Minutes of a Regular Town Board meeting held by the Town Board of the Town of Riverhead, at the Community Center, Jamesport, New York, on Tuesday, May 19, 1998, at 7:00 p.m.

Present:

Vincent Villella,	Supervisor
Mark Kwansa,	Councilman
Philip Cardinale,	Councilman
Christopher Kent,	Councilman

Also Present:

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

Absent:

James Lull,	Councilman

Supervisor Villella called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited, led by Leroy Barnes.

Supervisor Villella: "Thank you."

Councilman Kent: "The Just Say No March is coming up on May 29th from Pulaski Street School. I believe it starts at 10:00 and we'll be marching down Griffing Avenue, turning down Main Street, down to McDermott, and heading down to the river. This is a proclamation:

WHEREAS, it is fitting and proper that the Town of Riverhead promote those activities which increase the awareness of the community and its youth; and

WHEREAS, on Friday, May 29, 1998, the fourth and fifth grade students of Pulaski Street, St. Isidore and St. John will participate in a march against drugs; and

WHEREAS, the Riverhead Community Awareness Program will help our community become a place for our children will feel good about saying no to drugs and lead drug free lives; and

WHEREAS, making children aware at this age helps prepare them for the pressures they will encounter as teens and adults.

NOW, THEREFORE, your Supervisor, Vincent G. Villella, of the Town of Riverhead does hereby proclaim Friday, March-- May 29, 1998 to be (inaudible) in the Town of Riverhead and ask that the residents of the Town of Riverhead participate in the Say No To Drugs March."

Supervisor Villella: "You are all welcome to be at the parade."

Mary Lundberg: "We would love to see you all. The kids really look forward to this; they would love to have you out there to support them on Main Street. A week from this Friday. Thank you."

Supervisor Villella: "Thank you very much."

Councilman Kwasna: "I will approve the minutes of the May 5th meeting. So moved."

Councilman Kent: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: (Collective response: "Aye."

Barbara Grattan: "Minutes are approved."

Supervisor Villella: "Okay. Barbara, would you like to read the Reports, please?"

REPORTS:

Receiver of Taxes	Total collections to date - $33,185,039.74
Juvenile Aid Bureau	Monthly report for April, 1998
Manorville Fire Dist.	Annual report for the year 1997
Open Bid Reports	Toner and supplies - opened on

	5/9/98 at 11:00 - three bids were received
	Police uniforms - opened on 5/8/98 at 11:10 a.m. - three bids were received

APPLICATIONS:

Site Plan	Baiting Hollow Commons, 3325 Sound Avenue, Baiting Hollow renovation of three existing commercial buildings to be converted to restaurant
Shows & Exhibition Permit	Tanger Factory Outlet Centers from May 20th to 26th, for tent sale July 1 to 7; a tent sale from September 2 to 8

CORRESPONDENCE:

Dorothy Moran, Principal of Roanoke Avenue School	thanking Barbara Grattan and Muriel Froehlich for their participation in Readers Are Leaders Day at Roanoke Avenue School
Mary & Eric Lamont	Declaration of status as a party of interest in the Application for a Change of Zone of Traditional Links
Anthony Cannone	thanking the Street Lighting Division for their dedication to the residents of the Town of Riverhead
Suffolk County Dept. of Planning	Amendment to Section 108-45B(3) Amendment to Section 108-3, 27, 34, 39, 42 & 44 of the Town Code are a matter of local determination

	regarding abolition of the Suffolk County Pine Barrens Review Commission
	regarding Suffolk County Planning Commission Advisory News
County Legislature	regarding resolutions which were adopted on 3/27 and 3/31/98

Supervisor Villella: "Thank you, Barbara. I just got a message, it came over the beeper if you heard it, but is says here Lynne is fine, she just had her appendix removed. My executive assistant just got out of the operation that she had. Thank God for that; everything's fine. Okay. Public Hearings."

Public Hearing opened: 7:17 p.m.

Supervisor Villella: "Let the record show the time of 7:17 has arrived. Would you please read the public hearing, Barbara?"

Barbara Grattan: "Okay. We have one that was supposed to be opened at 7:05 for Chapter 54 for Brookfield Farms. That was published for Riverhead Town Hall. That's got to be-- that has to be republished again."

Supervisor Villella: "Okay, Barbara, the public hearing of May 5th that's still open-- should we-- "

Barbara Grattan: "Okay. You want to do that one first?"

Supervisor Villella: "I think so."

Barbara Grattan: "So you just open it."

Supervisor Villella: "Right. It's still open. Would anyone like to comment on that from the last Town Board meeting? Yes, Steve. This is on the public hearing on the excavation that we had two weeks ago of mining minerals on commercial industrial sites."

Steve Haizlip: "There's been quite a bit of controversy

about this one dollar fee being charged for removing material from building sites mainly something like the (inaudible) that's going on now on 58 and Mill Road, but I'm going to stick strictly to my comments-- I'm going to stick strictly to Edwards Avenue north on Route 25 north to Sound Avenue. When the Village Green went in up there, at that time I was (inaudible) mention that truck load after truck load of topsoil was going out of there. Well, that was just about the size of it and that was the end of the comment what she said. Now, what I'm leading up to is they claim that the soil don't belong to the town; it belongs to the developer or the owner of the land. But the road that they use to haul that sand out of there, belongs to the town and us taxpayers. They tore that road all to hell with all them trucks there. Charlie Bloss spent some money to repair that road back and it was done at the expense of the taxpayers.

Now if they want to use those roads to haul their sand out, I think they ought to pay a fee for the use of the road and tearing them up because why get the benefit of the whole kit and (inaudible) then (inaudible) us taxpayers-- so at this time, I say I'm for that dollar fee for taking that soil away and tearing up our roads and then we got to pay the expense to put them back in shape again."

Supervisor Villella: "Thank you very much, Steve. Adam, would you like to add anything to-- "

Adam Grossman: "Sure. Well, I just would like to state for the people who are here in the audience and who are going to be watching when this is televised. We have made some changes to this particular chapter. The amendments that we discussed at the Town Board meeting for those of you who watched the last Town Board meeting, two attorneys-- local attorneys here, Charles Cuddy and Mr. Danowski, who actually just walked in, had some issues that they raised of concern regarding the legality of this proposed amendments. And we have worked-- I have been working on this particular issue and we have used our general counsel, Twomey, Latham, Shea & Kelley, to refine this particular-- these amendments to make certain that there aren't any legal issues that could be questioned when, in fact, presuming Board goes ahead and adopts this resolution, these changes that they are, in fact, adopted. So I would just like at this time to ask Martha Luft

from Twomey, Latham, Shea & Kelley, just to speak on the issues that have been addressed related to changes to the proposed amendments to this chapter. Martha?"

Martha Luft: "Members of the Board (inaudible). The major legal challenge that has been raised at the last Board meeting-- "

Adam Grossman: "The microphone-- just turn it-- get it a little closer to you, Martha so we can pick up with the recorder."

Martha Luft: "Is this better?"

Adam Grossman: "Yes."

Martha Luft: "Okay. As I said, the major legal challenge that had been raised at the last Board meeting and in subsequent written comments submitted to the Board, focus on whether the nature of these charges is truly a fee or is it really a tax. From a legal standpoint, what one calls it is not determinative. One has to look at what the purpose is behind the charge. And it's very clear that and well established in the law that a purpose behind a tax is to raise money for support of the government in general, whereas a fee is defined or the purpose behind a fee is to impose the cost of a regulation or a restriction that is deemed in need of public control, to impose that cost upon the business or entity (inaudible).

If the purpose is to cover the cost that the local government incurs in terms of either issuance or inspection or enforcement or monitoring of a-- of the area to be regulated, then the imposition of the cost is a fee and it is well established that this is a perfectly acceptable execution of the Town Board's authority.

Another point that had been raised was whether there were many (inaudible) statutes or legislation that specifically gave the town authority in this area and there certainly is. There are two sections of the town law that specifically deal with excavation and with quarries , topsoil, etc. That's Section 130 of the Town Law, Subsection 23, and as well further development, Town Law Section 136 which deals with the areas that the town may regulate

and license. The specific provision of Subsection 12 that the town and the County of Suffolk can regulate the operation and use of land premises for the excavation of sand, gravel, stone or other minerals. This area is clearly within the town's purview. And in addition in the Municipal Home Rule Law, there is a provision that allow for towns to enact local laws that protect and enhance its physical and visual environment. And that's one of the main purposes here in this law.

So it's very clear that this is a fee; the purpose is not to raise revenue for the town of Riverhead. The purpose is to compensate the town for costs incurred in supervising this regulation and furthermore there's clearly a statutory authority enabling statutes in the town to regulate this area."

Adam Grossman: "Thank you very much, Martha. I'm sorry. Is there any questions from the Board members? Phil?"

Councilman Cardinale: "Martha, I have a question. I've reviewed your memorandum and I found it very helpful. However, in one point you indicate the following. It is well settled that where a license or permit fee is imposed under the power to regulate, the amount charged cannot be greater than a sum reasonably necessary to cover the costs of issuance, inspection and enforcement to the extent that fees charged or exacted for revenue purposes or to offset the cost of general governmental functions they are invalid as an unauthorized tax. That essentially is what you were just saying. And I know what our purpose is and so does the Board. But is there any analysis that you have done or could do in regard to analyzing what costs the town will incur in regard to the issuance, inspection and enforcement of this particular statute?

I think Pete's point was just as you're saying. It's not what you call it that counts; it's what it-- and it really isn't the intention that counts. It's whether the town can justify it by indicating that it reasonably does cover the cost of issuance, inspection and enforcement and not more. Have you seen any cases or have you seen any analysis in the cases you've reviewed to that point?"

Martha Luft: "Well, the analysis in the cases that I've

reviewed basically stand with the proposition that this is an area that is very much within the town or county, local government entities discretion. The courts will rely on at the reasonable evaluation of the town board in arriving at reasonable cost. I think, you know, the town is the one with experience in let's say monitoring or issuing permits, etc. in other areas. The town knows what their costs are for what's reasonable."

Councilman Cardinale: "Right."

Martha Luft: "In those areas and by analogy, you know, can rely on that experience in setting fees in other areas. And (inaudible) that is, in fact, what the town (inaudible)."

Councilman Kent: "Would it then be our responsibility to review this-- some interval to find out if our fee is fair and reasonable to the amount of expense that we're incurring to administer this type of program, or monitor this type of action to remove the sand? Do you understand my question?"

Martha Luft: "Yes. I understand what you're saying."

Councilman Kent: "Would it be every two years or would we have to-- "

Martha Luft: "I did not see that there was any specific requirement in that regard, you know, not that there is a certain standard every two years or as you said every five years of municipalities at large to review it. I think that's again, something inherently within the municipalities' discretion if it comes to their attention or if in administering the program it appears, again, in their reasoned judgment that they're off either one way or the other. Maybe fees need to be raised. Certainly I saw more cases in which a raise in fee was the issue rather than reverse, but overall this is something very much within the discretion of the municipality and the-- if there is a reasonable and rational basis for a municipality to set a fee, the courts will uphold it."

Councilman Cardinale: "So, if I understand you correctly, assuming we pass this, there ought to be in a file somewhere since Pete and his clients will undoubtedly challenge it because there's

real money involved, of a reasonable and rational justifiable basis that this particular fee does not run afoul of the section of the law that I just read. In other words, there would have to be a backup analysis I would imagine somewhere, because that's exactly what will be called for in the litigation."

Martha Luft: "Well, yes."

Councilman Cardinale: "Am I wrong in saying that? In other words, if you are going to attack this law, you're going to-- that it might be passed-- you would say it's not reasonable. And we couldn't just go in there and say it's reasonable. I presume we'd have to have some kind of an analysis to present that it is, in fact, reasonable because these are the costs that we incur in you know, (inaudible) the property and inspecting and enforcement. Monitoring. Yes."

Martha Luft: "Yes. I mean, again, I didn't find something that specifically (inaudible) report is required to be filed in you know the town's record to that extent. I think, again, it's something that's within the town's-- if the town in responding to a lawsuit were to say that these are the factors we considered, you know, this is how we arrived at it. We have experience in this area and this is what was deemed reasonable by us, I think that would be sufficient. I think the more backup one has with that, the better, but I don't believe there is a specific requirement of a-- in terms of a formal report or evaluation. I think if this is the considered judgment and experience of the town, then that (inaudible)."

Councilman Cardinale: "Thank you."

Supervisor Villella: "Thanks a lot, Martha. Would anyone else like to speak on this issue? George."

George Schmelzer: "The -- "

Supervisor Villella: "State your name."

George Schmelzer: "My name is George. You said-- I'll take your word for it. It seems like some people like to control other people's land as long as it isn't theirs. (inaudible)

Again, somebody put the subdivision on farmland, you've got to take the topsoil off where the road is. Did you ever see a road that's paved on top of topsoil after they have a cold winter? The topsoil will freeze and it's all mush. Because it loses its tightness. (inaudible)"

Supervisor Villella: "This just makes sure they take off the right amount and they don't go under either."

