Supervisor, members of the Town Board-- my name was going to be the eight word, but I-- "

Councilman Kent: "You can start again."

James Gesualdi: "With no further adieu, Jim Gesualdi, member of the firm Kahn, Wishod & Lamb, 534 Broad Hollow Road, Melville, New York 11747. I'm here today on behalf of DeLalio sod farms and DeLalio as you may know is the owner of over 500 actively farmed acres in the town. DeLalio also actively farms about another 500 acres which it leases from other property owners. It employs 30 people in the town. DeLalio also pays approximately \$54,000 in real property taxes each year, which is significant, particularly in light of something the Supervisor taught me at a breakfast that he spoke at last week in terms of the amount of revenue generated from farmland and taxes as compared to the services demanded by that farmland and the cost of that.

DeLalio sod farms is very, very pleased to have such a significant presence in the Town of Riverhead. In fact, DeLalio would like to have the ability to expand its presence and to continue for the foreseeable future its farming activities here in the Town of Riverhead.

Nevertheless, because of the proposal or the rezoning of the Industrial A and B land in the Calverton hamlet, DeLalio which, again, would prefer to work constructively with the town-- the Supervisor and the Town Board, feels compelled to have me here today to raise a number of concerns amplifying those raised on March 3rd.

Again, as you may recall on March 3rd, there was a concern over the referral of this matter to the Suffolk County Planning Commission. Without reiterating everything I said there which is already part of the record, I spoke earlier today with the Town Attorney who was more than gracious, very professional, we've agreed to disagree in terms of the-- his advice to the Board during the closing of the public hearing. My position remains unchanged, that if the Board and the Town is to err on the side of democracy and public input on things like this, the public hearing record should be kept open. In the event the County comes back with anything in its determination that raises something new that's not part of the public hearing record, I think the public, whether they're for or against or as DeLalio is concerned about the proposed upzoning, there should be a further opportunity to comment on that."

Supervisor Villella: "Tom, if you like-- Lynn, could you get Rick Hanley to come in, please? I want to see-- he called up the County to see what the problem was but the-- "

James Gesualdi: "Right. I spoke with Gerald Newman, the chief planner for the Suffolk County Planning Department at about noon today and apparently the County's letter of February-- I don't recall the specific date, has still gone unanswered in terms of paper. I think there may have been dialogue between Mr. Hanley and the County but the County is still awaiting the same materials that they had requested that were outstanding as of March 3rd. That was my understanding as about noon this afternoon.

Do you want me to wait for Mr. Hanley?"

Supervisor Villella: "He's right behind you. Rick, this is on the County, the Planning. Have you heard anything from them?"

Richard Hanley: "I had-- Rick Hanley, Planning Director. The top of the morning to you. The rest of the day, I mean. I had a conversation with Mr. Newman this week relative to having the proposal or the change of zone made part of a commission meeting which would take place on April 1st of next month, the first day of next month which is their regularly scheduled commission meeting. So all the material will be in prior to that so they can discuss and consider that on the April 1st meeting which would mean that the Board cannot act until after April the 1st, on the actual decision on the zoning."

Supervisor Villella: "So we can't-- your feeling is we can't close?"

Richard Hanley: "Oh, I think you can close the hearing because this is a-- "

Supervisor Villella: "Okay, good."

Richard Hanley: "-- a standard relationship that we have with the County where they are able to correspond with us without a hearing being open so that's standard operating procedure in terms of the county and the town. So my opinion is-- and I've discussed it with the Town Attorney that the hearing could be closed, the

documents could be sent between now and their meeting-- "

Supervisor Villella: "Well, that's what Adam said, we could close it."

Richard Hanley: "Yes."

Supervisor Villella: "Okay. Fine."

Richard Hanley: "So, I think that answers the question, I hope, and we expect that the Commissioner will deal with it on the 1st day of April, and we (inaudible.)"

Supervisor Villella: "Okay. Beautiful. We'll be closing the hearing today. Anyone else who would like to speak?"

Richard Hanley: "Thank you."

Supervisor Villella: "Thank you, Rick."

James Gesauldi: "May I continue?"

Supervisor Villella: "Sure can."

James Gesauldi: "Again, I prefer not to go through this litany of concerns but I feel I must in order to serve my client. The-- again, I respectfully disagree with the Planning Director and the Town Attorney on the matter of the referral (inaudible). The other concern I raised was with regard to the State Environmental Quality Review Act and we have obtained from the town pursuant to a prior freedom of information law request a draft environmental assessment form, staff analysis, and a proposed negative declaration of environmental significance. As I understand it, there has been no publication of any hearing on SEQRA grounds, State Environmental Quality Review Act that is, and if the town is prepared to make a SEQRA decision today without a further hearing, then I'll have some SEQRA comments that I will make in addition to some other substantive concerns."

Supervisor Villella: "Rick?"

Richard Hanley: "Rick Hanley, Planning Director, again. There

is no resolution in the package dealing with a SEQRA determination on this action by the Board. Normally what would occur is when the Board is ready to make a decision on the zoning, there would be a determination under SEQRA within the body of that zoning resolution. I believe counsel is aware that there is a file that exists within the town which details out a SEQRA report which supports an eventual negative declaration on this. I don't think that's any secret. And that's available for inspection in terms of what we've done in terms of our SEQRA review and the planning work that went into this decision. Thank you."

Supervisor Vilella: "Thank you, Rick."

James Gesualdi: "Based on the Planning Director's comments and being fearful that I may not have an opportunity to comment on the SEQRA issues in a subsequent public hearing, I'll come back and address them. Procedurally and substantively there are a few concerns with regards to the proposed upzoning. The first is that the town law of the State of New York clearly requires that any zoning action be consistent with in furtherance of a comprehensive plan. Indeed, the town code provides that the zoning chapter of the code is to be deemed the town's comprehensive plan. To the extent that the proposed Calverton rezoning is part of or pursuant to a comprehensive plan, I believe there are a number of factors under Town Law 272-A that were not brought to bear in the analysis. Those include but are not limited to consideration of agricultural uses, socio-economic trends, I believe one property owner in the area had indicated the likelihood that they would be unable to expand their high-tech, higher paying business and you might have an influx with more tourism related uses if that was to happen, of more lower paying jobs.

In addition, the present and potential future, general location of industrial facilities including those that would be made non-conforming were unlawful on the proposed amendment. In the alternative, if this isn't in furtherance of a comprehensive plan, well, then the town can't act and I note that from the Calverton Hamlet Study and the proposals that were discussed before this Board in 1996, that there have been some changes in the proposal and in addition that there is a movement afoot in the Town to embark on a truly comprehensive plan process going forward under the new administration.

In addition, one element of the recent recodification of the Town Law also in 272-A, I believe it's Subdivision 6, provides for there to be public hearings both in the preparation of amendments to the comprehensive plan and then in the adoption of the comprehensive plan. Here I not sure that the bifurcated public hearing process over the course of the years has been held because the proposed rezoning has changed over time.

Another substantive concern arises from Town Law Section 261-A, Subdivision 2, which requires certain threshold analysis to be undertaken by a municipality in adopting any zoning action that includes a transfer of development rights.

With regard to the State Environmental Quality Review Act, as I noted previously, the State Environmental Quality Review Act or SEQRA requires this Board and any lead agency to take a hard look at the action before it. In reviewing the environmental review file that the Planning Director referred, I'm not sure that the Town has met that obligation in that quoting from Kirk (inaudible), the Town Board of Pittsburg, 483 NY Sub2d, 526, it's a Fourth Department case but there are a number of cases like that, Second Department as well, quote, In some even though environmental review may be required at the time application is made for specific site plan approvals, see 6 NYCRR 617.2B-- "

Supervisor Villella: "Oh, slow down with that one, all right? Say that again."

James Gesualdi: "Sure. 6 NYCRR 617.2B, and this is in the quote from the case-- the Town Board must identify at the rezoning stage relevant areas of environmental concern associated with the project. It must also take a quote hard look closed quote at the impacts of the specific project proposal that prompted the application for rezoning at least on a conceptual basis.

It's our understanding from reviewing the Town's files that the action before you has been classified as a Type 1 action. Under the State Environmental Quality Review Act, such actions are considered to be more likely than not to require an environmental impact statement as opposed to a simple environmental assessment form that has been prepared to date. In addition, there is a presumption that these applications are more likely than not to have a significant

impact on the environment.

SEQRA does not discriminate as to whether the proposed action will have a positive or a negative impact on the environment, but whether it has a significant one. The-- "

Supervisor Villella: "Tom, just-- Adam, would you like to say something?"

Adam Grossman: "Sure, I just want to interject for just a second. Counsel brings up issues relating to the SEQRA, the process of dealing with the environmental impacts of this particular application. We're at a public hearing right now. Counsel is bringing up issues related to the SEQRA part of the applicant's process. However, this is a public hearing on a change of zone and I think what counsel is doing is just really putting in the record concerns related to SEQRA but this public hearing, it doesn't-- the closing of this public hearing doesn't necessarily, that is the end of any review of environmental concerns and SEQRA issues related to this application. So I just wanted that people watching and here today to understand that."

Supervisor Villella: "I'm sorry I'm calling you Tom. I know it's Jim. I'm sorry."

James Gesualdi: "That's fine, I've been called worse. If I may, I could save the Town Board quite a bit of time. If there will be a subsequent hearing on the SEQRA issues, I'd be happy to say what I have to say at that time, if before the adoption of this there will be a public hearing on SEQRA issues, I don't need to take any more of your time. If not, then I must proceed."

Supervisor Villella: "Rick, what do you think?"

Richard Hanley: "As I-- Rick Hanley, Planning Director, once more. As I stated earlier, the intent and it's not secret, the intent of the SEQRA process on this change of zone is for this Board if they feel comfortable with our SEQRA that's been done, in house, to adopt a negative declaration, which means no environmental impact statement, that presupposes that there will be no hearing, that just as a procedural matter I don't expect that we'll have a SEQRA hearing on this change of zone. So if counsel desires to

spend time putting into the record all kinds of commentary on SEQRA, it's up to the Board whether they want to hear that or not, but this will be the hearing-- the only hearing that will exist on this. If you decide to close it, this will be the last opportunity to make any comment on it."

Supervisor Villella: "Okay. There's no other comment-- do you still want to continue with-- thanks, Rick."

James Gesualdi: "In that case, I apologize but I'll take some more moments of your time."

Supervisor Villella: "It's very educational."

James Gesualdi: "And I appreciate your patience. The draft proposed neg dec as I reviewed it concludes that there will be quote no potentially large or important impacts of this proposed rezoning. However, in reviewing the underlying staff analysis in the environmental assessment form, there are a number of potentially large impacts that were checked off by the town in its own review of its own actions. Those include the potential, the very real potential for increased traffic if the build out for all these tourist related uses occurs. In addition, the increased intensity of use-- including increased intensity, excuse me, of activity including increased use of ground water and increased generation of solid waste as well as noted earlier change in employment characteristics, including quote the potential to adversely affect or even eliminate existing businesses and employees. If you look at the staff analysis on page 4, these are environmental impacts that I think undercut the proposed negative declaration of non-significance."

Supervisor Villella: "Jim, it's also light industry. You can still have industry there. I don't know why you're just saying tourist all the time for. That's a little trap there."

James Gesualdi: "You accept it as correct-- it's-- I accept what you're saying in terms of some of the impact of the proposed changes, but I still adhere to what I said (inaudible). These things certainly under, again, the relevant portions of the SEQRA implementing regulations and 617 and the subdivision there have-- and warrant much more in depth review, particularly the quote

encouraging or attracting a large number of people to a place or places for more than a few days compared to the number of people who would come to such a place absence such action. These are right from the SEQRA implementing (inaudible).