George Schmelzer: "That's right. The town doesn't have to charge a dollar. It doesn't cost them that much to oversee it. They are supposed to have some brains. You are bureaucrats here when they approve a subdivision, that they know what to do. They tell them to do everything but the right thing."

Supervisor Villella: "I think we should hire you, George, and be in charge of the monitoring of these properties."

George Schmelzer: (inaudible)

Supervisor Villella: "That's your prerogative. Thank you."

George Schmelzer: "What's prerogative?"

Supervisor Villella: "That's your choice."

George Schmelzer: "Yeah, so it gets to be silly sometimes. Like (inaudible) unsafe buildings. To me there's only one unsafe building in town-- "

Supervisor Villella: "Town Hall."

George Schmelzer: "-- the town owns it. So (inaudible) there's no danger in it, really, come on. Gets a little silly after a while."

Supervisor Villella: "George."

George Schmelzer: "As far as topsoil is concerned, a sod farmer takes off topsoil (inaudible). There it goes."

Supervisor Villella: "You're right about that. I checked

into it. You mentioned that two weeks ago. I checked into it. You're absolutely right."

George Schmelzer: "I've got some papers home-- "

Supervisor Villella: "Thanks a lot, George, really appreciate it. Got to give somebody else a chance."

George Schmelzer: "Well, good enough. Thank you."

Supervisor Villella: "Anyone else like to speak on this? If not-- "

Adam Grossman: "Vinny, I have just a couple of comments before we close the public hearing."

Supervisor Villella: "Yes."

Adam Grossman: "I just want to state just as a follow-up to the issues that were raised at the last Town Board meeting besides the issues that Martha outlined just before, that amont the changes that we're going to be putting into this proposed amendment is that it's the amendment as-- what I hope will be adopted by the Board-- is going to specifically state that residential excavation will be excluded and additionally that sand-mining activity will be excluded from this particular amendment to the code.

Additionally, it will be explicitly stated that the costs associated with the fees that were discussed earlier in this amendment will be considered to be administrative costs and for those of you viewing, the purpose of those administrative costs will be to cover the costs of town employees going to the sites and doing inspections to make sure that the amount of material that's being removed from particular sites, not just the amounts that they have informed the Town Board, in fact, alleged to the Town of Riverhead that they intend to remove from the site. That's all. I just wanted to add that to the record."

Supervisor Villella: "Before we close this public hearing. I am going to close this tonight, Chris. I declare the public hearing closed. That's it."

Maureen Liccione: "I just wanted to-- "

Supervisor Villella: "Oh, excuse me. I'm sorry. I'll re-open it again."

Maureen Liccione: "Maureen Liccione, from Twomey, Latham, Shea & Kelley. I just wanted to clarify one thing. I think we're only (inaudible) sandmining fees to the extent that it's not regulated by the state of New York."

Adam Grossman: "Yes."

Maureen Liccione: "Okay, I just wanted to make sure the record is absolutely clear."

Adam Grossman: "Okay. Thank you."

Supervisor Villella: "Now I would like to declare the public hearing closed."

Public Hearing closed: 7:39 p.m.

Supervisor Villella: "Barbara, you were doing the one that you said we couldn't do."

Barbara Grattan: "Okay."

Supervisor Villella: "Which one was that? There's three of them."

Barbara Grattan: "The 7:05 and the 7:10 and the 7:25 public hearings will not be heard tonight because they were published in the paper for Riverhead Town Hall. They are being heard I think on June 2nd. So you want to do the 7:15 one?"

Supervisor Villella: "Yes." You can read the public hearing of 7:15, Barbara."

Public Hearing opened: 7:37 p.m.

Barbara Grattan: "I have affidavits of publishing and posting of a public hearing to be held at George Young Community Center, Jamesport, New York at 7:15 p.m. on May 19, 1998, to hear all interested persons who wish to be heard regarding an amendment to Chapter 58 entitled Dogs, Section 58-4 Redemption of Impounded Dogs and Section 58-8 Penalties for Offenses."

Adam Grossman: "Okay, for members of the audience this is something normally that Councilman Lull would be doing since this is his area of expertise. However, there are going to be just some minor changes in Section 58-4 of the Riverhead Town Code entitled Redemption of Impounded Dogs. Under Section A, we're changing the time period for how long the dog will be held, for a minimum time period of seven days rather than a period of five days. Under Subsection 3 of 58-4 at the very bottom, the change is again from five days again to seven days. And under 58-8 Penalties for Offenses, the change is-- actually I'll just read this whole-- it's fairly short. Any person owning or harboring a dog in violation of any of the provisions of this article shall be guilty of a violation punishable by imprisonment for a term not in excess of 15 days and/or by a fine of not less than-- rather than $10, the new fee will be $25 for the first offense and/or not less-- rather than the current fee of $25, $50 for the second offense and/or not less than the current fee is-- actually it's the same, $100 for any subsequent offense, and instead of for just not more than $100. Those are the proposed changes which are-- to the code which is the subject of this public hearing."

Supervisor Villella: "Thanks a lot, Adam. Would anyone like to speak on this? Dog holidays. You've got to multiply it by seven. If not, I declare the Public Hearing closed."

Public Hearing closed: 7:40 p.m.

Public Hearing opened: 7:40 p.m.

Supervisor Villella: "The time of 7:40 has arrived. Barbara, would you like you read the public hearing, please."

Barbara Grattan: "I have affidavits of publishing and posting of a public hearing to be held at George Young Community Center, Jamesport, New York, at 7:20 p.m. on May 19, 1998, to hear all interested persons who wish to be heard regarding an amendment to Chapter 108 entitled Zoning, Section 108-3 Definitions Retail Store or Shop."

Adam Grossman: "Yes. This public hearing is regarding an amendment to Chapter 108 of the Riverhead Town Code which is part of the zoning-- 108-3 Definition of Retail Store or Shop. What this particular amendment is proposing to do is to clarify an issue that is not entirely clear in the Riverhead Town Code that is where thrift shops are to be located within the Town of Riverhead. Essentially what this amendment does is it allows thrift shops only by special permit of the Riverhead Town Board so that the Riverhead Town Board can determine where any thrift shops within the Town of Riverhead will be located. And that's the subject of this public hearing."

Supervisor Villella: "Thanks, Adam. Would anyone like to speak on this? Yes? Yes, please."

Richard Morrison: "My name is Richard Morrison and I'm from (inaudible) and basically, well, there's a few things I'd like to say. My understanding from the article that was in the paper was this zoning change has been promoted by a permit that we put in on a building that we own on 114 Griffing Avnue, was when we first purchased the building, it was our understanding that we could do-- we would open up a thrift store there, that we could do so because it was a retail operation. And I also want to say what we're trying to do after running homeless shelters for about 12 years now, is try to expand and I guess kind of bring not-for-profits to kind of a second level where we really want to see it be workfare and not welfare and try to take people we've been working with and give them job opportunity, job training and, hopefully, even jobs, by opening up not-for-profit businesses. So, our intent was good. We did not try to start anything, and certainly we're trying to work with the Town, the Board, in every way we can.

I was very confused by this getting, you know, getting caught in any kind of conflict especially like I said what we're

trying to do and I just-- I would just like the Board to be open to the reality that not-for-profit need to do the kind of things we're trying to do and the case in point would be in that particular building-- that was an eyesore to the town. It was in horrible shape. We put it about $70,000 into that building and we see ourselves as part of the solution and we certainly hope that you folks, you know, can support that because that is our intention. We don't believe that people should be (inaudible) and it's back to the parable, you know, when you get a person-- a fish, (inaudible), you teach a person to fish, you feed him for life. And I don't want to see something become-- how do I say? We push thrift stores and the ability to help downtrodden people or even appeal to provide jobs and get people off-- going off of welfare-- how do I say? Held back in any manner. And hopefully we can have an ongoing positive relationship to do that and I hope this is something that is (inaudible) or has any affect to get that."

Supervisor Villella: "We do have a workfare program. Is that what you're saying?"

Richard Morrison: "Actually we even started-- we tried a construction company called Workfare."

Supervisor Villella: "No. Because that's-- "

Richard Morrison: "Yes. That's the idea of what we're trying to do. Yes. That's absolutely correct. And try to take even some of the folks-- our first intention in developing these programs were to take the folks from our homeless shelters and try to give them job training and job opportunity and very honestly we're having a very hard time getting the help to try and do that and yet if we get the help that we need to do it, we believe we're going to get a number of people off welfare; we're going to help save taxes; we're going to help the real victims of this is the children, not just the communities, and that's really where we're coming from. And I say this as a licensed social worker and as a certified psychotherapist and that our intention is to do exactly that. To make a difference; to make a change. And not to be so narrowly focused and say we only deal with this but we should be dealing with it all. And I have a philosophy that some of my colleagues don't like me to

expand on but that is I'd like us to put ourselves out of business, from the standpoint that there are no more homeless and there is no more need or we go on to the next problem that society needs us to lick. And, again, I'd just like you people to stand by us and we do this."

Councilman Kwasna: "Could you go into a little bit of detail of what you would be selling, what your definition of a thrift shop is?"

Richard Morrison: "Sure. Sure. That's important to me because that was part of the confusion when I talked to the Building Department when this came up because what I was told was we were not a retail because we had-- we only had used things. I said that's not true. Some of what we did was go out to auctions and so forth, places that were going out of business and either bought stuff or got it donated so there's brand new stuff in our shop and there's used stuff in our shop. And that's why even in the article when I went back (inaudible), I saw that you could have in this-- what is this, Business D-- Section D, you could sell used cars, used boats, one of my thoughts was, then why can't you sell used blue jeans. So, we-- us, we're selling whatever we can. And whatever, you know, if we get a good opportunity in an auction or something like that, (inaudible) was very kind to us and donated a bunch of new lamps and lighting fixtures and so forth, that sort of thing we're selling and so forth. So, it's a mixture of both. That's why I didn't understand how they were differentiating between what was retail and what's not-- sell some things that are used in that business zone, like I said boats or cars or whatever (inaudible). So we have both."

Supervisor Villella: "You know what I would like to do? I would like to invite you to one of our work sessions and have you come in front of the Board and explain exactly what you do and everything, upstairs and downstairs, the whole building. I think that would be a great idea, you know, this way we could have a dialogue. If you could do that as soon possible. Edna, would you just like to take the information-- "

Councilman Kent: "One second. Mr. Morrison, is that your name? Before you leave, this amendment does not prohibit thrift

shops from those districts. It only makes it a special permit use giving us the discretion to revirew the site to see if it's appropriate for a thrift shop to be within this district."

Richard Morrison: "I understand. All I'm-- "

Councilman Kent: "Okay. I just want to make sure-- we're not outlawing them or prohibiting them in any way."

Richard Morrison: "I understand that, too, but, again, where that may be, I don't know. And all I know is when we came in we were-- legally I was advised that we could do this and as we did it and we opened it, we then got hit with you can't do that, it's not in the code, and I said what code? We're a retail operation; I was told almost exactly-- I'm not sure how to say your last name-- Kwasna-- exactly what was asked of me, you know, from the standpoint of what are we selling and then the differentiation between some of those things.

I do understand what you're saying. I just needed to express also from our standpoint that it's not just poor people also that go into thrift stores. Also rich people or medium whatever -- not just rich people, but ordinary people shop there as well. So I think ultimately we're an asset and done correctly, I think we could be an asset."

Supervisor Villella: "Thank you very much."

Richard Morrison: "Would anyone else like to speak on this? Yes?"

Mary Morrison: "My name is Mary Morrison and I just need to know why you need a special permit for a thrift store-- for you to have used clothes-- you don't need a special permit to have a used cars. What's the difference?"

Supervisor Villella: "Do we have any answers on that, Adam?"

Mary Morrison: "Why do you need to control thrift stores and you don't need to control used car lots?"

Councilman Kent: "Maybe we should be controlling them also."

Mary Morrison: "But you're not. Why should it be thrift store?"

Supervisor Villella: "Well, that's something-- we're changing the code as we go along. There's a lot of things we are going to be changing, because the code hasn't been revised in quite a while and it has to be updated. But, Adam, do you have anything you'd like to say on it?"

Adam Grossman: "Well, yes, just to add to Vinny's comments on it. We're taking a look at a lot of different areas of the town code, you know. The fact is that the Riverhead Town Code in certain areas is not addressing legal issues the way it should be. And so we're trying to make sure there isn't any confusion and that's really why this issue was addressed because the Riverhead Town Code really as it currently is written didn't adequately address this issue. Maybe-- I guarantee you, that there are going to be many other issues that are going to be similar to this where we're going to be making clarifications of the code and in some instances more than clarifications, like the, you know, the public hearing from just before-- a more substantial amendment to a particular chapter. That's going to be ongoing with this Town Board."

Mary Morrison: "But is this going to mean you might need special permits for used cars and bars? (inaudible)-- a used car and you have to get a special permit for a thrift store. I don't-- "

Adam Grossman: "Right. Well, I mean, there is some uses in different zones that are permitted uses and the idea really behind this in terms of the way in which the code is set up, is to have certain uses that are permitted in certain zoning districts in the Town of Riverhead and we want to make sure that the zoning that is done in the Town of Riverhead, the zoning ordinance itself makes sense and works. And when we have somebody that, for example, comes to us, you know, looking to open a thrift store or looking to open other-- certain other types of industries or businesses, it may be that the town code doesn't adequately address that issue, that's the reason that this is being brought up."

Mary Morrison: "Okay. Being that you're deciding that, if you denied our permit (inaudible) where do we stand?"

Adam Grossman: "Yes. That's really a question for the building department. Okay. And I wish I could give you a definitive answer to your question, but I haven't had a chance to review exactly what has transpired with, you know, the permit application."

Mary Morrison: "So, where do I find out that we were denied a permit to run a thrift store when you guys aren't even clear on where thrift stores can be-- but we were denied."

Councilman Cardinale: "Is Leroy Barnes here?"

Adam Grossman: "He was just here. Mr. Barnes, the head of the building department, was just here a moment ago and I think he may be able to address the concern that you are raising."

Mary Morrison: (inaudible)

Councilman Cardinale: "Leroy, could you give us the status of the appliction of the Morrisons? Are they approved, unapproved?"

Leroy Barnes: (inaudible)

Councilman Cardinale: "On what basis?"

Leroy Barnes: "Pending public hearing-- "

Supervisor Villella: "This is the public hearing we're doing right now."

Councilman Cardinale: "That's all right. But I don't understand how a new-- I share her question. How would a new law, a new ordinance affect her pending application?"

Leroy Barnes: "I'm really not familiar with the case."

Adam Grossman: "Yes. Phil, I don't think that the new proposed public hearing was directed at their application in particular, but my recollection is, and Sharon Klos from the

building department did the background work on this, was that their application was denied, you know, and the basis of that denial should be in the file in the building department."

Councilman Cardinale: "Right. Yes. So we agree, Adam and I, that if you were denied, it has absolutely nothing to do with this. And this cannot worsen your position in any way. However, if you were denied in a manner in which you can correct, I'd do that pretty quickly. Because, you know, at this point, they're telling you you are denied, they can't deny you upon an ordinance that hasn't been passed."

Mary Morrison: "I know. I put in another application."

Councilman Cardinale: "Good move."

Mary Morrison: "I was told I could not go to the ZBA."

Richard Morrison: "I'm sorry."

Councilman Kwasna: "Just state your name again, for the record."

Richard Morrison: "Richard Morrison. I believe we were denied based on the fact that what's being corrected now because the question that was asked to me was-- what was put to me was we were not retail. What we were doing was not retail. When I asked what was retail, then I go back to that question, there was no code that was there. So we had the paperwork at our office, you know, with the one-- the line that says, whatever, denied-- "

Councilman Cardinale: "Well, logically it seems to me that if your application established in the building department and the town attorney's office that there was confusion and therefore it requires new legislation to abate that confusion, you should be in good shape because, well, the logic you're using. But next time you may not be in such good shape. But it seems to me you're in better shape if we pass this."

Supervisor Villella: "We'll discuss that at the work session. That's why I want you to come in front of us."

Richard Morrison: "Thank you."

Supervisor Villella: "Thank you. Go ahead, Bill."

William Kasperovich: "William Kasperovich from Wading River. There are some merits to having the town board or any official body within the town act on its own special permits but this means to say that if Tiffany's opened a store down on Griffing Avenue and sold you diamonds that they would be treated in the same manner?"

Supervisor Villella: "You like diamonds? Adam likes diamonds, Bill."

William Kasperovich: "Or (inaudible). Some of these would (inaudible) it seems something doesn't-- "

Supervisor Villella: "Adam would like to talk to you-- "

William Kasperovich: "He can wait for a minute. I live-- when zoning was established, I was made in Zone B. The entire area didn't conform to any part of Zone B. The understanding was by special permit, by permission of the (inaudible). Today that seems to be forgotten. I've been (inaudible) in Zone B for 20 years. And yet (inaudible) a situation if it's people (inaudible) and then we're going to make a law so this should not be repeated, this doesn't make sense for good government. What are we protecting?"

Supervisor Villella: "Bill, that's the reason we're changing a lot of the zoning-- the codes that are in the book because we believe in what you say is true with some issues."

William Kasperovich: "Well-- "

Supervisor Villella: "I hope you're not lobbying to have the zoning changed."

William Kasperovich: "Zoning is an end to one type of problem, a major problem, but it is not the answer. And when we start to introduce special permit into the town code, we didn't think that the (inaudible) scheme would come with a wide (inaudible)

smear things any way they please. So, the special permit is not the true answer."

Supervisor Villella: "Can Adam speak on that? Adam."

Adam Grossman: "Yes. I just want for further members of the audience and people that are watching that the proposed change is regarding the definition of a retail store and definition of a thrift shop. The changes-- the definition of a retail or shop will be a building dedicated to sale of-- and this is the change -- goods that are new or goods-- either new goods or goods having added value through age or uniqueness. That is part of the definition of a retail store. So that something that has an item being sold which may be a previously owned product such as diamonds, jewelry, that may have added value to age and uniqueness, in this case in all likelihood both those cases would not be a thrift shop, it would be a retail store. All right. So we're using-- we're changing the language to clarify the definition of a retail store so that items, something such as an antique shop or something such as a jewelry store that is selling jewelry which is jewelry that is previously owned, is not under the definition of-- or I should say is under the definition of a retail store.

However, under the definition of a thrift shop which is being added to this proposed change, a thrift shop is defined as a building dedicated to the sale of goods either new goods or goods having no added value through age or uniqueness in small quantities to the general public, which goods may be brought to the premises in their finished state or improved at such store or shop prior to sale.

So we're just trying to define through the definition section of the Riverhead Town Code exactly what a thrift shop is and what a thrift shop is not. And so a jewelry store or an antique store would be a retail store, not a thrift store, pursuant to this proposed change."

William Kasperovich: "If the Town Board was as diligent as our town attorney is, we wouldn't have an outlet store in the town. The definition of (inaudible) was maneuvered and bandied around in many directions and nobody would face up to the fact

that what is (inaudible). Here it was a matter of (inaudible) a small thing that would (inaudible) or something that (inaudible). One man's trash is another man's treasure."

Councilman Cardinale: "Bill, I'm going to try something unique tonight, I agree with you."

William Kasperovich: (inaudible)

Councilman Cardinale: "I agree you-- actually agree with you so that means that you can stop now. Because-- and I think those agree-- "

Councilman Kent: "We have to revisit this. I just told Adam I think we need to revisit this at a work session, probably republish the posting and rehear this at a later date."

Councilman Cardinale: "Because you pointed out to us there are language difficulties with the distinction between thrift and retail which you are correct on."

William Kasperovich: "Let's keep in back of our minds that on Main Street, the Salvation Army, has been doing a wonderful job-- "

Supervisor Villella: "Churches, too."

William Kasperovich: "-- for many years. Many things are trash and many things are real treasure. They are serving an admirable purpose and doing well. Let's not forget it. We can't discourage-- we better encourage."

Supervisor Villella: "I really appreciate that, Bill. Thank you very much."

Councilman Villella: "Thank you."

Supervisor Villella: "Would anyone else like to speak on this? I think there was one other hand I saw before. If not, I declare the public hearing closed."

Public Hearing closed: 8:03 p.m.

Public Hearing opened: 8:03 p.m.

Supervisor Villella: "The time is 8:03. Barbara, would you like to read the next public hearing, please?"

Barbara Grattan: "I have affidavits of publishing and posting of a public hearing to be held at George Young Community Center, Jamesport, New York at 7:30 p.m. on May 19, 1998, to hear all interested persons who wish to be heard regarding an amendment to Chapter 46-A of the Riverhead Town Code entitled Architectural Review."

Councilman Cardinale: "Vinny has asked me to introduce this hearing and to explain this but I don't have the file but I know what it's about. I was looking to see if it's been published. One of the more amusing moments with my first work session with the town was when one of the staff came in-- Brenda-- came in with a whole slew of signs which three of the five of us had to approve. It occurred to me that I know absolutely nothing about signs; I know Chris knows very little, if anything, at least about signs I know he knows very little. Vinny likes certain colors but knows nothing else, so it seemed to us that the Architectural Review Board was far better-- far better situated to do this kind of review and approval, particularly since they were recommending anyway and we were following their recommendations. So this amendment would allow them to have the final say. However, in the tradition of the last word, I guess, the town board will be the last bastion of appeal if you really disagree with them. And we hope that by this we will cut 15, 20 minutes off the work session where we can do something more profitable for the people of the town. That's basically what it does."

Supervisor Villella: "Would anyone like to speak on this? Do you have a sign, George? We're giving them the okay to go ahead and do the final approval, the Architectural Review Board."

George Schmelzer: "Signs or buildings, or what?"

Supervisor Villella: "Signs."

Councilman Kent: "Sign applications. When you come to the town, you want to put a sign up. You make an application; you go

to the Architectural Review Board. That's going to be-- if they say yes, you don't have to come to the town board."

George Schmelzer: "You've got to have an architect to make a sign?"

Councilman Kent: "No. Architectural Review Board doesn't mean you need an architect."

George Schmelzer: "This is sign language you're talking about?"

Councilman Kent: "Yes."

Supervisor Villella: "That's it. George-- sign language. Anyone else like to speak on this before I close the meeting? I declare the public hearing closed."

Councilman Cardinale: "I want to say one other thing-- "

Supervisor Villella: "Phil wants to say one more thing."

Councilman Cardinale: "There's also a-- Councilman Lull is working diligently on a new code-- in order to not disavow our legislative task, there's going to be a code passed which will tell the Architectural Review pretty much what they should be looking for and they're going to implement it. So that will be passed and that will also be an assistance to them and the town board will always be the last review board anyway. And that's all I wanted to say."

Supervisor Villella: "(inaudible) Promise, okay. Declare the public hearing closed."

Public hearing closed: 8:06 p.m.

Supervisor Villella: "Before we go into the comments everybody, we have five minute limits on it, I would like to-- Tom, can you please come in-- Young & Young. We've been getting a lot of phone calls in the last week on (inaudible) area, drainage

problems and we want to clarify everything because we didn't know what was going on at the time so we made some phone calls. People were angry so we want to let you know exactly what's going on."

Tom Wulfratt: "Is this on? Good evening. My name is Tom Wulfratt. I'm an engineer with Young & Young of Riverhead. And as the Supervisor pointed out, we're going to try and provide a description of the existing drainage facilities in Mesta Vista (phonetic) as well as an overview of the new project that is currently under construction together with some of the problems and delays associated with that construction and finally our assessment of the flooding problems that we've been made aware of.

This is Doug Adams from our office and he's going to help point out some things on the map so I can (inaudible). Mesta Vista is the subdivision that was done by Young & Young approximately 10 years ago. It's on 90 acres of property resulting in 65 regular (inaudible) lots and there is a series of drainage systems that accommodate street runoff throughout the subdivision.

Beginning at the north end and maybe Doug could point this out, we have an area-- in drainage we talk about tributary areas and basically I'm going to talk about four tributary areas within this 65 unit (inaudible). Beginning at the north end of the property which some people refer to as the back, we have a series of catchbasins and those catchbasins collect storm water and where it's then piped into a series of leaching pools which were designed to store one inch of rainfall. Anything above one inch overflows through a bubble basin and enters the adjacent wetlands to the west of the development. And that scenario really applies to probably the north half of the project and there's three such systems of catchbasins, leaching pools to accommodate one inch of storage with the overflow going into the fresh water wetlands to the west.

At the southern end of the property again we have a system of catchbasins, leaching pools and overflow pipes which discharge currently into the drainage basin which is at the south end of the development and just on the north side of Peconic Bay Blvd. That storage area was designed to accommodate a five inch rainfall. Now what happens after that? Well, in the event of a six inch or eight inch rainfall, this system will overflow into the

adjacent wetlands to the west and also probably onto Peconic Bay Blvd. and find its way to East Creek which is slightly to the left.

That pretty much describes the existing drainage system and now if you flip that map over I will provide an overview of the new drainage plans. While Doug is doing that, I'll just say in general that the new drainage plan is supposed to be an improvement over the old. The improvement is that in the past 10 years there's new technology and we talk about (inaudible) filtration system. We actually talk about cleaning up the stormwater before it discharges back into the ground which ultimately flows into Peconic Bay. Because the direction of the ground water flow in this area is from north to south so the water-- ground water is always moving below the ground surface from north to south in this area and this project was awarded a state grant, okay, so this project is being funded partly using local funds in the form of town (inaudible) drainage bond money and 50% of it is coming from the New York State Department of Environmental Conservation grant in the amount of $64,500. So they thought this was a good idea and we're trying to clean up storm water.