The Town status as lead agency and the environmental review would seem to indicate that there may be other given the nature of this rezoning other involved or interested agencies. Perhaps the Town's Planning Board, the Pine Barrens Commission, Suffolk County Department of Health Services, and Suffolk County Planning Commission.

In terms of the segmentation point that I raised earlier, in the analysis of the environmental review, there is a quotation that quote, the agency believes that it has sufficient authority under its existing special permit and site plan ordinances and that together with the authority of other involved agencies, it can successfully explore and investigate each build out's impact this time and therefore considers them irrelevant for the present. Again, I would respectfully submit to you that that does not discharge your obligation under SEQRA to take a hard look here at the rezoning stage.

There are also a number of items in the EAF Part 3 that I think warrant further review or oversight or involvement of other agencies like the Suffolk County Department of Health Services. They are, and very quickly, (inaudible) the presence of potentially greater volumes of toxic and hazardous materials, increased intensity of activity, greater solid waste generation, increased traffic volumes rendering area roadways and intersections unacceptable. Again, this is the town's findings here in terms of existing traffic engineering standards in the absence of mitigation measures.

In short, the analysis doesn't go far enough; it does not look at alternatives as (inaudible) at the last hearing, perhaps rezoning a smaller area of the Calverton Hamlet or perhaps as I believe was originally contemplated in the Calverton Hamlet Study, an overlay district like that used elsewhere in the town. In addition, before closing, again, I would ask that these comments be made part of the referral to the Suffolk County Planning Commission so that there will be a full statement of the matter referred as required under the General Municipal Law, and that we are concerned that this rezoning may substantially and detrimentally impact the DeLalio's

rights, and that impairing the value of their property may undermine their ability to continue to farm here in the town of Riverhead, which is something they would like to do more of, and we think there are alternatives worthy of exploring that we welcome the opportunity to explore with the town. Thank you."

Supervisor Villella: "Thank you, Jim. Anyone else like to speak on this? In the back. Come up front and state your name, please."

Jerry Shore: "I am Jerry Shore from Calverton. This gentleman said that when he comes here he represents DeLalio who we all know is in the sod farming business. Does he also represent Calverton Industries?"

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

James Gesualdi: "I represent DeLalio sod farms."

Jerry Shore: "Well, I got that impression while he was talking."

Supervisor Villella: "No."

Jerry Shore: "Okay."

James Gesualdi: "I apologize."

Supervisor Villella: "Anyone else? Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. When Jim spoke, he said about this here-- if I heard him right, that this zoning goes from A, B to C, that Mr. DeLalio would be denied of certain benefits or rights of the farm. Now, the way I see it, he's only planting grass so where would he be denied any particular benefits or any rights? That's what I'd like to know. And by the way, Mr. DeLalio is right across the street from me, he's a very fine fellow. We've gotten along for years and if the land that they're talking about goes from A, B to C, then I don't think it comes down to the sod farm that he has across from me. It might go farther west, I don't know. All right. Thank you."

Supervisor Villella: "And nothing's come across yet, Steve, so

we don't know. Anyone else? George, you'll be the last one on this, I guess."

George Schmelzer: "How much of Calverton does this-- "

Supervisor Villella: "State your name."

George Schmelzer: "My name is George. You said it yourself."

Supervisor Villella: "Lonesome George."

George Schmelzer: "Okay. How much of Calverton does this proposal include?"

Supervisor Villella: "Acres?"

George Schmelzer: "Area. Calverton goes from the sound to the river."

Supervisor Villella: "Let Rick take the mike from you, George."

George Schmelzer: "Okay. Where is he?"

Supervisor Villella: "Right behind you."

Richard Hanley: "Rick Hanley, Planning Director. If you recall, at the last-- initial public hearing, we did have a map at the front of the room that showed the location of the zone change. I think I put on the record the square footage or the number of acres that was being considered. If you'd like, I'll try to get back to my notes from the original and answer George's question."

Supervisor Villella: "Was it 2,100 acres? Does that ring a bell?"

Richard Hanley: "I'm thinking it's about 2,100 acres of real property. It's the Industrial A property which lies to the east of the fence line at the airport, on the north side of the road up to the Lilco right of way."

Supervisor Villella: "George was just testing us to see if we remembered. I know."

Richard Hanley: "Most probably."

George Schmelzer: "Thank you. It doesn't go-- it doesn't bother us by River Road then."

Councilman Lull: "It goes down to the Long Island Railroad."

George Schmelzer: "The way DeLalio's concerned with his grass, I'm concerned with myself, see. And why didn't you include the land inside the fence? Grumman fence? That is-- is that like do as I say, but don't do as I do?"

Supervisor Villella: "George, once we take care of what's inside the fence, that's going to increase the value tremendously outside the fence. So we're doing them a favor."

Councilman Lull: "George, the Calverton Hamlet Study did not deal with the Grumman property."

George Schmelzer: "Huh?"

Councilman Lull: "The Calverton Hamlet Study upon which this is based did not deal with the Grumman property."

George Schmelzer: "Well, isn't the Grumman property in Calverton?"

Councilman Lull: "And it was Grumman property."

George Schmelzer: "Well, it's in Calverton, isn't it?"

Councilman Lull: "It's Grumman property."

George Schmelzer: "And the people in the Hamlet Study are very concerned what happens to that. If somebody had an airport, they wouldn't want that, right? A race track, they wouldn't want it. So why do you say it's not-- no concern to Hamlet Study."

Councilman Kwasna: "George, at the time of the Hamlet Study, the property belonged to the Navy and it still belongs to the Navy now."

George Schmelzer: "Well, who cares who it belongs to? But the use of it."

Councilman Kwasna: "At the time of the public hearings that we are going to have in the next couple of months on the zoning for the Grumman property, then you can get up and say what you want zoned inside the fence."

George Schmelzer: "No. I'm concerned that the town doesn't have any special advantage to invite people in there whereas somebody on the outside that pays taxes is left hanging. They pay taxes and more taxes. See. That's what I'm concerned of. We have a level field."

Supervisor Villella: "It will be leveled. It will be in their favor once we get things going inside the fence."

George Schmelzer: "Okay, otherwise everybody else might be leveled. Okay, thank you."

Supervisor Villella: "Okay, George, thanks a lot. The time is 3:47. I declare the public hearing closed. 2:47."

Public hearing closed: 2:47 p.m.

Supervisor Villella: "Now, we're going to do public comment. Linda Gatz."

Linda Gatz: "I'm Linda Gatz from Riverhead. And first of all, I'd like to thank you for your continued cooperation with us on Zdunko Lane. And I would like to thank Richard Gadzinski and Leroy Barnes. The other thing, I have a question, I didn't stay for the whole Town Board meeting the last time we had it, I made it until about a quarter to 11. I couldn't stay any longer; I was falling asleep. And I know that the stop light thing came after I left, the stop light at Roanoke and Sound Avenue. I realize we must put this stop light up, whether or not it's going to solve the problems there, I couldn't begin to tell you. Take the cars off of Sound Avenue, we wouldn't have any problem. It's a very expensive stop light that they are going to charge us for. Can they justify that

this thing is going to cost us \$52,000?"

Supervisor Villella: "You and Phil are on the same wave length."

Councilman Kent: "I think we all feel that way."

Linda Gatz: "There's a light there. You know, how much more elaborate do we have to make this to make it go red, green and yellow?"

Councilman Cardinale: "Yes. I share your amazement. In fact, my son pointed out to me that in the last several weeks in the newspaper, I've been described as amazed at the cost of that stop light and mystified as to how they managed to buy the Omni property without speaking to the town and someone else described me as befuddled. So I'm not sure that's good press, but I am amazed at this as well as mystified at other matters I've observed in the last few months. But it's supposed to cost \$52,000 as I get it because they're going to make the poles out of steel that are presently wood. They are going to put a-- trips at the Roanoke Avenue site so that you trip it so that Sound Avenue traffic doesn't stop unless there's somebody that wants to cross Roanoke. I also asked how come it could be so -- would it be a good idea to go to bid on this rather than go to our usual people. They say this is cheaper because we have a special bid with certain of the suppliers who are working with us and have in the past worked with the county. I promised when that vote came in two weeks ago, that I would watch carefully how we are going to spend \$52,000 to get a stop light and maybe we should do this report every two weeks. How much money was spent and on what."

Linda Gatz: "I mean it just seems astronomical. You know, even with this blinker light, there are certain people that never stop; they never stop for the stop sign and they don't stop for the red blinker. You know. I don't really know that a red, yellow and green is going to make them stop. Personally, living in that area, I thought (inaudible) that maybe they had to count a number for and (inaudible) so they could go. If you drive it as often as I do, there are certain vehicles that continually act like Sound Avenue never existed. Like it's not even there. I truly believe a lot of these people still don't see it."

Supervisor Villella: "That must be out of towners, because the

people in town know they better stick to that speed limit."

Linda Gatz: "No. You'd be surprised, Vinny, a lot of them are residents."

Supervisor Villella: "Well, a lot of them got tickets there. I know the police force is doing their job."

Linda Gatz: "Yes, they have. The crew, they're marvelous, let me tell you, they let me get out of my road. That was the wonderful thing about it. Because that-- in the 30 years I've lived there, I can't begin to tell you the difference on Sound Avenue and I'm not all sure it was wonderful. And this light, \$52,000, there's a lot of people up there (inaudible). Thank you."

Supervisor Villella: "Thanks a lot, Linda. Thank you. William Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. The first request I have of the Town Board is that last week they heard a presentation from the H2M company of water installation, water piping installation (inaudible). I would like the Town Board to preuse through the booklet that was left here and put on top of everything that which is first and foremost urgent. Second, is to put what is urgent but will require paperwork. We have to go to other agencies to locate a well in a particular place or we have to involve some other bureaucracy, this takes time and consequently that should be started now.

The second request I have is the Town Board to arrange the ability to use the senior community house across the road for small committee meetings, small group meetings that do not conflict with the senior citizen program. Late afternoon, early evening, the building stands vacant. We have a conflict of (inaudible), we cannot use downstairs. This room is the only room to use-- "

Supervisor Villella: "We don't use downstairs anymore for that."

William Kasperovich: "So we have to have a second place, if there's a conflict of meetings."

Supervisor Villella: "Bill, the nutrition center, we have a few groups going over there but the problem was that they have to be

-- the department head has to be there with them and that's overtime so that causes a problem and everything, the insurance, so we did look into that and we freed up some more rooms in here that can have a meeting, the Town coordinator room."

William Kasperovich: "I (inaudible) allow one space that's left free and useable-- "

Supervisor Villella: "We're trying to work with the groups. That was a good suggestion on your part."

William Kasperovich: "The third request is the designation whatever choosing the Town Board has on the roads (inaudible). My presentation covered everything but the one document on the court's ruling that was not available at that moment. (inaudible) This is always foremost in my mind when I leave the house and see a contractor chewing up the surface. Yesterday, the day before, last week, with no regard. Now, we have procedure that we can have people repair what they destroy or uproot. Fine. But as we talk now, (inaudible) is not here."

Supervisor Villella: "We've been talking about that, Bill, with the town engineer and also with Leroy Barnes and before a new house is issued a CO, they should go there and check the elevations to make sure there's no drainage problems."

William Kasperovich: "Yes, but I'm talking about road surface."

Supervisor Villella: "And the road surface, if they mess up the road. Right."

William Kasperovich: "Right. Mr. Barnes didn't do anything when he was in the Assessor's-- when he was in the Building Department, he did nothing. He vacillated from one side to the other. Consequently I rule him out."