We also talked about this in terms of mitigation of storm water runoff attributed to highway runoff. What kinds of things are removed from the storm water? Well, there's silt, there's phosphorous, nitrogen, pesticides, oil and grease. Anything that might run off a residential lawn or (inaudible) from a car and end up in the collection system, that ends up in the bay. So this plan and Doug if you would point to the north end-- what we're doing is we're intercepting the water that now discharges directly into this pond at two places and we're going to pipe it first to the west, then south, and then back east again where it's going to go through first (inaudible) where sediments will be settled out and it will wind its way through this (inaudible) filtration system where certain types of wetland species will actually remove the (inaudible) from the storm water before it enters the aft bay and then an out(inaudible) structure back into the pond where it is going right now.

So I think it's important to know that this plan is not increasing the amount of storm water that is in this pond; it's merely diverting it and we're making an effort to clean it up.

Okay. Construction schedule. This contract was bid out last summer, 1997. The contract was awarded in October of '97 and the contract was signed with Terry Construction Materials of Riverhead in January of this year. The work started in February and then the rains came. When the rains came, the contractor had difficulty installing the drainage pipes on the new plan to the proper grade so he had to suspend his operation because he was battling a high water table.

We meet with the contractor and decided that we need to find a solution. So he said, well, I can dewater but I need (inaudible) from the State DEC. We said okay. In April-- April 14th, we applied to the State DEC for an amendment to the existing permit to allow his contractor to perform his dewatering. Nine days later we received from the DEC an amendment to that permit to allow him to dewater. All right. So now we're April 23rd. The contractor is getting ready to mobilize and go back to work on or about May 1st, started 12 consecutive days of rain. And the water just kept rising and rising and rising. So to this day, the contractor has been-- has a permit in hand but the contractor has not been able to practically go back to work and accomplish anything until the water recedes.

The water is on its way down. It's going to take a little longer and I understand from the contractor that he has remobilized and he will resume construction this week.

Okay. We can flip to the next page. What we did on this was to develop a graphic representation of what we think might be happening and the problems associated with a high water table. And bear in mind, South Jamesport is not the only place on Long Island that is complaining of high water tables. Our office is getting calls from Smithtown, from Islip, everybody is (inaudible) the same thing. In 20 years I never had water in my basement and all of a sudden I do now. Can you come out? In any event, this graphic depiction shows on the left side of the map which in surveying or engineering terms is in the southerly direction, you see a body of water. That's the existing recharge area that is in the development. The blue area to the north is the wetland that's towards the back of the development. We have some depiction of some homes and the top of the gray shaded area is the normal water table. The red line that you see slightly above

that is the elevated water table. Okay. You can see that that has intercepted these homes, in particular the basements above the basement floor elevation. Now if the basement is not waterproofed, that translates into water in your basement. I have water in my basement; I just finished pumping recently so I know what this is all about.

The only thing that I would like to add in this as far as precipitation, Newsday prints a weather page and they have an almanac and they talk about monthly precipitation. The average monthly precipitation in the month of May-- or the first half of the month, is something like two inches. Well, we've had six inches so far this month, or three times the amount of normal precipitation. As far as accumulative precipitation which starts January 1st through May 15th, the normal is 17 inches of precipitation. We've had 34, double.

I think that is all that I have to present and I-- Doug and I will be happy to try and answer any questions from-- "

Supervisor Villella: "I'll go back to the table; then we'll get the people to come up. Before we go into the cards because I know some of the cards people wrote about are on this issue, so I'll just ask for people interested in speaking on this, if they'd like to come up, they're welcome to. Would anyone like to speak on this issue? Yes. Come up. Yes, sir. Thank you."

Ed Reidman: "My name is Ed Reidman. I live in the Fairhaven development, just directly south of Mesta Vista. I've been living there 25 years and (inaudible). In front of our development we have two entrances, east and west. The west is the worst. Right now we've got four inches of water halfway on our road. We have to come out through water and we have to go in through water. This has been going on for 25 years. I think we've written about 10 or 12 letters all through that period from our association asking for help. We never did get any. We have school children-- God forbid when they get into some of these puddles, waiting for a bus in the morning, it gets to be ridiculous. In the winter it freezes up and it's a perfect hazard to traffic in the winter time and those of us that have to come in and out of our development. You dare to put the brakes on, you'll have a 15, 20 foot stretch of ice.

I would like to know are we given any thoughts in this matter, that is our development? We're still taxpayers same as Mesta Vista. However, we just seem to be-- we haven't heard anything mentioned of our problem which is on the south side of the (inaudible). And I'd like to know, is there any chance that we become part of this?"

Councilman Kwasna: "Sir, Tom, are you working on that drainage project? Who worked on the Peconic Avenue drainage project?"

Tom Wulfratt: "We're not working on anything on the south side of Peconic Bay Blvd."

Councilman Kwasna: "Kenny isn't here, right?"

Supervisor Villella: "No. He's not."

Councilman Kwasna: "I do believe we are putting drainage along that area before we pave Peconic Bay Blvd. That's what we're waiting for before we do the new paving."

Ed Reidman: "We've had no relief--"

Councilman Kwasna: "Well, I know that. This is in the works. This is in the works."

Ed Reidman: "We've heard this before."

Councilman Kwasna: "Tom, do you have something on it?"

Tom Wulfratt: "It just jogged my memory. We are working on a drainage project on Boulevard at Holly Tree Lane which is close to the town beach."

Councilman Kwasna: "Which I believe incorporates the streets entering from Fairhaven."

Ed Reidman: "I'm not (inaudible) we're directly south, a little to the west."

Councilman Kwasna: "It's the first streets east of the town

beach."

Ed Reidman: "That sounds like the right area."

Councilman Kwasna: "I know we do have a drainage problem there."

Ed Reidman: "(inaudible) the town beach. Right."

Councilman Kwasna: "Yes, we have a drainage project in the works there right now which we're waiting for the contractor to come in and complete because we also have the money for repaving all of Peconic Bay Blvd. which was supposed to be done last year. The contractor has held us up in putting in the drainage in your area and other areas along there by the town beach and, hopefully, will be done this summer."

Ed Reidman: "I hope we get some response because it's been a problem for many, many years, and-- "

Councilman Kwasna: "Yes. We're aware of that and that's why we went out to bid on it last year and, hopefully, it will get done this summer."

Ed Reidman: "Well, we're going to keep an eye on you through our association-- "

Councilman Kwasna: "Okay. I'll let you know."

Supervisor Villella: "Excuse me. Edna, could you take his name and phone number and I want to get in touch with Ken Testa just to see what's going on with that project."

Councilman Kwasna: "See if we can get you an updated date of when they're going to be in there putting in the drainage."

Supervisor Villella: "Could you go to Edna? Anyone else like to speak on this issue?"

Joe Maragni: "My name is Joe Maragni. I live in Mesta Vista. I moved to Mesta Vista about seven years ago. I love the area and enjoy year that I was there. This year unfortunately

we have a flood situation. I'm not only speaking for myself, I'm speaking for many of my neighbors, some who live a half mile away from Peconic Bay Blvd. The first time they've ever gotten water in their basements.

Now, one thing I want to ask first of all is, who is responsible for this property? Is this property part of Mesta Vista, or is it part of the town of Riverhead?"

Supervisor Villella: "We-- Adam, you have the latest information."

Adam Grossman: "Yes."

Supervisor Villella: "The roads first of all are still owned by the county."

Adam Grossman: "The roads have been taken over by the county in Mesta Vista."

Joe Maragni: "But this basin-- (inaudible) responsible for this basin. I'm-- "

Adam Grossman: "I'm trying to understand the question."

Joe Maragni: "The residents of Mesta Vista?"

Councilman Kwasna: "Tom? Can you answer that, Tom?"

Tom Wulfratt: "I'm not sure I can, but when the Town Attorney says that the county owns the roads, I would think that they also own the accompanying drainage systems and-- "

Adam Grossman: "Yes. I am certain that-- "

Joe Maragni: "Well, we're not sure. Check that out."

Adam Grossman: "If I could just interrupt you just for a second. There is litigation in connection with the development -- with the developer of the Mesta Vista subdivision that's been going on since 1995. We read in this coming week's-- this week's newspapers that there were two subdivisions. There was Mesta

Vista which is here in Jamesport, and there is Sunup which is in Aquebogue. My office was attempting over the last four weeks or so to see if we can get resolution to all the outstanding issues both at Sunup and Mesta Vista. I was successful in doing so with the Sunup subdivision in terms of getting resolution. However, with Mesta Vista, when I discovered-- when my office discovered just fairly recently that the roads have been taken over by the county, I was unable to resolve this because I can't tell as the Town Attorney, I can't instruct a developer to improve roads and complete work of roads that he doesn't own any longer. So the county is now a part of this and the county needs to be brought in and that's the next thing I'm going to be dealing with with this ongoing problem."

Joe Maragni: "I'm not speaking of the roads; I'm speaking of the property that this basin is in and also the wetlands around our development."

Councilman Kent: "I believe the wetlands are owned by a homeowners association."

Joe Maragi: "(inaudible) responsibility of the residents of Mesta Vista. Now you say now that it is not our responsibility? That the town owns that property?"

Adam Grossman: "No. I didn't say that. I was only talking about the roadways. Regarding-- "

Joe Maragni: "No, roadways, it's not-- I'm talking about the present catchbasin and also the wetlands behind Mesta Vista. My understanding was that that was the property of the owners of Mesta Vista. (inaudible). Because first of all, if I may say this, if we own that property and responsible for it, then nothing should have been done to that property unless we were advised. And if I may say this, that development started in February. Nobody had the courtesy, the newspapers or otherwise, to advise us what was going on. I even stopped and asked the construction people and they completely ignored me. They just said, we're not talking. Now I would have thought a big project like that should have been-- we should have been advised. Not only us, but the people south of us. I mean, you're talking about a major project that's going to affect many homes. We were not

told about it either. And all of a sudden, a sign goes up last week, after four to five months.

Another thing I want to point out. That project has been laid out, there's ditches filled with water, nothing has been done to protect the children. Nothing. Not even a fence around that place. I mean, you are supposed to be protecting us and you talk about protection-- "

Adam Grossman: "Sir, might I be able to address just a couple of the issues that you are raising?"

Joe Maragni: "Certainly. That's why I'm here, I want to hear them, I want some answers."

Adam Grossman: "Okay. Very good. Well, you know, this whole situation really started, you know, quite some time ago. It was back in 1988, I believe, that, in fact, the original approvals for Mesta Vista subdivision were granted by the Riverhead Town Planning Board. You know, Mr. Mooring, Mooring Enterprises (phonetic), was the entity that was going to be concluding improvements. And what I believe was intended was that the roads were going to be completed, the drainage was going to be completed, and then after the completion of that work, the town would accept dedication of the roadways. I think that was the initial understanding.

What happened was, for whatever reason, the work was never completed by Mr. Mooring and Mooring Enterprises. So we have a private entity that really failed the people who live in the subdivision to complete the obligations that he committed to all of you, committed to the town, and under the circumstances, you know, the town wanted to help and see what we might be able to do and that is why we initiated a lawsuit against the developer. And so that lawsuit has been going on now for over two and a half years. And at this point, I want to see if I can help under the circumstances to resolve things. But I do have a bit of a difficulty now because for failure of the developer to pay taxes on the roadway, the county took them over and the county is not just going to give them back to the town or the developer. They're going to ask that those back taxes be paid first. So that process has to be commenced. I was hoping this week to be

announcing not only that we had resolve the issues at Sunup, but that we had resolve the issues at Mesta Vista. But I was unable to do so because of the issue that I raised before.

But I just want to emphasize to you that it was really the developer who was doing all this work that really failed both the people living in the subdivision and the town government under the circumstances, and I'm trying to see what the town can do to rectify the situation. But it's complex."

Joe Maragni: "Well, (inaudible) if I may say so, I don't know how Mooring got off the hook for so many years. I don't know why-- "

Councilman Kent: "The bonds were allowed to expire. The bonds were allowed to expire."

Supervisor Villella: "And, Adam, could you talk about what you plan on doing now with these performance bonds, the meeting that we had, so this doesn't happen again."

Adam Grossman: "We're dealing with lots of different issues, you know, in the town to try to see if what happened at Mesta Vista and what happened at Sunup doesn't happen to anyone in the town of Riverhead in the future. And so what we're going to be doing and this is just a process that is at its beginning stage, is to change the procedure so that rather than getting performance bonds for this type of a construction project, instead, a letter of credit will be required. And a letter of credit is different than a performance bond in that a letter of credit can be called pretty much instantaneously by a municipality. So that we won't go through this process of renewal where it's conceivably possible that a developer can allow the bond to expire and leave both the residents and the town vulnerable and situations like this will not happen.

I can't say it will never happen but I can say that we'll be in much better position to be able to make certain that developers follow through on their promises and in the alternative if they fail to follow through, that we will have legal recourse to be able to call a letter of credit and get the money so the work gets done."

Supervisor Villella: "Also, this weeds out the bad developers because if they can't come up with the line of credit, that means they don't have the money to do the project to begin with and that's where we have problems with. So we're trying to protect the people, that's why we're doing this."

Joe Maragni: "One question I have for Young & Young. It's my feeling that what they have done here is they-- just like the project is titled. The water storm retention. You're retaining water in a water area. I don't understand the economics of that. If you know that you have wetlands, why are we retaining additional water and then the second question I have is when this project is completed, hopefully, soon because it is a terrible eyesore and it's been like that for four or five years-- it looks like a-- "

Supervisor Villella: "When we started getting the phone calls in the last few weeks, that's when we put a lot of attention to it. And that's what you're supposed to."

Joe Maragni: "But what I'm trying to bring out is first of all, as I said, when this project is complete, will the water table come down? I mean you're retaining the water. You're retaining water."

Councilman Kwasna: "Well, let him answer. Do you want to answer that, Tom?"

Supervisor Villella: "We'll let Tom answer that. The water table goes up and down by Phil's house."

Tom Wulfert: "I understand there is some confusion or misconcept of retaining water. When you look at this graphic depiction up here and you see the ponds-- the existing pond, that's a ground water pond; that's not a (inaudible) pond. You could be there anywhere on this property to that depth and you're going to expose ground water. And that's really what we've done here. We've exposed ground water, but the storage or the retention that we have in this design is really the (inaudible) above that ground water table. So when I talk about this drainage pond has the capacity to store a five inch rainfall, that storge is above the water table. That water table will always be there as long as there's water in Great Peconic Bay. And so we're not-- again,

we're not increasing-- we're not retaining water that wouldn't be there whether we had this drainage project or not. That underline water table is always there. It's (inaudible) throughout Long Island. I don't know if that makes it any clearer or-- "

Councilman Cardinale: "Joe, before you go. On the issue of ownership of who owns what and where in the surrounding areas to the lots in Mesta Vista, there's an easy way you can find out. If you go to the tax assessor's office and just ask them to show you that map, they will be able to tell you who owns each of the pieces that are not actual building lots. I-- my suspicion is that the piece we're discussing is owned by the town of Riverhead because I think that is their version of a sump. It was one of the unique ones as I recall, one that didn't have to have a fence around it.

The other thing I wanted to point out is we were remarkably Christian in our commentary on how what happened in Mesta Vista happened. It happened there; it happened at Sunup; it happened at Crystal Pines; and it happened because of simple carelessness on the part of the town of Riverhead. The bond was allowed to expire. What Adam is saying is the system he's going to put in effect will make it less likely to occur, but it should never have occurred. It just was allowed to expire. You have to call it by a given day; they didn't call it, so they had a big party in the bonding company and they're off the hook. And it's happened in at least four subdivisions that I'm aware of; two on Peconic Bay Blvd."

Councilman Kwasna: "It's happened in other towns also."

Councilman Cardinale: "It's happened in other towns, too."

Supervisor Villella: "The bonding company could go bankrupt."

Councilman Kwasna: "The same developer did in other towns also."

Councilman Cardinale: "Thank you."

Supervisor Villella: "Thank you. Yes."

Al Kuchas: "My name is Al Kuchas and I live in Fairhaven. And I have a quick question for the engineering department, Tom there. Eventually from what I understand there's going to be a hookup from the water in the (inaudible) on the south side of Peconic Bay Blvd. down by the town beach road and (inaudible) which was discussed a few minutes ago. Now, once that's eventually hooked up before the roads-- once that's hooked up into the Mesta Vista system project, how is the water going to be brought to the low point (inaudible) to get into their system? Are pumps going to be used? And along that line of thinking, the water that circulates in your project in Mesta Vista, how is that going to flow-- I'm a little concerned about the mosquito (inaudible)."

Tom Wulfert: "I don't mean to answer a question with a question, and not knowing exactly where your property is I'd like to ask you a question. I know you were in our office today and were looking at a set of plans and is that what you're referring to as picking up the additional water that would be in the proximity of your development because you were looking at sheet 2."

Al Kuchas: "Yes. I like the idea. I just don't know how it's going to work."

Tom Wulfert: "I like the idea, too. The-- originally we were anticipating doing a larger project, however, funding did not permit construction of all of the improvements so we together with the town decided to base the construction on money that we had available. I mentioned before the $62,500 grant from the New York State DEC, with a matching fund from the Town of Riverhead. That totals up (inaudible). The overall project is about $108,000 project. So that's where we drew the line. We thought that it was important-- I know it was important to the State DEC to implement this clean up type of effort. So that's where we drew the line. As money becomes available for phase 2, the plans are already in place and that will be kind of a small project to implement."

Al Kuchas: "A gentleman of the board said that sometime during the summer, (inaudible)."

Tom Wulfert: "He's actually talking about another project, (inaudible) Lane which we're currently into the State DEC for a

permit. They (inaudible) have those permits yet. So that's a separate project. That project is actually on the west side of East Creek and I know you expressed some concerns on how we are going to get water and correctly so. How are we going to get water from one side of the creek to the other unless we're going to pump. And we thought about pumping. (inaudible) We thought about converting syphons but we don't really like those who are (inaudible). So really we're talking about two drainage systems and the drainage system near Holly Tree Lane and the town beach, those areas that are west of East Creek, are going to be part of a separate drainage system and not going to be tied into the system at Mesta Vista."

Al Kuchas: "The part on-- east of the-- the section where we are which is east of the town beach-- "

Supervisor Villella: "Excuse me. You have to come up here if you want to speak."

Al Kuchas: "Oh, I'm sorry."

Supervisor Villella: "That's all right."

Councilman Kent: "Al, could you spell your last name?"

Al Kuchas: "It's Kuchas-- K-U-C-H-A-S."

Tom Wulfert: "When I was discussing with Kenny today, he showed me that the drains on the town beach which are at the corner of Fairhaven's property, and one proposed new drain right out in front of Fairhaven property, that they were going to be tied in theory, you know, (inaudible) to their system at Mesta Vista. Now what you were discussing was west of the town beach road, as a separate property. So it sounds like that project is a little bit separate from what I talked about.

Now, the gentleman up here said before the roads are going to be paved this summer, that they figured they were going to take care of that project."

Councilman Kwasna: "We hope we get all the drainage projects finished before we pave the roads so we don't have to tear them

up again."

Al Kuchas: "Are they going to do it?"

Councilman Kwasna: "I'm not sure if they're doing it or not. Did you see plans? You saw plans in the office for drainage by your street."

Al Kuchas: "Right. So, I mean you guys have the funding for that in place or-- "

Councilman Kwasna: "Was that funded, the drainage (inaudible)."

T. Wulfert: "If I understand this correctly, and, yes, I do have a set of plans, the portion of the Boulevard which is east of East Creek which I think is what you're talking about, that was part of the original plan but funding did not permit implementation of that construction. Okay. So that's why, you know, the total plan was $180,000 and the plan that we implemented and signed a contract with Terry was for $125,000. So it includes just the work on Mesta Vista not the portion-- "

Councilman Kwasna: "And this is directly across the street from Mesta Vista."

Tom Wulfert: "It's right into the same system; it's really part of our same plan. It was bid out that way but it was-- "

Al Kuchas: (inaudible)

Councilman Kwasna: "We'll check into it."

Tom Wulfert: "The good news is we have permits for that so it would be relatively easy (inaudible)."

Al Kuchas: "Okay. I appreciate that. And then the second part of the question (inaudible)."

Tom Wulfert: "Yes, the concern about-- we are building a drainage channel where we think the velocity will be such that (inaudible) should not be a problem. It's slow enough that gives the biofilter an opportunity to perform its function."

Supervisor Villella: "Thank you very much. All right. We are going to go to the questions now, five minutes. Bob Tressler? Yes, Bill?"

William Kasperovich: "William Kasperovich, from Wading River. (inaudible) from this area and although I don't follow the (inaudible) I think it's quite unfair (inaudible). The first picture we were shown was a drawing of Young & Young designing the project, for drainage and roads. Everybody keeps saying the developer, the contractor was a bad boy, he didn't do right, he absconded. Nobody seems to be cognizant of the fact that the engineers at Young & Young made a bad guess. Not even a good estimate. It's certainly bad engineering in the sense that the engineer has to decide on the amount, the volume of water to be accommodated, the period of time in months, the intensity of the rain in months, and the annual periodic reoccurrence. So if the engineer designs something that only happens every 20 years, he makes a good economic low priced design. But at the same time (inaudible) in their judgment and they have to stand by it. And this was glossed over very quickly."

Supervisor Villella: "That's your judgment, too. I would like maybe-- would you like to go out in the hallway and speak to him. This isn't the time now for you to say that they did something wrong."

William Kasperovich: "This is the time, this is the time. Because Young & Young is as responsible for this problem as its solution."

Councilman Kwasna: "Bill, I don't think we have a problem with the roads in Mesta Vista flooding; it's the problem we have with basements flooding in Mesta Vista and I don't know if Young & Young did the elevations for the basements for every house that's built in there, that was other individual contractors."

William Kasperovich: "Every place you change the natural flow of ground-- every place you pave over any manner or form be it grass or be it concrete, (inaudible), you reduce the amount that goes into the ground water."

Councilman Kwasna: "Right, but we don't have a problem with

the roads flooding."

William Kasperovich: "The road and drainage work hand in glove. This has been ignored in this township for decades."

Councilman Cardinale: "I'm willing to-- "

William Kasperovich: "I know you have a history of my coming up here and talking about these things-- "

Supervisor Villella: "Phil is going to agree with you again."

Councilman Cardinale: "I'm willing to blame them. I think t was probably their fault. Maybe we can get a reduction."

William Kasperovich: "Well, I think we should get serious inaudible) to resolve this at their cost. The time and the man-ower needed to resolve this (inaudible) should come out of oung's pocket in part."

Councilman Cardinale: "Makes sense to me."

Supervisor Villella: "You've got one more minute."

William Kasperovich: "Well, I think Mr. Supervisor being w to this procedure that I've been (inaudible) for decades at this presentation of this type we should change. You should ve people a chance to see it, look at it (inaudible) so that en it is presented at the town board meeting people can speak telligently.

Now, the other point I want to make is that nothing has anged on this earth. The rain comes down, water's not going to me down dirty. Now, where did this dirt come from? It didn't me from above, it came from some area."

Supervisor Villella: "I'm sorry, Bill. I'm going to have -- five minutes are up. But, we can continue this at another me, me and you, if you would like to speak about it."

William Kasperovich: "Mr. Supervisor-- "

Supervisor Villella: "Yes, Bill."

William Kasperovich: "This is the kind of thing I heard from Stark, Mr. Janoski, and (inaudible). All ignoring a major problem that has existed for decades."

Supervisor Villella: "I don't-- Bill, you have the right to speak, but to say that the project is wrong or right, I don't know."

William Kasperovich: "Well, who knows? Who knows? You present it here in 15, 20 minutes, you expect an intelligent comment on it-- "

Supervisor Villella: "I'll take the blame for this even though it was done two, three years ago. But I'll take the blame for it and I want to have it corrected if there is something wrong. I'll find out if it was wrong or not."

William Kasperovich: "Well, we should also learn from this. Because the first time I said to you (inaudible) describe the road work-- "

Supervisor Villella: "The roads are fine."

William Kasperovich: " -- trying to (inaudible)-- "

Supervisor Villella: "Bill, I'm sorry. Thank you."

William Kasperovich: "In other words I make a point to show you that you're overlooking the major aspect of the-- "

Supervisor Villella: "Of the county roads, I know, I-- "

William Kasperovich: "For convenience of time-- "

Supervisor Villella: "Go see Mike (inaudible) in the county about this. Maybe he can help you out with the roads. Right now I can't take care of that problem."

William Kasperovich: "You're the Supervisor; you go see him. I elected you."

Supervisor Villella: "Okay, we are working on it. Adam-- "

William Kasperovich: "Not we, you."

Supervisor Villella: "We are working on it, Bill. Thank you. Okay, next one. Bob."

Bob Tressler: "Bob Tressler from Riverhead. I'd like to address the what's to be done with the situation at East Creek Marina. As you probably all are aware, that channel (inaudible) is essentially not navigable."

Supervisor Villella: "Right. Only high tide, that's the only way you can get-- "

Bob Tressler: "High tide-- get out of there at high tide. Last Friday, (inaudible)."

Councilman Kwasna: "Are the dredges there now?"

Bob Tressler: "The dredge is gone. What I was told today by the secretary (inaudible), the dredge was supposed to start today to open up that channel (inaudible) and there are legal problems."

Supervisor Villella: "Right. They're on Shelter Island."

Bob Tressler: "So it's unlikely that that channel will be open this coming weekend and really all I want to say is that you've got a very dangerous situation there. Apparently one boat came in through there (inaudible). Two boats in opposite directions cannot pass that channel at the same time. You probably are going to have (inaudible) launching ramp this weekend. And there's going to be an accident. Somebody is going to get jammed in there (inaudible) try to go around them-- "

Supervisor Villella: "We should have our bay constable there - really talk about this problem."

Bob Tressler: "What you should do is (inaudible) long before this last (inaudible)."

Councilman Kent: "I don't know if they have their permit yet either, to tell you the truth. The last-- "

Bob Tressler: "What I was told (inaudible)."