Supervisor Villella: "Well, don't rule him out. He's working on it."

William Kasperovich: "The attorney kept coming up with some kind of that appear a legitimate reason not to come to a conclusion even though I personally know he put in many hours of research."

Nobody on the Town Board took initiative to put this to the forefront. And yet we have a large area that for 50 years has been used by the public in all ways and manners and forms and we can't come to any conclusion how to refer this as public. Now, this restriction of service is putting on probably right now. I know at this hour yesterday it was going on."

Supervisor Villella: "What street is that?"

William Kasperovich: "On the street I live on, 15th Street. I can't-- "

Supervisor Villella: "There's building going on in there now and there's contractor there that's damaging the road and that's a private road?"

William Kasperovich: "I don't know. That's what I want from the Town Board, to call it something."

Supervisor Villella: "Okay. Can we-- "

William Kasperovich: "You call it something, it could be (inaudible)."

Supervisor Villella: "Be that it is a request, we will look into this for you, Bill. Maybe we'll have you come in with a meeting with us. We have to update Adam the new Town Attorney on this and we'll check into it. I know it's a private road. You want to know if it-- "

William Kasperovich: "Well, you call it private and you can put that in quotes."

Supervisor Villella: "It is private. Okay."

William Kasperovich: "With all documentation I presented to you, you should have some knowledge about it."

Supervisor Villella: "Yes, Adam."

Adam Grossman: "I just want to say in terms of (inaudible) a private road as opposed to a public road, it hasn't-- "

William Kasperovich: "No, no. Just a minute. Let me correct you. I don't care whether you call it a public path, a public footpath, or a public where horses ride, public whatever. It can be a public access road, it could be any kind of a public something but right now it's a nothing."

Adam Grossman: "The only issue that I want to raise is that for a road to become a public road, maybe it is a public road, I don't know-- but if it is not a public road, the only way it can become one is to be dedicated as a public road, there's a legal process for that."

William Kasperovich: "We had a resolution in 1977, went through this process and nothing was done."

Supervisor Villella: "Well, we don't know, we weren't here on that one. But we'll check with that again."

William Kasperovich: "There's a resolution in the record (inaudible). Now, resolution 201."

Supervisor Villella: "Resolution 201, guys. It has to be something with the water, right?"

Adam Grossman: "Water main connection. Same one he's been speaking of."

Supervisor Villella: "Yes, Bill."

William Kasperovich: "I've been up here before this microphone often enough-- okay, can you hear me better now?"

Supervisor Villella: "No, raise the other mike up, that's it."

William Kasperovich: "Okay, is this better? Okay. (inaudible) when I was talking in here, hear me right out there in the corridor. So when he wants to listen to me, he can hear me. Without the microphone. I brought this resolution up twice and I don't see that there was any change made whatsoever. Now, the documents that were submitted and put in the Town Clerk's office I indicated that they were neither adequate or complete. Nothing was changed."

Supervisor Villella: "Did you check every wording on this from the last resolution, Bill? Bill?"

William Kasperovich: "If you'd let me continue."

Supervisor Villella: "Okay."

William Kasperovich: "The description is the same. A rather expensive valve is part of this system and it is not indicated or described. The specific installation is in no way indicated. Depending on how you look at this, it would be indication whether you think \$24,000 is a lot of money or it's not a lot of money. But what I'm looking for is a thorough and complete coverage where we have a tie in with a separate agency. Now all they presented from 2M are the standards that they give to anybody that wants to make a book in. These standards just apply to everything. It should be more specific and how and where we can detach ourselves from this installation in the event of disagreement or preference not to have a tie in and the rights to do it. But when you don't change the description whatsoever, you don't bring in any specific labeled titled drawings, you haven't changed anything here. So for God's sakes, what am I doing trying to show you gentlemen that this is not the way to describe and come to conclusion when you tie up with a private agency."

Councilman Cardinale: "Mr. Kasperovich, would it be a fair statement to say that aside from the language difficulty that you may have with this resolution, what you'd really like us to do is to bury it up and not pass it. I think what you've addressed during the last meetings that I've attended is that you think this is a bad idea. The whole idea of doing this is a bad idea and I recall Chris, who was quite convincing to me, saying that he thought it was a reasonably good idea because it assured that there would be a minimum water supply to this area in summer days. So, I understand our position clearly that you do not want us to vote yes on this resolution. But I don't think it's a matter of the language in all honesty, is it? It's just that the policy you believe is wrong to pass this resolution."

William Kasperovich: "The question of bad is relative. I indicated I do believe that the extent to which this is required was exaggerated. All right. So I concede that I'm outnumbered and

everybody wants to go along with this. Now you have a resolution and yet you don't describe what you're going to do correctly or accurately. And I point out you say check valve. This is a very expensive valve. This is not an ordinary valve you put into an eight inch line. And on the standards that were submitted and filed with the Town Clerk's office, we don't know what is supplied by the Water Authority and what is supplied by the Riverhead Water District. This is not indicated."

Supervisor Villella: "Is Gary in the house? No. Okay. Bill, we'll get together with you on this one. As a matter of fact, I'll sit you down with Gary. Next time H2M is out here, I'll have you sit in on it and you could explain your reasons why they're wrong."

William Kasperovich: "Well, as you experienced yourself, H2M says in 30 days, in a month's time we'll show you where-- indicate a good location for a near future pump. Much time has come and gone and the papers presented, we couldn't see what was being indicated. Unfortunately I wasn't able to be here when he said H2M was making a presentation."

Supervisor Villella: "They were-- Bill,-- "

William Kasperovich: "We are in need of upgrading the existing facility such that we have better hydraulics in an overall picture."

Supervisor Villella: "They are doing that. Thank you."

William Kasperovich: "It doesn't appear that way to me."

Supervisor Villella: "No. But that's what they-- they came in front of us at the work session last week and that's what they're doing. They're upgrading. I can tell you, it's a lot of money; their upgrade. I don't know what else to say, Bill."

William Kasperovich: "I don't know what you call upgrade and don't know what you call what we should do immediately, whether we should start immediately-- "

Supervisor Villella: "I don't think this is the place-- I mean have to sit down with you and Gary and H2M is out here, we'll get them involved. I don't think-- they don't care about-- I'm sorry,

I didn't mean it that way, Bill. But this is something we have to take care of. This is a request and I will take care of your request. Is there anything else that you would like to speak on?"

William Kasperovich: "I am refraining-- "

Supervisor Villella: "Refraining?"

William Kasperovich: "-- from saying here in public why I thought this way about the hydraulics in this piping system."

Supervisor Villella: "Do you have a minute to speak on this? Let me hear it. Let me hear it."

William Kasperovich: "I'm not going to get the town in an uproar."

Supervisor Villella: "You're not getting us in an uproar. We're listening to you."

William Kasperovich: "No, I'm afraid I would. And so I tried to get with you on Monday. This was not possible."

Supervisor Villella: "Oh, we talked about this. As a matter of fact, your committee got a little tired of hearing it."

William Kasperovich: "Well, if he's tired of hearing about it, he should go live in some other township because I'm here for the good of the township. For the betterment of the township. Their health and wellbeing is involved."

Supervisor Villella: "And I appreciate that, Bill. I know you have your concerns."

William Kasperovich: "-- don't understand this. They don't understand-- "

Supervisor Villella: "These are department heads that I have trust in and also the engineers that we have trust in and if they are doing something wrong, I want you to bring it up to them. This isn't the place right now. I would like you sit down in front of them and you tell them that their valve is wrong. That's all I can

say, Bill. Is there anything else you'd like to speak on?"

William Kasperovich: "Yes."

Supervisor Villella: "All right. This is the last one, Bill, please."

William Kasperovich: "I have no pleasure in hearing the moans and groans from this audience as if I had nothing else to do in life but look after the Town's wellbeing. But if you open your faucet at home and you had to recoil from the amount of chlorine that comes into your nostrils, or worse yet, a week ago Sunday when I washed my hands after doing a little washing out of some drawing instruments, two, three minutes after putting them away, my fingertips smelled like chlorine. This is not a groaning matter."

Supervisor Villella: "No, it's not."

William Kasperovich: "And this is hydraulics of putting the chlorine into the system and putting the-- with the proper hydraulics the chlorine is dissipated throughout the main runs and you don't get that concentration or intensity of chlorine in any one particular location."

Supervisor Villella: "Is this in the Wading River area you're talking about?"

William Kasperovich: "That's where I live."

Supervisor Villella: "Okay. I don't know if there's any other complaints."

William Kasperovich: "Chlorine in itself is deadly enough, but when chlorine combines with other material making compounds they become carcinogenic. Now this is enough to make you be concerned and that's what I'm up here about."

Supervisor Villella: "We appreciate that, Bill."

William Kasperovich: "But I don't see that the people understand the-- "

Supervisor Villella: "Well, I'm going to have you sit down in front of the department head so you can mention these things. I don't think this is the time and place right now."

Councilman Cardinale: "Not to mention, Bill, you are aware that we have testing periodically on this water so in all honestly I'm not going to take your fingertip test as opposed to what the testing shows. The town responsibly has these wells tested and if they don't show a concentration of chlorine I cannot believe you because you tell me your fingertips reflected concentration of chlorine."

William Kasperovich: "Well, are you calling me a liar?"

Councilman Cardinale: "No, I'm telling you you might have sensitive fingertips, what do I know?"

William Kasperovich: "You find it hard to believe?"

Councilman Cardinale: "Right."

William Kasperovich: "You find it hard to believe that a man of integrity and honesty is up here telling you of something that he has experienced."

Councilman Cardinale: "But are you suggesting that the testing that is done is inaccurate?"

William Kasperovich: "The testing is done at remote places to which chlorine gets to that spot."

Councilman Cardinale: "I understand."

William Kasperovich: "But how it gets there, they do not check it."

Supervisor Villella: "We will check into that, Bill. I want you to sit down in front of the department head. That's all I'm asking you."

William Kasperovich: "All right. Give me a time and an appointment and I want it put on record for the tape and the secretary that it is there. How many times do I have to get up here

and tell the same thing and you people don't believe me?"

Supervisor Villella: "We didn't say we didn't believe you."

William Kasperovich: "All right. You've got a resolution 209 which is a budget adoption for road improvements and once again on the same type resolution you don't say what improvements. And I'm trying to impress that before you do surfacing, you've got to do drainage. Without drainage, it's a waste of money to surface roads. And this is not spelled out. It says improvement. Because this is not a simple problem-- "

Supervisor Villella: "Which resolution is it?"

William Kasperovich: "209."

Supervisor Villella: "209."

William Kasperovich: "-- and road improvements. It's a piece of road that goes between Sound Avenue and 25A."

Councilman Kent: "This is just-- these resolutions take state aid and put them into the budget in certain line items. I don't believe it's actually authorizing the expenditures. It's authorizing the establishment of a budget line for a project."

William Kasperovich: "All right. The project should have some small description."

Councilman Kent: "I believe at the time we expend the monies, we will describe where the monies will be spent."

Supervisor Villella: "This is from the Chips-- the Chips program."

William Kasperovich: "All right. Since we have failed in doing exactly this once before, I bring it to the attention continually so that drainage is introduced as an improvement."

Supervisor Villella: "Long Neck-- let me see, which-- Long Neck Road, Wading River Road improvement also is going to have a drainage situation there-- you're right. It should be written

drainage on there."

Councilman Kent: "This just establishes the budget."

Supervisor Vilella: "This is just a budget item anyway. That's all this is, Bill. It has nothing to do saying what's going to be done on the road or anything. It's budget."

Councilman Kent: "It establishes a line item in our budget for the expenditure of monies for road improvement."

William Kasperovich: "All right. To establish an amount of money for a budget, you have to have some basic concept of what you're budgeting. How you arrive at that amount of money, what's going to be done."

Supervisor Vilella: "Bill, I'm going to-- Bill, I'm going to have to ask you-- it's a budget item."

William Kasperovich: "Well, you call it a budget item."

Supervisor Vilella: "All right. I have to call the next speaker up right now. Thank you very much, Bill."

William Kasperovich: "Okay. May I take the opportunity to apologize to the audience for taking up so much time but if I wasn't interested in your good health and welfare, I wouldn't be up here."

Supervisor Vilella: "I appreciate your concern. You're absolutely right. Sandra?"

Sandra Mott: "Good afternoon, Sandra Mott. I'm a resident of Overhead. First of all, I want to thank you, Vinny Vilella, personally, for visiting the animal shelter on Youngs Avenue with me last Wednesday. I also wanted to thank the various staff throughout the town who helped me gather some (inaudible) data pertaining to the shelter. And we're (inaudible) from engineering, building, assessor, Ms. Grattan's office, accounting and everyone in between quite frankly. (inaudible)"

I'm not a member as you know, of any group or organization but do have a very basic interest. A few years prior to your-- while

you were running, Chris, Phil and you, (inaudible), Mr. Lull, while he was in office, my concern about the animal shelter. I'm going to make it brief because we have an appointment to discuss details, but I'd like to put a couple of things on the record if I could today. My goal, one, is helping the dogs at the shelter. I understand you have Mr. Lull who is overseeing the committee; you have a RSVP group and you have a number of other basic volunteers as well as your warden. My specific goal is hopefully at some point to get that shelter relocated and rebuilt. Again, I'll reiterate (inaudible) Habitat for Humanity.

I've spent about a week working on specifics. Last night, I attended a meeting under Mr. (inaudible) and he's a very patient man. I went with a specific question. The specific question pertained to the group, the RSVP, the Riverhead Shelter Volunteer Program. There were four representatives there. They indicated that they're a non-profit organization. When I contacted the New York State Charities Division-- Charities registration, pardon me, of the Attorney General's Office-- they had no listing of them. I gave them the benefit of the doubt. When I attended the meeting, I asked them their status. They said they were non-profit. I asked them could I have a copy of their (inaudible) plan, their organizational chart; their expenses, their income sources as well as their audited RS statement. I was advised that I couldn't have those. I had spoken because of my concerns finding on Friday that they were not listed, with Chris Kent Saturday afternoon for his advice. He's an attorney; he's worked with non-profits; I work with non-profits; I now what's required.

They're telling me that they do not have to provide this information. That's questionable. Let's say they got on my nerves and I got on their nerves. The long and the short of it is if this group is using the town's name of Riverhead to help the shelter dogs, someone must have a record of their incorporation papers on file, if not for my benefit, for your benefit to protect your circumstances own the pike should there be liability. They're soliciting funds on behalf of the town. These people have done a great deal. I told them they did a great deal. I cannot and will not adopt a dog, foster a dog, care for a dog at the shelter. I get too emotionally drained from that. I will try to help them relocate, rebuild and do what I can from the get go in regard to a new shelter. That isn't good enough. They wanted to know my background, who I was,

how dare I come to this meeting asking impertinent questions, that I was advised by Chris Kent to ask. I did not get that information. Now since I can't get it, someone on this Board of your town representative, legal counsel, should at least ask them specifically their circumstances. Because people have told me throughout the town they had adopted a dog. They, too, I guess they've been taken advantage of perhaps with non-profits before, they called the state, they didn't have any listing either. So this is not new. This is-- but we're talking back from the 11th, the 13th, and this past Monday.

I'm getting a little excited here because I wasn't exactly treated with open arms. I'm not here as this gentleman is here, this is not my hobby. I am not an employee of the town. Vinny has been most supportive. Chris and Phil have. Mr. Lull has worked to the nth degree. I'm only bringing to your attention concerns as Mr. Kasperovich knows-- pardon my pronunciation-- has been doing. If they're going to solicit, they need to follow specific guidelines.

The laws for non-profits are specific. I went to the library. I made copies of the laws. They're not following them. Please inquire. That's my first request. My second request is, I want to know why there's no initial (inaudible) to the public regarding what dogs come into the pound during a weekly period. I have personally contacted Mr. Tim Kelly of the News Review to ask his consideration in putting the date, the location, a general description, no photographs, into their newspaper. I would like to know what the cost would be or if it could be free (inaudible).

I've also contacted Suffolk Life and have been advised to write a letter to Mr.-- the gentleman's name-- Mr. McClellan (phonetic) to request the same thing. I was told by this group they couldn't do it because they were too busy finding homes for dogs. I said if you found the original owners, you would have less missing. That wasn't successful.

Last Friday I believe it was, Wednesday or Friday I was referred by Vinny to speak with (inaudible) regarding the shelter. The issue of methane came up. Methane at the shelter could be an issue if it is able to gather in a facility, especially during the winter when the rest of the ground is frozen methane can gather and it's a combustible material, obviously since they use it in gasoline in conjunction with the blended fuel in the midwest. He suggested-- or

e advised me that there was testing going on periodically. I would like to know the result. I would like to know how often it's done.

I called the Suffolk County Health Services Department and Mr. Maloney and the hazardous and toxic material. According to him, good engineering practices-- Mr. Kasperovich would recognize that term-- good engineering practices-- used four times in the conversation-- it would be good engineering practice to have a meter installed to register the methane level since this combustible material could cause a fire. And then you won't have any problem at the shelter, they'll all be dead. A spark could be ignited and you'll have a fire.

My third concern is the security. My understanding after conversations both at that meeting last night and with (inaudible) and my who I went up to see who-- I went up to see the volunteers to introduce myself, they weren't present. Amy, their part time person, asked her and I asked Alice what do they do if there's an emergency call and they have to go rescue a dog from the road? Amy quoted me saying I run out and I help that hurt animal. I said you don't let me see the facility? This group is under the auspices of your police department. Security should be made for the animals that are currently locked up in pens. The door of the office should be locked, the little shelter area should be locked, the main facility should be locked. (inaudible)-- the same kind of lock I use on my vacation. It's a padlock. We're not talking a sophisticated issue to pull the car out, lock the gate, secure those animals and go rescue whoever is injured or running.

You don't have adequate staff there so that's the only way to do it, put a sign, we'll be back within whatever time frame. I want to know how animals are properly disposed of up there because, again, Amy told me she came to work, hadn't been advised that four animals were euthanized and found them dead in the freezer. Why do you have four dead animals in a freezer? How are they disposed of? That's really horrendous. When I told Vinny, he had the same reaction as I did. Not good. Not positive.

Yeah, I'm (inaudible) to get emotional, and these people didn't care for it, but I'm not here-- I'm not running for office, I'm not employed. My interest is the animals. That's get that all again straight on the books. Spaying and neutering is a priority. We'll

come to the resolution that number 215-- I'm going to assume that that's what that refers to, is that correct? The resolution authorize the Town Clerk to publish and post public notice to consider an amendment to Chapter 58 entitled quote Dogs unquote of the Riverhead Town Code? Is that the same (inaudible)?"

Councilman Lull: "No. That's just establishing rates."

Sandra Mott: "Oh, rates. Okay. Again, Mr. Kasperovich had a good point, can we just elaborate so we know, you know, just a little word, or however you want to phrase it."

Councilman Lull: "That resolution is to establish a public hearing. That sets a public hearing that the issue-- "

Sandra Mott: "But, a little bit more clarity. Fortunately that concludes my concerns. I'm not taking any more of your time. My understanding is that Vinny and I and several other people that (inaudible) invite to a meeting on Monday morning will take place. I have more specific details. I spent some time because I wanted to help. That's all I'm saying. I'm not asking for anything dramatic. These animals can't come to you. That's all I'm asking and as I said, I had to (inaudible) my Irish up a little bit earlier than today. So I thank you gentlemen, one and all."

Supervisor Vilella: "Thanks a lot. Walter Paulik."

Walter Paulik: "My name is Walter Paulik. I'm a consultant in town, I live and work in this town. I've been retained by the ASLI which is one of the recognized organizations that responded to town RFP. I have some real concerns about resolution number 216. Because I basically do this for a living, I'd like to just take a moment to go through a little education process with reference to the issue of revenue bonds. Because we have a very local audience, I'll be very brief. In order to have a successful revenue bond sale, you must address two basic issues. Those issues are can it be designed and built for the dollars allocated and can it be completed in the time frame stated? The second issue after you get past that one, is who will operate this facility and are they experienced enough and strong enough to remain in business the entire life of the bond issue? The answers to both these questions are relatively simple. The first question can be answered by

assembling a team of professionals with experience to develop the plans to such a point that a major recognized contractor can issue a guaranteed maximum price contract with a penalty provision for a late delivery of the facility.

The second question also is answered very simply. It's addressed by having on board an experienced staff consisting of an experienced curator and executive director to manage the operation and give investor confidence that this organization will be around for the life of the bond issue.

My feeling with reference to the competing facility, the ACA, both these elements are seriously lacking. There will not be a successful underwriting of these revenue bonds without these two basic questions being addressed. Both can be addressed but not without a substantial cash infusion into the organization. The Town has in the past invested several hundred thousand dollars into this project without success. The Town will be required to invest once again if the ACA is to have even a chance of success. The ASLI which is the competing facility I represent, has the ability to deliver the aquarium to the Town of Riverhead at no further cost to the taxpayers of the Town of Riverhead.

I'd also like to preface my comments by both complimenting the ACA on their efforts and the work they've done to date and also the Town Board on their efforts. This was all in conformity to a master plan that was generated through the efforts of the Business Improvement District and both the ACA and the Town Board have been consistent in following that guideline.

With reference to the resolutions directly I have some serious concerns. Now, I'm just going to take a moment to pull out the resolutions here. The resolution basically acknowledges that you have two competing acceptable proposals to the RFP. One is the ACA and the other is the ASLI. The resolution goes on to further state that it's in the town's best interests to expedite the placing of this property back in active use, also in conformance with the Town's master plan. I, therefore, have a very difficult scenario to try to decipher how in effect the town through this resolution would basically preclude having one of the candidates recognized by this resolution precluded from the negotiations. It's our feeling and the feeling on behalf of the client that we would like to keep the

negotiations open with both parties, therefore, allowing the town the benefit of having the leverage of negotiating one party against the next. I'd also like to make the point that the ASLI, which is the private sector, will basically require no additional funds and would also be prepared to go ahead and negotiate with the town-- in the town's best interest. I have a serious concern when people talk to me about prospective opportunities they have, mythical people that may be coming out of the woodwork. A truth, in fact, I've been questioned by members of this Town Board with reference to the financial viability of the two entities that compose the ASLI, both of them a substantial multi-million dollar companies. In one case I have a partner that in effect has the bonding capacity of one hundred million dollars. I find it somewhat mystifying that this Town Board can basically go ahead and preclude the negotiations of the ASLI from this proceedings. I, therefore, in effect, to be shortwinded, request that the Town Board take one of two actions, those actions being with reference to resolution 216. I would like to either have this resolution tabled for a 30 day period to allow the town to do additional due diligence and to continue the negotiations with both parties, or, therefore, if, in fact, this resolution must go forward, I see there is no time frames there with reference to when they have to go ahead and pull the trigger. Quite honestly, the mentality is my client, ASLI, will be there when the pieces are there to be picked up. And, quite honestly, I will tell you with my expertise, my client will be there, but my client will not be there in the same capacity that he's in, at the same rate he's in right now.

I, therefore, request this Town Board to go ahead and table this resolution for 30 days and continue negotiating with both parties. And I'll stand here and answer any questions."