Supervisor Villella: "They have emergency permit coming from the DEC. Right."

Councilman Kent: "They were waiting on that though as of last Friday. They were hoping to have that by today. I don't know if they received it today or not."

Bob Tressler: "Well, there were county workers down there yesterday and told a person at the marina, yes, we got the permit (inaudible)."

Supervisor Villella: "The dredge broke down-- "

Councilman Kwasna: "Are the pipes still there, but the dredge is gone?"

Bob Tressler: "The pipes are there (inaudible). They stay here for the season (inaudible). But it's the 17th summer that I've had a boat at the town marina this one coming up and I've seen that channel in various conditions. We went through this about four years ago (inaudible) that nobody could get in or out. And come springtime the county was going to dredge it. The DEC could not issue a permit because of the piping clover which nest here that time of the year--"

Councilman Kwasna: "I think they're having the same problem this year."

Bob Tressler: "The same problem. So, I mean they should learn from it. Do it in the fall (inaudible) that's going to last at least two years. (inaudible)."

Councilman Kent: "What the DPW, the county Department of Public Works was going to be granted was an emergency permit to dredge a channel that would be 75 feet wide, which is half the normal channel width and in September they would come back and dredge it 150 pursuant to the schedule that they have for dredging.

Apparently they haven't done that yet. I thought they were going to according to the conversation I had with DPW Friday was that they were going to have their permit hopefully by today and that they would start dredging right away."

Bob Tressler: "They have-- "

Councilman Kent: "But now you tell me they have a problem with the dredge."

Supervisor Villella: "It's not the permit. The problem is that they-- the job got messed up in Shelter Island and they're still out there. Then they have-- when they finish that, they're coming to this spot."

Bob Tressler: "Shelter Island (inaudible) the urgency this is because when you have those boats-- "

Councilman Kwasna: "Chris, are you talking to them tomorrow?"

Councilman Kent: "Yes. I will call them tomorrow."

Supervisor Villella: "Because they told us on Friday that they were going to do it."

Councilman Kent: "I'll call the person in charge of dredging tomorrow. At the county, and find out if we can't get that dredge back here to do this job. He's aware that it's a serious condition and the conversation I had with him on Friday was that he was going to try to have the permit today and start the project right away. So I'll get in touch-- if something has changed from Friday to today, I'll have to find out tomorrow."

Bob Tressler: "(inaudible)."

Supervisor Villella: "Thank you, Bob. Ruth Levine."

Ruth Levine: "I'm Ruth Levine and I live at Sound Avenue and I want to speak on the proposed restaurant and mini-commons or shopping center that is proposed on Sound Avenue just west of Edunko Lane I believe it is. And I have a letter that I've written and I have another letter written by Liz (inaudible),

whose mother-in-law was town historian for many years, and my letter says we would like to express our disapproval of the plan to build a restaurant and what sounds like a small shopping center on Sound Avenue west of Zdunko Lane. I hope everyone is aware on the Town Board that Sound Avenue has been designated a historic corridor by the New York State Assembly. This was done approximately 23 years ago. I have a copy of it here which I will be glad to share with you, and we hope that no further commercial development will be allowed on this route. It states in the act by the state legislature that Sound Avenue should be preserved for its historic and cultural and scenic beauty and I hope you keep that in mind when you are amending the Town zoning laws that we don't want any more commercial development on Sound Avenue.

If we open up this route to new restaurants and commercial businesses, we are allowing this beautiful pristine road to become just like Montauk Highway. It will be clogged with traffic. If you look forward to the future in another 20 years, it will probably be just like Jericho Turnpike. So please exercise some vision and try to imagine what will happen if you set this precedent of allowing a restaurant on Sound Avenue. In the past we have only seen pre-existing agricultural related businesses on Sound Avenue and I hope you will not open up a pandora's box and allow more of this development in this area. Thank you from Ruth and Howard Levine.

And the letter from Liz (inaudible) is to the town board. Regarding the proposed restaurant and mini shopping center on Sound Avenue. I wish to state my objection to the proposal. Surely Riverhead has enough shopping centers and stores on Route 58 without having to build them on Sound Avenue as well. Sound Avenue is one of the few rural roads that we have left besides being designated a historic corridor. Let the town board say enough and keep commercialization on Route 58 (inaudible). Sincrely yours, Ms. (inaudible)."

Supervisor Villella: "No, I agree with you what you're saying about retail centers, but there's something-- this isn't a retail-- what it is is the antique store that's there. They're just going to keep that and have antiques. It doesn't mean-- "

Ruth Levine: "Well, I see in the paper that it says that there is a sign for the project which includes signs for a Lobster Roll restaurant, Country Crafts and Collectibles, Savannah Antiques (phonetic), North Fork Nature Company, Gingerbread University and (inaudible) Enterprises."

Supervisor Villella: "Yes. That was just put there on the sign. That's not what's going in. You have to see the site plan. At least that's what we were told, it wasn't going in there like that."

Councilman Kent: "Does Rick have the site plan? Do you have the site plan with you by any chance?"

Rick Hanley: "I couldn't find it because I couldn't get the file."

Supervisor Villella: "No, I know what they showed-- "

Ruth Levine: "Yes. It sounds to me like a commons like we have in Aquebogue. Mushroom Meadows, something like that."

Councilman Cardinale: "That's exactly what it sounds like. And the reason that it sounds exactly like that is that the zoning is the same, country rural, if I'm not mistaken in there. That's your problem, Ruth, and I join you in spirit. But we have a more practical problem and two others were solved. This individual has a piece of property that the zoning which permits exactly what you don't want, a Mushroom Meadows."

Ruth Levine: "It's commercially zoned."

Councilman Cardinale: "It's commercially zoned now as country rural. It's a pocket. Not all the-- and what you're really saying which I kind of agree with, is that you shouldn't have pockets of country rural on Sound Avenue. We do. It's in there and what we're doing tonight, which we are about to do-- we really don't have a great deal of choice now, because what we're doing is approving a site plan consistent with zoning which has been recommended by the Planning Board. I suppose we could deny it and then make them come back and change something on the site plan, but it wouldn't address your issue which is there ought not

to be this kind of development in this area. So what you're really asking is a zone change.

And we are faced with the problem in this instance and in other instances since we have a master plan out now, we're about to contract, is that this is an area that we will look at carefully for exactly the reasons you suggested. But I don't think this particular development is going to be impacted because we have to change the zoning yesterday. But-- "

Ruth Levine: "It's already a done deal."

Councilman Cardinale: "This particular one looks bad but what you're really saying is you'd like to have what is considered a zoning change. And then we get into the issue should we be considering zoning changes prior to the overall plan-- changes that will be made after the master plan. Apparently we've answered at least partially in the affirmative because two weeks ago we passed a zoning change.

So we will be doing-- we will be taking a look."

Ruth Levine: "Is that the amendments to the zoning that were in the paper? I did read about that."

Councilman Cardinale: "Yes. We moved to industrial light as it were from industrial-- straight industrial. So-- "

Ruth Levine: "Can somebody get a map of where these areas are and where-- "

Councilman Cardinale: "Yes. If you go down to the Planning Department, they'll show you and even I suppose provide a copy if you're willing to pay whatever they want for it of the zoning map for the-- and you could pick out the spot. So this could be perhaps a project for people involved particularly. There are spots along Sound Avenue that permit zoning-- which permit just as Route 25, country road zoning. So you would-- you may see more of this unless zoning is changed."

Supervisor Villella: "But, Ruth, also when they presented this at the work session-- I don't remember seeing all these

buildings like you're talking about. They were just going to take care of the barns that were there already. And also-- "

Ruth Levine: "Well, there are about four barns there already."

Supervisor Villella: "Yes. They're going to keep it that rural look. You know."

Ruth Levine: "I know, but the rural look is one thing and commercial development is something else. And what I object to is restaurants and commercial development on a scenic, historic corridor."

Supervisor Villella: "Right."

Ruth Levine: "And I hope you keep this in mind in the future and don't let it keep rolling down the road."

Supervisor Villella: "Yes. Thank you. Carol, could you please come up?"

Caryl Grantham: "Dr. Caryl Grantham, 4146 Sound Avenue, and I was the author of Historic Corridor. (inaudible) And the understanding of it is that no more-- that this was a very unique special (inaudible). The understanding of this was that this was done in 1976, bi-centennial year, (inaudible) this step was being taken where very unique and special areas which Sound Avenue is. I can give you the history beginning from an indian (inaudible), and we mainly sought to say, look, this is the one special (inaudible) still left. When we started this, I had a presentation in all the newspapers about the historic value. We inventoried every single (inaudible) on Sound Avenue. We studied every single historic building and we were granted this designation of an historic corridor. The reason we didn't get it in an ordinance at the time, remember this was 20 years ago, there were some feeling on Sound Avenue that this might impinge on certain private rights. I would have pursued that further but didn't; at that time it seemed impossible. And (inaudible) I was the only citizen that was admitted to those (inaudible) hearings against Jamesport, this was also a part of that old strategy, and I am disheartened to find there's more and more

(inaudible) coming to impinge on what we saw as one unique spot left in this town. I have letters in my files from all the tri-state area on the special qualities of Sound Avenue and why they want to keep it. I was overwhelmed with the response that we got. And we've already (inaudible) on Pier Avenue as you may know, a bed and breakfast, (inaudible) I don't know how that got through (inaudible) and I also served on the master plan revision in 1973 or 4. The one thing that raised more opposition than any other provision that we discussed was what came out of that was a parkway designation for Sound Avenue. It was soundly defeated, master plan revision coming up, and I think it calls on all citizens to become involved in this process. If I have one criticism to what's been happening in this town for the last 20 some years, that the citizens do not know, have not participated, and not encouraged to do so. And I say you're facing a master plan revision and of all things, this is one thing that should certainly be determined before you give any more permits for this kind of a business."

Supervisor Villella: "Getting back to what you said Dr. Grantham, is we are having the people have a lot of input on the new master plan."

Dr. Caryl Grantham: "Well, we need a lot of input."

Supervisor Villella: "Because that was the whole reason what we ran on was to open up the process to everybody."

Dr. Caryl Grantham: "You probably know I've been involved in many things in this town, many things, and that (inaudible) no opposition, and has had little support and I tell you that Lilco fought us to the very bitter end against it. But I would be disheartened if you took this step now, (inaudible) master plan be revisited and looked at. I want to tell you something. There are few enough areas that-- and I'm not against development, and logical development. Please don't (inaudible) on this particular project. Thank you."

Supervisor Villella: "Thank you, Doctor. Ann Moroh."

Ann Moroh: "Good evening. I'm Anne Moroh. I live in

Baiting Hollow on Sound Avenue (inaudible) a lot of other good people. I just want to bring the Board's attention to the problem that we seem to be seeing on the increase at the intersection of Edwards Avenue and Sound Avenue. I live less than a half mile from that intersection (inaudible) first part time and now full time, for almost 20 years, and for the last week, I believe in the last five days, there has been two with injuries motor vehicle accidents at the intersection. I don't know the extent of the injuries, I know two ambulances came, both cases literally within a period of about 48 hours. I am not, and I want to say this very strongly, I'm certainly not advocating traffic light there. I don't think the situation warrants that, but what I would like to ask is that the Board authorize a review and survey for assessment of safety conditions at that intersection to see if anything can be done to either more vision from both directions. I know if you come north on Edwards and approach Sound Avenue, the stop sign is there. There is-- I use that corner literally every day if not more than that, and there is some obstruction to the left as well as there has been some signage that's increased to the right, of various kinds, and before we see a worse tragedy occur there, I really would like to urge that the appropriate parties take a look at the intersection traffic patterns and improve where possible visibility and making recommendations."

Supervisor Villella: "Anne, we'll definitely look into that. Edna, we'll check with the police department and also with Ken Testa, the town engineer. Two accidents in five days?"

Anne Moroh: "Yes. They were (inaudible). In the summertime with the increase in traffic, I don't see that it's getting any better."

Supervisor Villella: "The accidents, are they-- they are going through the stop sign?"

Anne Moroh: "I don't know the details.

Supervisor Villella: "We can check with the accident reports."

Anne Moroh: "I know there's a big telephone or utility pole

:hat is right at that corner. Chris, I know, uses that same .ntersection a lot and it's-- there can be a distraction in ?ision to the west."

Supervisor Villella: "There's a blind spot there?"

Anne Moroh: "There are a couple blind spots. And one of :he problems that I'm guessing, they-- people that aren't 'amiliar with it. Those of us that use it all the time, we know :xactly where to look and precautions to take. What concerns me s that with the number of newcomers to that particular inter- ection, to bring people off the expressway onto Sound Avenue, nd I think it needs to be looked at again."

Councilman Kent: "I think we also have to look at the igns around there, especially during the season, that little etail store, whatever that is, puts up signs. Also, the person elling landscaping also puts up signs there and there's also ometimes signs for the expressway. So I noticed-- I have oticed there people sometimes make complete circles at that ntersection. So it is a dangerous place. We might want to look t that. We have to be careful doing traffic studies though ecause if we do a traffic study and it is telling us that we hould put up a light, we're kind of stuck."