Supervisor Villella: "Thank you, Walter. Ken Zahler."

Ken Zahler: "Thank you. Ken Zahler, local resident. I am on the Board of Directors of the ACA but primarily I speak to you today as just a concerned resident and business owner in the Town of Riverhead. There is a lot of misinformation going around about the two proposals and I just want to clarify a couple of things.

First of all, I believe that the ACA proposal is better for the Town of Riverhead. When you consider-- in my business I deal

with almost exclusively attorneys. Many times the two members on your Board that are attorneys. And one of the things that I have found out is that in the world of doing contracts, which is what you're really considering, in the world of doing contracts, if you are putting a contract together with people that you trust, it's not going to matter that much what the terms of the contract are. But if you have a contract with people that you can't trust, that you don't have that same level of confidence, it's not going to matter how great a contract is put together. You will have problems.

I want to put before you the facts today that you've got in the Board of Directors of the ACA, you've got Riverhead town employees, Riverhead business owners and that to not recognize the ACA as the sponsor is, in fact, a vote of no confidence for Riverhead business and Riverhead government employees.

Secondly, one of the things that has been said many times in the past for the competing proposal, is that they will put the property back on the taxrolls, that we as a not-for-profit would not be paying taxes. I believe that what will actually happen is the following: They are requesting a tax abatement for a period of years, which the town would grant. But before that period of years is up, they would change and become a not-for-profit. They would succeed in using the fact that they are for a profit and putting it on the taxrolls as a chip in the argument for giving it to them and then before any taxes are paid, they will change and become a not-for-profit.

One of the main differences that you must consider between the two proposals is that the ACA has put together a team of professionals -- design professionals-- in the world of aquarium design, the best in the country. These are people who are experienced in just doing aquariums, both the architecture, the design of the exhibits themselves, the life support systems. These are the best in the business. By comparison, when those-- some of us on the ACA Board met with Mr. Bisset's group, last summer or last fall, I'm not sure exactly when, and we talked about that fact that we had no problem actually at that time in allowing him to go forward if he wanted to build a design that we had set forth because we felt that our design was an outstanding design. He had no interest in doing that. Mr. Bisset's feeling is that he as a person who has traveled the country and looked at aquariums around the country and seen the best

exhibits there are, has the same ability to just take the best that he has seen and put them together in one place and establish a facility that would attract tourists.

The difference between what we propose and that proposal is as dramatic a difference as a tract house versus an architect custom designed house. Everybody knows the difference. You can tell it when you look at it from the street; you can tell it when you walk through it; you can tell it when you open a closet. And this kind-- the difference between the way these two aquariums are being designed is that dramatic a difference. Why does that matter? The goal, gentlemen, is to achieve a traffic generator for downtown Riverhead. That's the goal. You can't achieve a traffic generator if the facility doesn't attract large numbers of people; if it's not an outstanding experience, they won't come. And when they have come, they won't go home and tell their friends and relatives, you've got to go because it is really something. The difference is dramatic. Thank you."

Supervisor Villella: "Thanks a lot, Ken. Barry, do you want to speak?"

Barry Barth: "My name is Barry Barth. I own Barth's Drug Store on Main Street in Riverhead. I also sit on the Board of the ACA. The Town Board had requested proposals for this site. The two groups prepared the proposals, submitted them to the Town Board. As Mr. Cardinale pointed out at the last Town Board meeting, negotiations have gone on between the two groups. The deals have improved. The proposals have improved. I think it's prudent now on the Board-- on the position of the Town Board to move forward with a decision, to sit down and appoint one of these groups to operate the aquarium. This resolution that was prepared for this afternoon, I imagine was either prepared by bond counsel or bond counsel had serious input into this. I think that the Town Board has exercised a prudent review of all information that's been presented. The Town Board has looked for outside counsel in dealing with the financial ramifications and I hope that we can move forward and have an aquarium put in place.

I feel a little embarrassed by the fact that Mr. Paulik and Mr. Bisset have gotten up and spoken a number of times about the fact that their proposal will change-- or their deal will change if, in

fact, the Town Board or the ACA is not successful. We're not here to threaten one another; we're not here to try and coerce this Board into making any decision. What we're here to do is try and produce a real, honest traffic generator for downtown Riverhead and to use the property that the Town saw fit to acquire for this specific purpose. So, once again, I implore you to move forward and, hopefully, we can work together to make this successful."

Supervisor Vilella: "Thank you, Barry. William Roth."

William Roth: "Hi. My name is William Roth. I'm a resident of Riverhead in the Town of Wading River. We have a problem up in our area of water drainage and the town has known about this problem since they gave the okay for a CO for my property. According to Ken Testa, who I believe is your engineer, and they seem to be saying that for the last seven years they are working on this problem. I've owned this property for two years, going on three, and we've been flooded out, water in the house, coming in from the street and the watershed area that is not fenced in, that has standing water in it that's eight foot deep and any kid from a bus stop that's no further than 100 feet away, can walk into and trip into and needless to say they can also get through my backyard. And this is just a lawsuit waiting to happen."

Councilman Kent: "Where exactly is this in Wading River? Where exactly is this?"

William Roth: "Cliff Road West and the water drainage area is on Old Orchard, I believe. I mean, like I said, Ken Testa says he has a proposal before you."

Supervisor Vilella: "Yes. He does. We talked about this."

William Roth: "I understand that. And I mean for seven years this has been going on now and I've had the property for three years and we flooded out twice. I mean, just this past rain storm we had four inches of water through the whole house. I just had a new boiler installed. All this stuff, you know, I-- the house is worthless. I cannot turn around and sell it so, you know, I just want to-- public notice to you guys that expedite this as soon as possible."

Supervisor Villella: "Ken was in the office. I had Charlie Bloss in the office."

William Roth: "Yes. I've spoken to Charlie-- "

Supervisor Villella: "And we're thinking-- "

William Roth: "These guys are great. They've been working on it I understand. But it's not happening fast enough. I mean-- "

Supervisor Villella: "We have to go out for bond. We're going to be doing bonding and we are going-- there's going to be about 10 or 11 projects we're going to be doing. So we have to get the amount of each one, put it-- then we get the figure. Then we give it to our comptroller, Jack. He goes out for bonding, and then we do the projects."

William Roth: "I mean, but why is this taking seven years and why wasn't I notified of this problem before I bought this property?"

Supervisor Villella: "I have no idea. I just got here in January. I'm taking care of the problem now."

William Roth: "I understand you didn't know about it before, but, you know, this property shouldn't have been deemed for a single family house with a garage. It should have been turned into a sump from the beginning."

Supervisor Villella: "And that's another reason why I mentioned before I think it was to, I don't know if it was to Bill, but we are, before a CO is issued, we have to work on something on elevation. You can't build a house down in a gully and stuff like that."

William Roth: "I understand that."

Supervisor Villella: "So that's why we are going to be working on that part."

William Roth: "On my property alone, I was told I had three drywells to handle the water rainoff from my house and my property, not to handle the water rainoff from the street and from the water-

shed area. I have pictures of all the stuff if you gentlemen and ladies wish to see the pictures. And I just want-- like I said, I just want it to be made public notice that you people know this."

Supervisor Villella: "I know we will take care of that though, and thank you for coming up. Terri Fenton."

Terri Fenton: "My name is Terri Fenton, Jamesport. I would like to inquire the status of the Lebanon property at this point in time. I know you answered a question before the meeting, but the building that burned has been there for seven months now. It's accessible, children are playing there. I realize you're under the process of addressing that now. But the building that's still standing, I think you're losing sight of the fact this is a hazard. It is (inaudible) and it has been contaminated for seven years of chemicals and we still have a fire hazard there along with a very bad environmental one. It's-- (inaudible)."

Supervisor Villella: "We-- "

Terri Fenton: "The Civic Association is really getting-- "

Councilman Cardinale: "The reason I got up before was to get a copy of the most recent correspondence in regard to Lebanon. At the last meeting, we discussed why it was-- the debris from the fire was allowed to remain. We received a letter on March 2nd from the owner indicating the use that you-- the request for a use that you alluded to which was rehabilitation of the existing structure, utilizing same as a wine storage and wine production facility with storage of wines for the purpose of aging until ready for market. They wish to use the facility for such storage as well as for the keeping of machinery and equipment that may be utilized in the business. They allege that both under the pre-existing use which we've discussed previously and the current zoning that this is permitted. They also ask that interestingly, to be permitted to remove debris and waste materials from the premises for which neighbors have been filing complaints and preventing us from doing -- and we request that we be granted police protection and cooperation in having harassing neighbors cease and desist from their activities."

Terri Fenton: "I do look like (inaudible)."

Councilman Cardinale: "Yes, I can see that. Mr. Barnes responded on behalf of the town. I have just looked at this letter for the first time because I was away this past week. He indicated -- repeated our position that in response to your letter, the building department has reviewed your request and has determined that you are hereby denied a use permit for wine storage for the following reasons. One. The building has been deemed vacant for more than a year and has lost its non-conforming use as a fertilizer storage warehouse. Two, Residence D permits agriculture but does not define in our code wine storage as a main or accessory use. Three if you are dissatisfied with this determination, I would suggest you seek a variance from the Zoning Board of Appeals. Four, a stop work order is in effect until all zoning and building issues are resolved because they had requested that that be lifted as well.

In closing, they request-- the town requests that the debris be removed from the site immediately in order to comply with the New York State building and fire codes. Police protection will be provided on an as needed basis.

And that last point that is not alluded to in the letter is that there is still an outstanding tear down order in this matter. I haven't had an opportunity having just returned, to discuss with the new Town Attorney, Adam, how to proceed in that regard. And to some extent that will be determined, I think, by their reaction to this letter from Leroy.

Leroy has repeatedly told the owners to go to the Zoning Board of Appeals, which is the appropriate place to go when you don't like something the building department has said. They give the interpretation of the code, they also are permitted to vary it in certain manners. So that is the status as of this moment."

Terri Fenton: "Okay. And the carting away of the first building. Is that going to be supervised as to a hazardous waste carter?"

Councilman Cardinale: "Certainly as-- the problem that developed the last time was that they were using a non-licensed carter. Is that correct?"

Terri Fenton: "Yes. He was coming in in the middle of the

night."

Councilman Cardinale: "That-- Leroy is well aware that the carter must be licensed and proper."

Terri Fenton: "And where it will be taken to."

Councilman Cardinale: "Yes, he's aware of the issue and because he's aware of the issue now, thanks to the community, I'm sure he'll be right on top of it."

Terri Fenton: "Okay, thank you very much."

Supervisor Villella: "Terri, I want to ask you a question. You've been speaking with Mike Cracciola (phonetic) on this, right? Is there anything that you could talk to-- let Phil know about this?"

Terri Fenton: "We have spoken to him about the contaminated property and he was speaking with Suffolk County Department of Health Services because it goes back to 1981 where it all was dropped all around back on forth on this, they were issued violations (inaudible) five years. I think he's trying to get to the bottom of that also plus find out these chemicals that were stored on this site because that was the highest concentration of chemical storage in the northeast in 1986. And to this point in time we cannot find permits for any of the storage, Interstate Commerce or licensing of any sort. And now Suffolk County can't find their own records that we saw in November."

Councilman Cardinale: "Are you getting cooperation from the county because that is something that the Health Department alone can really address? Are they being cooperative?"

Terri Fenton: "Uh-- "

Supervisor Villella: "Are they going to help out with, I guess, lab results?"