Anne Moroh: "I understand, but I do think (inaudible) raffic distractions are such, and those might be eliminated ıst by enforcement. I think that there are signs that are ›ing up even on a seasonal or-- they shouldn't be. And that's ›t helping the matter. As I say, I don't know if the pole can ɜ adjusted by the appropriate utility company, but just take a ›ok at that corner again and see. I'm just-- really-- I would ɜver really-- I've lived there and never thought about it until came by, you know, two days in a row."

Supervisor Villella: "We don't want to see that. Thanks a ›t, Anne. Steve, Steve Haizlip. There he is."

Steve Haizlip: "Steve Haizlip of Calverton. I would like › make a comment to Anne. I thought maybe-- right, Anne. You ıow, there's drivers that have a license and they sworn to up- ›ld all traffic regulations. But there's drivers that's got

mail order license and they're the ones that we have trouble with. You stop at a light and the light no more change and the guy behind you is tooting the horn already. Trying to push you along. So, that's all on that.

Then there's a street light at Riley Avenue and Edwards Avenue since you diverted the road is in place now up on the pole and eliminating the intersection, the T section very well.

I want to comment, commend, not comment, commend, Diane Stuke, the tax receiver, at the last work session on item 2 on the agenda, where the county is trying to (inaudible) a little bit and don't want to take responsibility for what they do and want to put it onto the town. So I commend her for standing up for us."

Supervisor Villella: "Steve, let me just finish on that. Our town is the town that initiated all of this. We got it from Diane's office and we got it from Laverne's office, all 10 Supervisors of the town of Riverhead and Adam, with the town attorneys, all of them, got together and we are actually-- we didn't get any information today on that meeting. We had a meeting yesterday with the supervisors and the lawyers and we are ready to sue the county for what they do because the state is saying what they're doing is illegal."

Steve Haizlip: "Yes, because they didn't go before the legislature."

Supervisor Villella: "No. Not just that way, they've been holding back money for six years in a row; they are going to be owing us interest on the six years and we're sick and tired of the county trying to tell the town what to do. So we're initiating a lawsuit against them. But it might have been taken care of today at the county legislature, I'm not sure. But we'll see."

Steve Haizlip: "I was at the county legislature meeting today."

Supervisor Villella: "Did they rescind that resolution 256?"

Steve Haizlip: "It was in the morning; I wasn't there."

Supervisor Villella: "No, no. This was between maybe two and 4:30. They told-- "

Steve Haizlip: "I left at four. So-- "

Supervisor Villella: "There wasn't anything? Okay. So that means there will probably be a lawsuit then."

Steve Haizlip: "The biggest controversy over there today was Mr. Levy (phonetic) and Mr. Cracciola (phonetic) criticizing the people that support Peconic County.

The Golden Donor Blood Drive, the 22nd drive, is going to occur on the 26th of May, 8:30 to 2:00 p.m. at the Ramada Inn. I'm making this announcement so that I'll be on television there-- "

Supervisor Villella: "And the papers."

Steve Haizlip: "-- and the papers, and I appreciate the town's help on this to get it out to the donors, and this is really a project that is worthwhile."

Supervisor Villella: "And I thank you for helping out in doing this, too, Steve."

Steve Haizlip: "Right. You know, I was taken back somewhat Friday when the Newsday came out and they had that story in there about Mr. Grucci over in Brookhaven town, the way that he went about doing a lot of conniving of getting sand. And what really floored me is when Mr. Ray Powers said well, it's a scar on the land surface. Well, you know it seems to be that too many of them scars are coming on the land surface and we're getting it right here in our town. And you know it really upsets me if what I heard is right. That it is coming to the point to where the town government cannot control their own destiny and the state is overriding them and allowing these scars to be put on all these land surfaces and the irony of it is they get the $50,000 fines and we get nothing out of it. Something is wrong here."

Supervisor Villella: "That's going to change. The DEC is now working with us."

Steve Haizlip: "I hope so."

Supervisor Villella: "Yes. I met with them last week. As a matter of fact, Adam would like to speak on this issue. This is a good time for it."

Adam Grossman: "Well, I guess so. Steve, on the issue of sand mining in the town of Riverhead, you will see shortly within the next actually week or say, in particular at the work session a week from today, that the issue of sand mining in the town of Riverhead is going to be directly presented to this Board as to how we are going to be dealing with it. But the town of Riverhead does have the authority, in fact, to prohibit sand mining in the town of Riverhead through our zoning code. And the question will be whether the town board members want to pursue that. We can do that within our authority and without going outside of our authority and getting into the DEC's regulatory authority with sand mining. We can through zoning prohibit sand mining. That is a discussion that's going to happen, in fact, a week from today so it's kind of appropriate that you brought up the issue tonight. We're considering the same-- we have the same concerns that you do and we're considering how to properly address them."

Steve Haizlip: "You know, Adam, if what I read in the paper is correct, that all these guys that's doing all this, they talk that they're not doing anything wrong. They got a DEC permit. So if the town has control, they're (inaudible) the DEC permits, something is direct opposite of what it's supposed to be. So I'm glad you're going to take that in (inaudible) and see if you can get that corrected."

Adam Grossman: "Absolutely. We will."

Steve Haizlip: "All right."

Supervisor Villella: "One more item, Steve, okay?"

Steve Haizlip: "One more item?"

Supervisor Villella: "Yes, please."

Steve Haizlip: "All right. I want to ask you, Adam, and I know you'd be in the know, (inaudible) is Montauk Bus coming in with any site plan yet?"

Adam Grossman: "You mean Montaukett Indians with the-- "

Supervisor Villella: "No, no, no."

Adam Grossman: "Bus."

Supervisor Villella: "The bus-- you're asking the wrong person."

Steve Haizlip: "I thought his office would be the one-- "

Supervisor Villella: "No, it will be Rick-- Rick Hanley's office with the site plan and everything for that. Rick, is there anything new on the bus and ride on Edwards Avenue? Did they put a new site plan in? Steve, Rick is right behind you. Maybe he can answer that."

Steve Haizlip: "Oh, sorry Rick."

Rick Hanley: "Late last week we received a preliminary site plan for an expansion of the operation on Edwards Avenue. I think the intent of the owner is to actually now provide for a terminal use on the premises. That's what I was told in the hallway. However, he still expects to be able to utilize the balance of the property, the rear of the property, for a school bus depot. We've advised him that in order for any expansion (inaudible) on the premises since the original special permit was particular to a certain area of the site and not the entire property, that he would have to make an application for a special permit and I think at that time the board will try to rectify the original problem which Steve has been talking about for several years now."

Steve Haizlip: "Since July, 1994. All right, thank you, Rick. Good enough."

Supervisor Villella: "Thanks a lot. Thanks, Steve. Rolph."

Rolph Koesling: "Rolph Koesling from Wading River. The last few speakers spoke on the subject about (inaudible). Last Thursday, I was at the meeting for the golf course, hotel, a convention center and I mentioned about Sound Avenue, the historic corridor. Mr. Hanley came and spoke and he said it's a historic corridor in name only. There are no restrictions; they can practically do what they want and you can-- unless I misunderstood Mr. Hanley, those were his words, in name only. Now, this goes a step further now with the golf course, the convention center and a hotel. It's going to draw a lot of people there and they admitted that they would have to make some refinements to the road, whatever they mean by refinements. So now we've not only got this (inaudible) with their small shopping center there, we've got a big problem with the golf course, the convention center, and the hotel and the way they speak, it's going to be a first class golf course, probably have (inaudible) there and a lot of people will go there and you've got a big, big problem. Okay.

Now, the next thing, I just want to digress a little bit. Take two seconds. Everytime we have somebody up here with a bid, on easel, the site plan, something like that, they stand up in front and they show it. The town should spring for a couple of bucks and get a pointer. (inaudible) You can't see from (inaudible) what they're talking about. (inaudible) What you don't want to see, you don't see. At least with a pointer, you can see."

Councilman Kwasna: "Gary Pendzick has got a pointer."

Supervisor Villella: "Gary always carries one."

Rolph Koesling: "(inaudible) You know the Hulse Landing project. I mean it's not a (inaudible). Now when it was first brought up, we had a special meeting and I asked them specifically what is the watershed area you are figuring (inaudible) with all these drains you're putting in? And they said only that area with the (inaudible). They did not take in any consideration about (inaudible) the water coming down, (inaudible), Oakwood on the Sound where it's falling down. Now, there's got to be a-- I asked them about it, they said no, this (inaudible) they won't consider it. I think Young & Young should be responsible for that. Somebody has got to pay for it. Like when the (inaudible) had to be moved, Young & Young didn't see the water pipe on this

side, they thought it was on the other side. I asked Mr. Stark (inaudible) who's going to pay for moving the pipe over. Mr. Stark said, well, certainly not the town. Well, I don't know who paid for (inaudible), it wasn't Young & Young. Thank you."

Supervisor Villella: "Thanks a lot, Rolph. I have to finish the cards first, George. Mr. William Roth."

William Roth: "Hi. My name is William Roth, a Wading River resident. I believe you were at my house on the Monday after the Mother's Day (inaudible)."

Supervisor Villella: "I was checking it out to see-- "

William Roth: "And you saw the problem I have up there and still to this day, it has not been addressed. We've still got the (inaudible) snow fence hanging-- "

Supervisor Villella: "No, no. It's going-- I know what you're saying. Ken's not here-- Ken Testa. He knows all about it. He knows what he has to do but he had to take care of the beaches. I know this is a dangerous situation. But, Edna, I've got the address. He knows where it is, Ken Testa, but it's the fence around the sump behind Mr. Roth's property. It's a very dangerous situation. He should send some of his members in there and take care of that as soon as possible. How's it been lately?"

William Roth: "It's draining. The water has gone down a little bit. It's only about three feet of water."

Supervisor Villella: "All right. It was like six that day we were there. That's what it looked like to me; I don't know."

William Roth: "It was an easy six that day. My next problem is I know the Highway Department is working very hard, but when I put in a call to them that Sunday night, they said they were coming, they had to do some work on another road right around the corner, to get people out of a puddle, I understand that. I have no problem with that. But when you tell me you're coming and not come at all and then not even the courtesy of calling me because I have kids in my house that I have to evacuate the water goes around my house and I wasn't even told that

they were not coming back. I had to call a policeman six hours later and he was told by a crew chief, no, they're not coming anymore. You know. I put in all these calls, I put in a call to your office again to find out, you know, when they're coming to clean out my drains in front of my house. They had me dig it all up. The kids have been playing in the hole."

Supervisor Villella: "Oh, Tim Benton (phonetic) was supposed to get in touch with you. Did he get in touch with you?"

William Roth: "No. He never got in touch with me."

Supervisor Villella: "Tim Benton, from the Highway Department. He wants you to dig up where you have your flowers and stuff-- "

William Roth: "Yes. I dug that up. I mean as far as I can see. Now, I'm starting to go under the road, I can't find the top of this grate there, I mean-- "

Supervisor Villella: "But that's where he says the grate-- that's where it's at?"

William Roth: "Yes, he marked it off and I've been digging and digging, and I can't find the top of this grate."

Supervisor Villella: "Okay."

William Roth: "So I would appreciate-- I have off Thursday, if they can come down there that day, I'd be glad to work with them with my (inaudible), and have this problem rectified."

Supervisor Villella: "Okay."

William Roth: "And other than that, I have no other problems."

Supervisor Villella: "But has it been-- since you put that dirt up on that other side, has it held back that area?"

William Roth: "Well, we haven't had any major rain since then."

Supervisor Villella: "I don't know. I think it's always major. Okay."

William Roth: "Like I say, you know, if we do get a (inaudible) it's just going to eat away at the road."

Supervisor Villella: "Well, there's two-- they marked off two drains in that area-- that should help somewhat."

William Roth: "Yes, but what I'm saying though is now that I have this top-- this drainage area (inaudible), the rain will wash away the road. (inaudible) and it's going to eat away the road and then it's just going to create more problems. So I would appreciate it as soon as possible."

Supervisor Villella: "Okay. Thank you. The last card I have is-- Bill, did you want to speak? It says general. General Bill."

William Kasperovich: "William Kasperovich from Wading River. (inaudible)"

Supervisor Villella: "Go ahead, Bill. Can you speak into the mike, Bill?"

William Kasperovich: "Yes, sure. How come-- Mr. (inaudible) how come we hired a drainlayer? It says here you hired a drainlayer. How come?"

Councilman Kwasna: "Oh, what do you mean? Tonight's resolutions. Is that what you are talking about?"

William Kasperovich: "Resolution 416. You hired a drainlayer."

Councilman Kwasna: "No. All we are doing is adding another drainlayer to our list."

Supervisor Villella: "To our list but about the wording. The wording. It says that we're hiring-- we're looking into him being on the list in case we need him."

William Kasperovich: "You are authorizing a man to be on the list."

Councilman Kwasna: "On the list. It says it approves."