Terri Fenton: "They want to test again upgrading the site that we're worried about. The site that they wanted to do the testing was the building-- that was torn down which is upgradient of the Lebanon building. Not only that, but when they took the Bushwick

building down, they took the dirt out from underneath it and replaced it with many truckloads of dirt. So if you are going to test the soil there, you aren't going to find anything. Plus being in the wrong area. I really would not be satisfied with it."

Councilman Kent: "Have they done any test wells to test the water from below the ground?"

Terri Fenton: "The test wells-- the last ones that I recall reading the test results on was a report done by the (inaudible) Commission for the Town of Riverhead. When Bushwick was leaving and Riverhead was considering purchasing the property, that report stated that a clear Phase 2 was indicated in the full characterization of the site should be followed up with. And the Riverhead Town decided not to purchase the property because if they had they would have had to also assume the liability for it-- of contaminated property. And the water tests that were done at that time were nitrate, nitrate (inaudible) and total concentrate of nitrate and (inaudible), which doesn't address the problem that this was a chemical facility for 70 years."

Supervisor Vilella: "When the town did the testing last-- Terri, was it last year when you had that meeting?"

Terri Fenton: "The DEC-- oh, the testing in the-- yes."

Supervisor Vilella: "Was-- that type of testing, was that something that your group was satisfied with or-- "

Terri Fenton: "No. Because that man was told exactly where to test and what to test for. He did not test the structure of the building. The Town Board directed him where to test apparently and what to test for. And if you cannot find everything that you're looking for, why do a test? Thank you."

Supervisor Vilella: "Thanks a lot, Terri. Sandy Sajek. Sandy."

Sandy Sajek: "Good afternoon. Sandy Sajek, Calverton. Before me I have a group of petitions and the petitions state that we the undersigned feel helpless and frustrated at what the FCC and PSC call competition. In freedom of the marketplace on Long Island

ablevision is still a monopoly. They now have been given free range to raise rates (inaudible) and moving programs around and adding this and that. The result basic rates rise 74% while we still are stuck with more garbage and plenty of (inaudible). We are not stupid. We protest and demand the PSC deny this action to raise cablevision's rates.

4,000 petitions approximately have been carried by the Southold town and us, the people in Riverhead complaining about the rates. We requested the town send these petitions to the FCC and the PSC along with a covering letter. We only have 90 days from January 1st to do this so I'm going to pass all the petition on to Barbara Rattan."

Supervisor Villella: "Sandy, I just want to say one thing. I met with June Markley (phonetic) yesterday. Did she give you a call as of today or-- "

Sandy Sajek: "No. We have a call-- we're supposed-- we've been summoned to the best of my knowledge, to come on the 23rd of this month-- "

Supervisor Villella: "Okay. Also-- "

Sandy Sajek: "-- to discuss alone, not with anybody, except Phil Siegman (phonetic) and myself, discuss what the problems are with the people, why they're complaining about it."

Supervisor Villella: "I met with her yesterday so that's different. She's going to get in touch with Phil and Phil's going to get in touch with you and set up a meeting and the problem we have with the town, the Cablevision franchise fee, we never really had one. But what it was, it was for family Cablevision, it wasn't for the basic, they had 15% off for senior citizens only on the family. I said what the senior citizens are the ones-- mostly have basic. So why couldn't you do the 15% on the basic? And that's what-- that's why she's going to talk. The meeting is going to be set up; you'll be notified, both of you on it, your committee."

Sandy Sajek: "Right, but I don't think that that's going to be the answer to this whole thing."

Supervisor Vilella: "I don't know what the answer-- I'm just trying to get you both to the table. That's all."

Sandy Sajek: "Right. Well, thanks very much, Vinny. See the problem connected with all this is when Congress passed this law, they mis-- really it was a law that was not even, let's say it did not help the people. The only thing it did do was help the cable company. This has been written up. And there's a big article-- we have-- I have a whole envelope of all since this all started."

Supervisor Vilella: "Well, bring that to the meeting."

Sandy Sajek: "I have this whole envelope. And this is another-- right here we have another article. It's not only here in the town-- in the five towns area-- but this is in the whole United States because I have this article right now from USA and what they have here, they have two pages, three pages, all about complaints about cable, all throughout the whole country. One of the things, if you read one-- I underlined certain things here-- cable operators justify rate increases citing higher programming costs among other things, but what most consumers don't know and what the cable industry usually doesn't tell in their bill stuffers, is that a large share of extra money that they're charging you for extra expanded basic cable paid for all the new services, what few customers want. It goes on like this. So I think we have a long time to do anything with this."

Supervisor Vilella: "Thank you, Sandy."

Sandy Sajek: "I'll hand this in to Barbara. We only have 'til the end of the month to get this down to the FCC. Thank you."

Supervisor Vilella: "Thanks a lot, Sandy. Tim Yousik, the donut man, tire man. Where is he? There he is."

Tim Yousik: "How are you doing? Tim Yousik from-- owner of two businesses in Riverhead and a resident. I'm up here for two reasons. One I want to express my concerns about the aquarium. Very simple. In your campaign, Vinny, you, Phil and Chris, had promised the town to privatize the aquarium. And if at all possible, I'd like to see you hold up that promise, regardless of who gets the aquarium. The aquarium for Riverhead there's no doubt would be a

good thing. Traffic generator is something that the town needs. But to me something that also has to be considered is the fact that it has to go back on the tax rolls at some point. All the not-for-profits end up eating into the pockets of all the other small businesses in this town and residents. I'd like that to be taken into consideration.

One group may do a better job than the other group. But the bottom line is it's a piece of property and it should generate taxes."

Supervisor Villella: "But my campaign promise was also to take care of the liability of the town residents first. That's my number one concern."

Tim Yousik: "No question about that. And I agree with you on that, but I'd like to see the Town Board as a whole put some effort into watching the taxpayers also. Because that affects my pocket.

The other thing is the Grumman property. I'm sure that there's a lot of proposals out there for that piece of property. I see it as being a part of the answer to this town if it's developed correctly. One of the things that I urge the town to do is to go back and reconsider the race track again. It was really a breath of fresh air to see in the paper this week that Mark and Phil came out in support of-- not in support of the race track, but in support of the concept of a race track. It was nice to see that number one, that part of the old Town Board and the new Town Board are working together for the town as a whole.

That proposal means a lot to me. I don't even like racing. I'd be the last person you'd find there. But what I liked about the concept of a race track is the fact that it brings a lot of outside tourism to this area and a lot of money gets spent in this town. It certainly would be good for my business; it would be good for many other businesses in this town as well. And it would create a lot of jobs. I don't doubt that there's a lot of good proposals. What annoys me about this particular proposal, being close to the group that has presented it, I know for a fact that they've never sat down at a table and negotiated. I'd like to see that happen before they are dismissed. If there's something better for the town, so be it, bring it on. But how do we know that they're not the best for the town if they've never sat down at the table and been allowed to

negotiate? The RDC in my opinion has failed in their job after being here for three years by never inviting them to actually sit down and bring their proposal to the table. They've listened to-- they've listened to them but they've never tried to negotiate with them.

I believe that members of the RDC may have other agendas for that property."

Supervisor Villella: "Tim, that-- I just want to say one thing about the RDC. They came to us not in favor of-- because the Apollo (phonetic) proposal wasn't good enough. The best-- I guess it was their best offer. That's what we were told."

Tim Yousik: "Well, that's not what I've been led to believe. But in any case, it's my opinion that the Town Board should be the one making the decisions on the property and ultimately you will. I would just like to see the Town Board take the opportunity to sit down with all the proposals and all the people that are attached to them and negotiate the best deal for the town. Not only does this piece of property need to generate tax revenue, it also needs to help every business in the town, you know, by bringing in tourism, by bringing in people that will spend money in this town. Please take that into consideration. Thank you."

Supervisor Villella: "Thanks a lot, Tim. Charles Rogers. Charlie. Good seeing you again."

Charles Rogers: "My name is Charles Rogers. I'm a real expert, so called. I've been working for various groups, including Riverhead, almost all the townships in Suffolk County and most on Long Island. I've appeared in courts for many years. Since I'll be 80 at the end of this year, it goes on for about 50 years. The good Lord has been very good to me. He's allowed me this year-- these years to see a lot of nice things happen. One of the nicest things that's happening is the revitalization of Riverhead. I happen to share this gentleman's views that this piece of property that you have at Grumman should be the mechanism to revitalize Riverhead even more. I believe strongly that it should be developed by some strong developer who will develop the property together with the redevelopment of downtown. I would not-- if I were the Supervisor-- and you gentlemen on the Board, allow anybody to come in

there without revitalizing downtown.

The good things that happen in a town with taxes are all very important. The people who come in as tourists all bring money and that's very important. It brings jobs to everybody in town. But there's something that's very much more important. That's the pride that you take in your town. The pride of having a beautiful downtown goes far beyond having the pride for example of Tanger that I was instrumental in bringing to Riverhead. I think Tanger is a good thing for Riverhead. Not everybody shares that opinion but it did bring at least 6,000,000 people. They unfortunately did not get down to downtown. There weren't things in downtown to bring them there. I think there can be. I really think that downtown could be revitalized and be as beautiful as any of the downtowns that we have on Long Island. We have downtowns in the Hamptons that are very spectacular but Riverhead in its own way overlooking the river can be as beautiful as any, maybe more so. And I strongly urge that you do not do anything with the Grumman property unless it's tied to a complete revitalization of all the parts of Riverhead. I think that can be done.

That piece of property is one of the best pieces of property on Long Island with its runways and its location. At the end of the expressway, you have a place that's very accessible and at the same time, something that's quite important. It's quite remote. It has four and a half square miles within the complex and four and a half square miles outside the complex, all buffering one location. There are very, very few homes that will be impacted by anything you'd do. A race track, for example, certainly could be there and not in many other places. Race tracks bring an awful lot of people and an awful lot of money. It's something that's gone on on Long Island for many years, Bridgehampton race track was well known as well as the track here in Riverhead. These are things that bring people. That's important.

But very important is the fact that you can have without question the finest township on Long Island by using that property to be the engine, to (inaudible) all the other things in Riverhead. Please don't disembowel by selling off a portion of it. I understand there's a proposal to sell part of it that clearly gentlemen is the wrong thing to do. Please don't do it. Thank you."

Supervisor Villella: "Thank you, Charlie. Steve."

Steve Haizlip: "Steve Haizlip, Calverton. With the new Town Attorney in place, I want to see if he can accomplish something or take the job of trying to accomplish it that I've been trying since August 7th, 1997. And that is resolution 601 for the Montauk Bus which was put in (inaudible) special permit and no hearing has ever taken place and I went to the Town Clerk there, looked it up in the book, and it says at the time of the resolution establishment-- establishing of the resolution, if no time was set by the Town Board, it will expire in one year. But the last time I inquired about this, I got some kind of wording like (inaudible). Man, that threw me. I didn't know what was going on. And what it meant. But I (inaudible) got established that it can go on forever. But that's not what the good book says in there. So we had a similar situation with Tire Country. There was never no closure. The Town Clerk's office was never closed out. The resolution was there, but no public hearing was ever called. So when these public hearings-- resolutions are made up to call a public hearing, from what I understand it's got to be done in one year, within one year, or closed out completely. And it's up to the attorney (inaudible).

Now, my second problem I want to bring up. Monday, a week ago, I had to go down to Sound Avenue Equipment and I went down Sound Avenue and I got the end of Roanoke Avenue where you're talking about this \$52,000 light and I'm in unison with Bill on that. I just can't see the cost (inaudible). But, you know, I went up into Calverton on Riley Avenue and Edwards and spent \$258,000 to put in a sump. Now of all the places that needed a sump was east of that proposed light on Sound Avenue. That water, that day that I went through there to go down to (inaudible) Wells place, was so deep I just estimate anywhere around eight, ten inches or what have you, trucks coming through there and sand trucks, I don't know if they belong to TS or not, but there were sand trucks, two of them, and man were they making Niagara Falls and I was afraid I might get (inaudible) out before I got through there. So people have a tendency to say-- the highway people and so forth have a tendency to say well, the rain comes, it floods, but it goes away. But that's not the point of it. It should be that you can travel right on through with the exception of maybe a little water, but not a big pond. So I would like for that to go on record and looked into. Thank you."

Supervisor Vilella: "Steve, we-- Adam, do you just want to read that? That's on your proposal here."

Adam Grossman: "Sure. Steve, I have a letter in front of me from the Building Department. Let me see-- it's addressed to Frank (inaudible) at the (inaudible). Yes. It says, review of the application for a building and zoning permit original-- dated 1994, as caused this office to declare null and void the certificate of occupancy dated July 25, 1997. This action is necessary for the following reasons: 1. Operating a bus facility which does not conform with the intent of the original special permit application. Two, there is no Suffolk County Department of Health Services sign off for the final inspection. Three, the certificate of occupancy was issued although the subject site was not in compliance with New York Fire Prevention and Building code. If you have any questions, feel free to contact me. And this letter is from Leroy Barnes."

Steve Haizlip: "Mr. Grossman, I believe that's the way you pronounce your last name?"

Adam Grossman: "Grossman, that's correct. Yes."

Steve Haizlip: "My only concern is I'm not concerned too much about what's there and what they're doing, I am-- in a sense, what they're doing is that they didn't say up here what they were going to do. Like a Luigi; they do it different, you know. So, my concern is when someone comes into the town and puts in a request for a resolution for public hearing, that they want to do something, and when they don't do it within a year, it should be closed out. That was the case (inaudible). They came in and they forgot about it. They just went on into infinity. They forgot about it. So it took me to keep reminding the Town Attorney and the Board, hey, either do it or close it out. Don't leave it hang. Because the Town Clerk's office book has to be closed out with that resolution which they requested that special permit. That's my point."

Adam Grossman: "Okay. Well, Steve, I'd be happy to assist you in any way that I can about your concern. Okay. And feel free to take advantage of-- I'll be here in Town Hall the rest of the week. Okay. Give me a call. Okay."

Steve Haizlip: "Very good, okay."

Supervisor Villella: "Thank you, Steve. I'll take one more. n, you're the last one."

Ann Miloski: "My name is Ann Miloski and I live in Calverton. d I just would like to put on record in front of the new Town ard that where Grumman is is not a remote area. That whatever ppens in the Grumman site will impact a lot of people. Thurm's tate is in there which has a lot of homes. Timber Park is in ere which has a lot of homes. There are a lot of new development Sound Avenue in Wading River that will be impacted. So whatever e Town decides to do besides worrying about just downtown River- ad, I think you have to worry about all of us. Thank you."

Councilman Cardinale: "Ann, I want to take the opportunity, so Timmy had mentioned, to reassure the people in Calverton cause I've gotten a couple of calls this week, the fact is that e utilization of that site as a race track, I know there's a lot concerns with the people down there and I share those concerns-- ise and the rest-- what I was trying to get across in the paper d I think Mark, too, is that what we're in support of is that all ople, all the-- the concept of keeping all options open and are ying to get some open honest and (inaudible) negotiation with ose people who want to use that site. Ultimately you're absolutely ght. Grumman doesn't exist in a vacuum. It isn't an island out the middle of nowhere. It's surrounded by a lot of residential eas. So whatever we do there, one of the important considerations ll be the impact outside the fence.

What we don't want to do, however, is blow off potential offers d then find out that we're holding and maintaining the property at great expense which we might have been able to sell. But I'm rtainly going to be mindful of what you said about being careful out the people outside are not negatively impacted by what happens side.

I'm also amused by George's reference and you're right in rtain ways, that we are thinking about zoning outside the fence t holding off what we're going to do inside the fence which is at the town will wind up owning. There is a certain lack of-- at's the word-- equality or balance in that it seems to me. We

should be as mindful of what we are doing for the people outside the fence as what we're doing for the town itself by what we are doing inside the fence."

Ann Miloski: "Well, actually, that fence won't be there once you start-- "

Councilman Cardinale: "That's right. That fence won't even be there."

Ann Miloski: "Right. And I really do have an open mind with all the proposals. I haven't stood up against any proposal but I do take offense when people say that we're in a remote area and that nobody lives there."

Councilman Cardinale: "Thank you."

Supervisor Villella: "Thanks, Ann. Okay. Okay. All yours, Curtis."

Curtis Highsmith: "My name is Curtis Highsmith and for all of you I do represent Project Calverton. I just want to set a couple of matter straight before you close it out. One is that the project that was proposed by us is not just the track, it's for the whole development of the property. And I'm just going to name the four. One, a theme park of about 400 acres. Two, two golf courses. One of the three a hotel convention center and a world class race facility. And I just want to remind everybody that every code that the town sets forth (inaudible), must be obeyed by the property. And even if there were a race track there, you are looking at maybe three, four major events a year. So I don't want anybody get the idea that there's going to be noise (inaudible) even at that, will be minor noise for four, five times a year. And the most important thing is the project would adhere to any zoning noise or what have you that is set forth by the Town of Riverhead. Thank you."

Supervisor Villella: "Thank you, Curtis."

Councilman Cardinale: "Curtis, as Vinny indicated earlier, the problem I think that most of us on the Board have with initially with the Project Calverton was financial and that was the same with the RDC. What they told us is that the financial offer was not

realistic as compared to the appraisals we have obtained on behalf of the people of Riverhead for that property."

Curtis Highsmith: "And I'm going to come straightforward and say for the last three years we've asked the RDC directly, give us a price. We're not going to negotiate with ourselves; we represent a company that's worth eight billion dollars. They've done all over the place investments and building projects. So the money is there. But they've got to give us a dollar amount that they are interested in and up until the week before the decision was made, we went back and forth and there was no dollar amount asked as to what you were looking for for the particular project. So we had no idea."

Councilman Cardinale: "Do you have it now? Do you have the dollar amount that we would be-- our interest-- "

Curtis Highsmith: "I have no idea because they never told us."

Councilman Cardinale: "They still have not told you?"

Curtis Highsmith: "No, sir."

Councilman Cardinale: "We'll make sure you have a dollar amount within the next 24 hours. Maybe they're being too coy in their negotiations. I'll ask Bobby. But certainly you're entitled to the dollar amount which we believe to be the value of that property."

Supervisor Villella: "We just got three offers in the last two days that are even better than other ones but it's just paper. There's no-- there's no substance to it. That's where the problem is. George, just real quick, George. This is the last one. I'm sorry. I have to get George; he always closes it up for us."

George Schmelzer: "That's okay. It is an airport. Some people want it; some people don't. For a couple of years, I asked the former Board why don't they in the November election put it on the ballot, advisory opinion, airport, yes or no. The people say yes, pursue it; say no, that's the end of it. Let the Board off the hook. Nobody could chew them out after that. I think that would be the easier thing to do."

Supervisor Villella: "I should have done that last year. It's too late this year."

George Schmelzer: "Do it this year if you can."

Supervisor Villella: "November is too late, George. We've got to start working on that now. You have the right idea, that was -- I'm always for let the people decide."

George Schmelzer: "Yeah. Well, how's that fake compensation suit by the former Supervisor coming out-- coming on?"

Supervisor Villella: "I have no idea."

George Schmelzer: "I think you better check on it."

Supervisor Villella: "George, that's out of our hands now. It's between, you know, disability and everything-- it has nothing to do with us right now. They're going ahead, you know, the lawyers."

George Schmelzer: "Who's going ahead?"

Supervisor Villella: "The lawyers."

George Schmelzer: "You've got two lawyers on the Board, one's sitting down there-- the Town Attorney, you've got three lawyers there. You've got five men on the Board and one Town Attorney-- half of them are lawyers."

Supervisor Villella: "They're going ahead with, you know, they're opposing-- but it has nothing to do with us right now."

George Schmelzer: "You mean they're opposing that, huh? I hope so. Why should the taxpayers pay for that?"

Supervisor Villella: "Thank you, George."

George Schmelzer: "Oh, thank you. You're very welcome. Yeah. I ain't going to say anymore because you want to get out of here. I do, too."

Supervisor Villella: "We're going to go into the resolutions. Should we do-- we have to close this meeting up. It is 17 after 4."

Regular Town Board Meeting adjourned 4:17 p.m.

Regular Board Meeting reopened: 5:07 p.m.

Supervisor Villella: "We will reopen the Regular Town Board meeting. Do the resolutions. Do we have to do 183, or we don't have that in our packet."

Barbara Grattan: "183 is-- special Board Meeting."

Supervisor Villella: "That was the Special Board meeting."

Barbara Grattan: "Now we're on 184."

Resolution #184

Councilman Kent: "This resolution sets the registration fees for the Recreation Department programs. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #185

Councilman Cardinale: "This resolution appoints secretary to the Supervisor. Edna Houston, who I just met, and if she can tolerate Vinny, I'm sure she's a wonderful woman. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #186

Councilman Kwasna: "186 appoints Town Board Coordinator. So moved."

Councilman Lull: "Second."

Councilman Kwasna: "Oh, wait a minute. Rescinds Resolution 120 of 1998 and appoints Town Board Coordinator. There was-- I think there was a mistake made in 120 or something has changed since then."

Councilman Kent: "Just the date. I think the date of her appointment changed."

Councilman Kwasna: "Yes, right. The date is changed. I move this resolution."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes."

Councilman Cardinale: "Yes, but I also would like to note that the annual salary is indicated whereas this employee will be working three days a week. She will be making 60% of that indicated salary."

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

Resolution #187

Councilman Lull: "187 I would like to offer a resolution to table 187."

Councilman Kent: "Yes. I'll second that."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. Resolution 187 is tabled."

Resolution #188

Councilman Kent: "This appoints a 90 day clerk to the assessor's Department to assist with the administration of the STAR program. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #189

Councilman Cardinale: "This resolution authorizes the contract for professional consulting services of Martin F. Sendlewski. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #190

Councilman Cardinale: "This resolution authorizes the Town clerk to publish and post a help wanted ad for part time housing inspector in the Building Department. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #191

Councilman Kwasna: "Authorizes the Supervisor to execute

agreements between the Town of Riverhead and Kaiser Maintenance for pesticide applications in the town. So moved."

Councilman Lull: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #192

Councilman Lull: "192 sets the towing and storage fees for vehicles. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #193

Councilman Kent: "Resolution authorizes Jane Van Den Thoorn to attend the Annual New York State Recreation and Park Society Conference, April 26th through the 29th. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #194

Councilman Cardinale: "This resolution authorizes the attendance at the 1998 Spring Municipal Purchasing Seminar for Mary Ann Tague, Senior Account Clerk Typist and others. So moved."

Councilman Kwansa: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #195

Councilman Kwasna: "195 I at this time would like to move to table Resolution 195 which is the resolution to approve the special permit of Applebee's Neighborhood Grill, the reason being that the public hearing on this particular resolution was held almost a year ago and I think there have been changes made and a different thought process of the people on any development of Route 58 and I feel that, myself, we should hold another public hearing before we pass any special permit for Applebee's restaurant. I make a motion to table this."

Councilman Lull: "I'll second that."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The Resolution is tabled."

Resolution #196

Councilman Kwasna: "196 authorizes the Town Clerk to publish and post notice of public hearings - amendment to Zoning Ordinance and special permit - Kroemer Avenue Holding Co., Inc. So moved."

Councilman Lull: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #197

Councilman Lull: "Declares lead agency and determines significance of action Hallockville Museum farm property acquisition and restoration. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #198

Councilman Kent: "This resolution accepts the time certificate of deposit from Schembri Enterprises for road-- actually I don't think it's road and drainage improvements because the text says park and recreation fees. Which is correct? I believe this resolution is-- I think the caption is incorrect. It's accepting the certificate of deposit of \$20,000 covering the per lot park and recreation fee within the Schembri Country View Estates subdivision. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Councilman Kent: "Yes, the title is not important. It's the text that's important. So you have to amend the title to reflect what it says in the text."

Resolution #199

Councilman Cardinale: "This resolution adopts local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead Town Code. So moved."

Councilman Kwansa: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #200

Councilman Kwasna: "Authorizes the Town Clerk to post and publish public notice of public hearing to consider a proposed local law for an amendment to Chapter 101 Vehicles and Traffic of the Town of Riverhead. This will be a public hearing dealing with stop signs and roadways in the Tanger Outlets. One-way streets and such and that will be held on the 7th day of April, 7:15 p.m. So moved."

Councilman Lull: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #201

Councilman Lull: "201 is an order authorizing the increase and improvement to the Riverhead Water District construction and installation of water main interconnection between the Riverhead Water District and the Suffolk County Water Authority. The plan that was explained to us at the work session last week by Gary and H2M. So moved."

Councilman Kent: "I'll second this."

Supervisor Villella: "Moved and seconded."

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

Resolution #202

Councilman Kent: "This authorizes the Supervisor to execute a change order regarding the construction of building for deepening of Well No. 1 at-- where is this, on Pulaski Street? On Pulaski Street for the Riverhead Water District. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #203

Councilman Cardinale: "This resolution authorizes the Town Clerk to advertise for bids on one 199 Freightliner Cab & Chassis equipped as specified or its equal. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #204

Councilman Kwasna: "Awards bid for electronic supplies. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #205

Councilman Lull: "205 awards bid for diesel fuel. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #206

Councilman Kent: "Awards bid for janitorial supplies. So

oved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #207

Councilman Cardinale: "This is a Pulaski Street West Road improvement capital project budget adoption. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #208

Councilman Kwasna: "This is North Country Road and Wading River Road improvement capital project budget adoption. So moved."

Councilman Lull: "And seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #209

Councilman Lull: "This is another budget adoption. This is for the Hulse Landing Road improvement capital project. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #210

Councilman Kent: "This is a capital project budget adoption for Long Pond Road Wading River Manor Road improvement. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #211

Councilman Cardinale: "This is a resolution of Northside Estate Ext. #41B capital project budget adjustment. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #212

Councilman Kwasna: "212 authorizes the new Town Attorney, Adam Grossman, to act as special prosecutor for violations of the code of the Town of Riverhead. So moved."

Councilman Lull: "And seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #213

Councilman Lull: "Releases performance bond of Crystal Pines Estates. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #214

Councilman Kent: "Approves the application of St. John the Evangelist R.C. School for a carnival April 1st through April 5th and April 8th through April 12th. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #215

Councilman Lull: "215 authorizes the Town Clerk to publish and post public notice to consider an amendment to Chapter 58 entitled Dogs of the Riverhead Town Code. That is also on the 7th of April. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #216

Councilman Lull: "216 is a resolution authorizing and directing the Town of Riverhead Community Development Agency to prepare necessary lease or sale agreement and related documents relating to

the lease or sale of the urban renewal parcel located on East Main Street, being the site of the former Okeanos Ocean Research Foundation Preview Center, to the Atlantic Coast Aquarium as a preliminary measure in determining whether the Atlantic Coast Aquarium should be designated the sponsor of the redevelopment of such parcel. So moved."

Councilman Kent: "Seconded."

Councilman Cardinale: "I'd like a discussion, please."

Supervisor Vilella: "Discussion."

Councilman Cardinale: "I'd ask that this resolution be tabled and I'm limiting my remarks here in support of my resolution to table to simply tactical considerations not reaching the substance of which of the proposals is a better proposal. In support of it, I immediately move to no less illuminary and unusual source than the former Supervisor, Jim Stark, who I think correctly stated before leaving office, that the process by which the two proposals are being considered, clarified, and discussed is (inaudible) to the benefit of the town. I'd like to see that clarification continue for at least a few weeks until the next meeting of this Board.

Secondly, I believe that passing this resolution at this time would result in an expenditure to prepare draft agreements which would be premature and ultimately and very possibly unnecessary. I know that Vinny is on record as stating that he will in all likelihood go where the-- wherever the two million dollars to bail the town out on this project can be found. We have a letter of March 9th from ASLI asking the Town Board to delay naming the sponsor or taking any action until the next meeting of the Town Board. They are requesting the delay in order to secure financing necessary to make an outright purchase of the property. They are confident they can close within 30 days after being named sponsor.

The letter goes on to indicate that while they originally proposed a lease, they are now contemplating a sale and all they request is a delay that they believe is not unreasonable. Fourthly, I think that to do otherwise than table this would provide an inequitable and I believe unintended signal to the community and to others that the decision has been made to go with one or the other

specifically to ACA.

And, finally, I believe that the agreement-- the resolution as proposed needs some clarification on the wording since paragraphs on page two, the first WHEREAS clause, the second WHEREAS clause on page two, and the successive WHEREAS clauses on page three, I do not believe to be accurate as they are presently worded. For those reasons I would ask that this be tabled at this time. And for that motion, I ask for a second motion to table."

Councilman Kent: "Question of order. Since I seconded the original resolution, can I second the motion to table? I don't know if I can. I'll second the motion to table. Based on my belief that in the next three weeks, because we have three weeks before our next Board meeting, we can continue to negotiate with both parties and, hopefully, reach some type of final, final, final, final proposal from each side, and move forward with clear knowledge and understanding of both groups' final proposals. I would second the motion to table."

Supervisor Vilella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Lull: "I understand your point of view, Phil, especially the fact that this was brought up at the-- brought to light at the work session when you were not here. I certainly understand that point of view. However, the resolution that we're talking about which was prepared by our own counsel has a-- can be brought to question as far as the letter that you're referring to, the letter that we received from the Atlantic Aquarium requesting an extension to find funding to do that project-- to purchase the property.

The idea of continuing negotiations with both sides seems to me to be a misnomer. In fact, negotiations have not been going on during this period. The ACA has essentially stood behind the proposal that they made in December and they have-- although they have updated that, they have updated that at the request of bond counsel who asked them to respond to his questions about their proposal, the same as the Atlantis Aquarium group did the same thing.

We are preparing here-- with this resolution, we are preparing to make a decision. We would like very much to know what the alternatives are. The Atlantic Coast Aquarium has not offered an alternative because by the rules that we set down if only orally, by the rules that we set down with the request for proposals, they have made no further offer since the offer that was proposed in December. That offer still provides us with a quicker and probably more direct route to construction than the other. There are-- if and this again a response from counsel, if, in fact, the only issue here were financial issues, I would say the same thing as I said previously when we talked about the Grumman property. I would say, yes, if it was only a question of finances, take the 45 days, take the 30 days, whatever it might be and then let's look at it again.

But it's not just that simple. There are all kinds of issues involved here including the basic response to the initial request for proposal and which one was clearly more thorough than the other and there are serious questions, serious secret questions regarding the Atlantis Aquarium project which will not be able to be put to bed in any quick time in the future. The question is now if the ACA wishes to follow the rules and negotiate only at a time when the town ask for further negotiations in a substantive way as this proposal does, shouldn't we want to see what the alternatives are? The alternative has been one follows the rules and the other does not. And the rules are not laws. They are simply guidelines and so there's no casting aspersions in one way or another. But if we wish to know the full impact of what the proposal is from the ACA, it will not cause any serious disruption of the process. To begin negotiations with this idea in mind, and that is to begin negotiations with us saying up front, the Supervisor, the four members of the Town Board, saying up front to the CDA and our bond counsel, this is what we wish to see from this negotiations. If you can present us with it, you have the makings of a deal. If you cannot present us with it, then it's time to move on. As far as I'm concerned, this decision should have been made a long time ago. And I share the impatience of those who say and the number of people who say, hey, we all know. It's never going to happen anyway, no matter what happens, no matter who you say, it's never going to happen. In order for it to happen, it has to happen with the first step. This is the first step. I suggest we go to vote on this motion."

Councilman Cardinale: "In support of the motion to table, I think that, in fact, we all recall that the ACA proposal was, in fact, dramatically amended early on and then reamended to accommodate the Supervisor's consistent position that he wanted up front payment. They indicated they were going to make that payment and then they-- they indicated in the public hearing that they would make the payment and they subsequently sent a letter saying they wouldn't. So there has been negotiation and clarifications.

Secondly, one of the reasons I believe this should be tabled is that the remarks-- the WHEREAS clause is preliminary to the actual resolution, are incorrect wherein they suggest that the Seaquarium project would be on line later rather than sooner than the alternative project. The-- it would be true if, in fact, phase four were continued in that particular proposal. It is not true as Mr. Rick Hanley presented to the Board when he indicated that the removal of that phase since they do not own the land and have really done nothing in regard to phase four, would be a matter of-- for the Board to determine and would be possible. Without that phase four then the WHEREAS clauses have no relevance because actually it can be argued that that project would be more quick not less quick to fruition.

Finally and most importantly, what Jim says I don't have any great cause to disagree with that we ought to get down to it and start negotiating, but this certainly does not give us level playing field to the two proposers. Because we're saying in effect we'll negotiate with one but we won't with the other. If we want to do two resolutions that would be an alternative to tabling. The two resolutions would be to negotiate with both. But that still doesn't address the issue that we're going to be spending money once we-- "

Councilman Kent: "Once we pass this resolution, there will be -- the town will be required to expend certain monies to pay bond counsel for creation and review of financial documents on behalf of ACA. So if we want to avoid that expenditure and continue to negotiate with both until we reach a decision on which one we want to decide upon, we should table this resolution and continue to negotiate."

Supervisor Villella: "Any more discussion?"

Councilman Lull: "Just quickly. Councilman Cardinale said that the WHEREAS proposals are depended on phase four. They're not. They're just as dependent on phase two which intrudes in the wetlands area which was not included in the original SEQRA process for the Okeanos project. That is part of it. And I am not in disagreement with trying to get the best deal but as far as I'm concerned and as far as I've been concerned right along, the best deal here means what we can do for downtown and what we can-- how we can begin to move forward. I do not see the process moving forward smoothly unless we approach this single process. And if we're going to say that we will negotiate with both parties, that that is in the end to be the process, then one of the parties has to stop negotiating in the newspaper."

Supervisor Villella: "I would second that. Thank you." I agree with that absolutely because I think one is just bad mouthing the other and it's not helping things because there's some misinformation out there and I don't like the whole idea of this in the newspapers. I want that stopped and if we have to negotiate with both, we will and we will do that. Let's get the vote on."

The Vote (Cont'd.): "Councilman Kent, on the table-- to table this resolution, yes; Kwasna, yes; Lull, no; Villella."

Supervisor Villella: "I don't like either proposal the way it is now so I'm abstaining."

Barbara Grattan: "The resolution to table has been adopted. We have three yes and one no and one abstain."

Resolution #217 - to pay bills

Councilman Kent: "So moved."

Councilman Lull: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The Resolution to pay bills is adopted."

Resolution #218

Councilman Kent: "This resolution authorizes the publication of annual water supply statement for 1997 from the Riverhead Water District. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Supervisor Villella: "The time is 5:34. Meeting adjourned."

Meeting adjourned: 5:34 p.m.

Barbara Guston
Town Clerk