William Kasperovich: "But you write it up like you're hiring (inaudible)."

Supervisor Villella: "I can see the misrepresentation."

William Kasperovich: "It's been going on for a long time with authorizing people when you write it up like you're hiring them."

Councilman Kwasna: "Also, Bill, we don't get to choose which resolutions we get. I didn't bring this resolution out."

William Kasperovich: "This is something that I think that the Supervisor, it's time to (inaudible) a change."

Supervisor Villella: "A change in the wording."

William Kasperovich: "No. A change of handing out the resolutions."

Councilman Kwasna: "Bill, where does it say we hired him? I don't see where it says we hired him."

Supervisor Villella: "We do have a change in the way we do the resolutions in the Town Hall. We changed that the first week we were there. You're talking about wording; it's not worded the right way."

Councilman Kwasna: "Bill, it says here that the town just approves him as an authorized drainlayer in the Riverhead Sewer District."

William Kasperovich: "Well, I-- all I've got to go by is the agenda. The agenda-- "

Councilman Kwasna: "And it says the same thing on the agenda. It says approves."

William Kasperovich: "As drainlayer for the district."

Councilman Kent: "Yes, but if you read the resolution itself."

William Kasperovich: "I don't have the resolution."

Councilman Kent: "Well, the caption does not control. It's what we vote on. We're approving him as an authorized drainlayer."

William Kasperovich: "But that's not the way it was on the agenda."

Councilman Kent: "Well, we didn't put it on the agenda. We have a resolution though."

William Kasperovich: "Over the many years it seems that it was the (inaudible) of the Supervisor to hand out resolutions for the town board meeting like a poker hand."

Supervisor Villella: "That's it; we're not playing poker anymore."

William Kasperovich: "(inaudible) you still go through the same process of handing out resolutions the councilmen have never saw before. They may have talked about it at the work session, but I say the man that makes the resolution is responsible for that resolution."

Councilman Kwasna: "Right, Bill, and I'll speak for myself but I've seen all these resolutions before we came here tonight. I won't speak for the other councilmen, but I've seen all these resolutions before I even left Riverhead tonight. These aren't the first time I've seen these resolutions. And I did not see a problem with that resolution tonight. If you have a problem with it; but I don't have a problem with it."

Councilman Kent: "We went through all these resolutions; we had the packet."

Supervisor Villella: "Wait a minute. Except for maybe one or two."

Councilman Kent: "Just one. Just one we added tonight at the end."

Supervisor Villella: "And paying of the bills which I don't see where it is. We do it anyway. Bill, you're right. The wording can be a little bit misrepresented and I appreciate you thinking about that."

William Kasperovich: "Well, (inaudible) strong point I'm trying to get to pay attention that the man whose name is applied to the resolution-- "

Supervisor Villella: "Should know more about it? Is that it?"

William Kasperovich: "Should be responsible for it and every word in it."

Supervisor Villella: "Is that a town law? Adam? He's my right hand man. I'm going to ask him a question on this."

Adam Grossman: "No. I'm not going to-- I think actually what Bill is saying is appropriate that the person who offers the resolution is responsible for the wording in it and the action that the Board will be taking."

Supervisor Villella: "He's agreeing with you, Bill. That's three people that agree with you. You're doing all right. George, you better not come up because Bill got three people to agree. You don't have any yet. Yes, come on up. You're always welcome, George."

George Schmelzer: "Thank you."

Supervisor Villella: "I didn't want you to go to sleep on us. I know we're-- "

George Schmelzer: "But, roads, (inaudible) very strange. Most (inaudible) all right to the center of the road. If the subdivision is ever abandoned, the ownership is taken to the middle of the road to the adjoining lots. However, that road in the subdivision got assessed is beyond me. (inaudible) that mess

that the county owns the road, even so, if they claim ownership, a tax deed, the rights of adjoining owners are still there. So that's a mess."

Supervisor Villella: "Is that on private roads, too? I mean they own 10 feet in the road from the boundary line?"

Councilman Kent: "That's how the deeds (inaudible)."

George Schmelzer: "(inaudible)."

Councilman Kent: "It depends on the deed."

Supervisor Villella: "Well, George, he knows about deeds."

Councilman Kent: "I know he does, that's why I'm telling him. These may be metes and bounds descriptions that only go-- that follow the curb of the road. I'd have to look at the deed itself."

George Schmelzer: "You've got rights to it, you got rights to the roads-- like Sound Avenue, (inaudible) neither does River Road in Calverton. (inaudible) the town has a permanent easement for the highways. That's all they have. It's good enough. So-- "

Councilman Kent: "Not always. That's not always the case."

Councilman Kwasna: "That's not the way it's done."

Councilman Kent: "That's not always the case. Especially if it's a public road. You don't own to the middle of the road."

George Schmelzer: "Yes. I do."

Supervisor Villella: "Then you better plow it."

George Schmelzer: "(inaudible)."

Supervisor Villella: "You are going to (inaudible) Charlie out of a job. You can't do that."

George Schmelzer: "You got three lawyers there now-- one

time I got a summons for a violating the dog ordinance. Somebody-- the dog barked at some kids that walked by so the owner of the kid-- I mean the parent-- (inaudible) he went to the cops, they came down and handed me a summons for violating the dog ordinance. I went to Riverhead, let me see a copy of the dog ordinance. Only Barbara was there at the time-- Irene, I guess. It says if your dog leaves your property, it must be either muzzled, leashed or under your command. (inaudible) So I brought some old deeds with me to the trial and the prosecutor-- so he (inaudible). So I handed the deeds to the judge; he looked at them and handed them back to me, he says, I'll reserve decision on this. I never heard any more about it. (inaudible)."

Supervisor Villella: "We know you're very knowledgeable because there's people from Smithtown that know you about what you with deeds. When I came to Supervisor's meeting. They know about you; that you're the best, about finding all these small lots in the middle of the woods and everything."

George Schmelzer: "This sand mine-- "

Supervisor Villella: "George, you've got one more minute."

George Schmelzer: "Okay. On the southwest part of the town, it goes back to a land grant, 1697, given to a friend of William Smith, also known as Tangier Smith from (inaudible) England. The only exception was gold and silver. If you find gold and silver there, it belonged to the crown. Now it belongs to the state. (inaudible) nobody wants to dig sand from a sand mine-- "

Supervisor Villella: "Go to George's house, right."

George Schmelzer: "(inaudible) and you'd have trouble. But not so much in the east part of town, that's the (inaudible), that was different. There's (inaudible) from Southold that controlled the water but the other (inaudible) they didn't. So then the county took the land both sides the river, in the '60's from Camp Upton to Grumman, they paid for every square inch of land on the water. They did. Because they (inaudible)."

Supervisor Villella: "We're using that same exact thing

what you just mentioned on the lawsuit against Lilco, and Andes Patent (phonetic) on the Wading River Creek."

George Schmelzer: "Yes? That's the Smith Patent. The Andes Patent is in (inaudible)."

Supervisor Villella: "Well, then-- "

George Schmelzer: "(inaudible)."

Supervisor Villella: "Waita minute. Mention-- that's the Smith-- "

George Schmelzer: "(inaudible) Smith or Tangier Smith. I've got a copy of it home; I'll bring it here."

Supervisor Villella: "Wading River?"

George Schmelzer: "(inaudible)."

Supervisor Villella: "I need this for the lawsuit. I definitely need this."

George Schmelzer: "I've got a copy of it (inaudible). That (inaudible) DEC, they couldn't (inaudible) the state would have to guarantee the patent-- "

Supervisor Villella: "Okay, George, the history is up. I thank you very much."

George Schmelzer: "You're very welcome, sir. And I'll bring that patent."

Supervisor Villella: "Yes. Definitely."

George Schmelzer: "That colonial patent."

Supervisor Villella: "But what about the Town of Southold? I mean, Riverhead was in the Town of Southold. Did the Andes patent work with that?"

George Schmelzer: "No-- "

Supervisor Villella: "I got him going again."

George Schmelzer: "(inaudible) the Anders Patent, Southold (inaudible) had control of the waters."

Supervisor Villella: "Okay, we'll talk about this another time."

George Schmelzer: "In 1965 they gave an easement to the town of Riverhead; that's why Riverhead controls the waters over there, not in Calverton-- south of the-- "

Supervisor Villella: "I need you to tell me this information-- we'll do it another time, not now. Make a meeting' we'll sit down."

George Schmelzer: "Okay. Good, thank you."

Supervisor Villella: "Thanks a lot, George. Anyone else like to speak? Mr. Lou Passintino."

Lou Passintino: "Lou Passintino, Wading River. I was at the meeting of the Peconic Estuary Citizens Advisory Committee tonight and one of the topics that was discussed-- I left that meeting early so I could be here-- is that the community preservation fund land bank bill was passed today in the state Senate. Next week it should be passed in the state Assembly. The town-- well, I didn't know if you knew that."

Supervisor Villella: "No. I didn't. But thanks for the good news."

Lou Passintino: "Okay, well, that's good news because the town needs to get in touch with the state Assembly and Senators to get planning and get the public hearings going and all that so that we can acquire that money to use for purposes that-- "

Supervisor Villella: "We already have that in the works, the process. We were waiting for this approval. Sen. LaValle was telling us all along, DiNapoli, Pat Acampora, I mean we have Freddy Thiele. Who is the other one? Englebright. Those are the five main people that brought it to-- we went up there

lobby for this. So, this is good news."

Lou Passintino: "Okay. Well, at that meeting, it was (inaudible) to this meeting to bring it to your attention that this is the time to do it-- "

Supervisor Villella: "Right now."

Lou Passintino: "So it's ready."

Supervisor Villella: "You are going to have to-- Adam, get the information from Lou and we'll take care of that."

Adam Grossman: "Absolutely."

Lou Passintino: "All right. Thank you."

Supervisor Villella: "Thanks a lot. Were you at the legislature-- who else was at the legislature meeting today? How did that Lipa Lilco thing to? Anyone-- you know how that went? Big news and you're-- all right. If not, we are going to go into resolutions now."

Resolution #404

Councilman Kent: "Resolution 404 extens the period for negotiations with James Bissett regarding the aquarium on Main Street. So moved."

Councilman Cardinale: "I would second that and in seconding add that we have made some substantial progress over the initial period of negotiation and that we anticipate that the two (inaudible) problems which have to do with clearance from the DEC on the site and also with some questions regarding the sewer main, will be resolved, I hope, within the period that we're extending. With that, I second this motion."

Supervisor Villella: "Moved and seconded."

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

Resolution #405

Councilman Cardinale: "This resolution authorizes the Town Clerk to post and publish notice of public hearing to consider a proposed local law for an amendment of Chapter 101 Vehicles and Traffic of the Riverhead Town Code. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #406

Councilman Kwasna: "406, I'd like to make a motion to table this resolution for more discussion at the next work session if I can get a second on this to approve the site plan of Baiting Hollow Commons."

Councilman Kent: "I'll second that motion to table."

Supervisor Villella: "Moved and seconded to table it."

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

Resolution #407

Councilman Kent: "Resolution 407 approves the site plan of Michael Ireland for an industrial building. He is the owner of the building known as the Warner Fuel site at the corner of Doctor's Path and Route 25. That intersection is going to be restructured and as a result he has to move his business east and this approves the site plan for his new location. So moved."

Councilman Kwasna: "I'll second it."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Villella,

yes. The Resolution is adopted."

Resolution #408

Councilman Kwasna: "408 authorizes the retention of Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP in connection with the condemnation and related urban renewal project on Main Street and Roanoke Avenue. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I have difficulty with one of the-- vith the indication of hourly rates for the partner here. I think :hat's a change. So I'm going to vote no."

Barbara Grattan: "That's no?"

Councilman Cardinale: "Yes. That's no."

The Vote (Cont'd.): "Kent."

Councilman Kent: "We want to move to table this perhaps so e could discuss this with the firm. I think we should. ecause I think there's been a change to this Resolution since-- "

Supervisor Villella: "Instead of voting it down, we'll able it and find out-- it's supposed to be $150?"

Councilman Kent: "Yes. It's supposed to be $150."

Supervisor Villella: "It's not right here, so let's table .."

Councilman Cardinale: "I make a motion to table."

Supervisor Villella: "All right. Moved and seconded."

Barbara Grattan: "Okay, Cardinale to table is it? Yes, and

Kwasna, yes."

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

Resolution #409

Councilman Cardinale: "This Resolution approves the application of the Living Water Gospel Church. Change the time period to end at 10:00 p.m. on each evening. I wish them good luck. And I so moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Before we vote on this, and they are also getting in touch with the people that live in that area, they get in touch with the office. They are going to be doing that. Moved and seconded."

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

Resolution #410

Councilman Kwasna: "410 approves the application as amended by the Town Board for Apple Auto Group for to erect a tent. We limited the date allowed by the law to go from May 13th to May 17th. So moved."

Councilman Kent: "And seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #411

Councilman Kent: "This approves the application of the Riverhead Business Improvement District Management Association for a street painting festival and community mosaic held on the grounds of East End Arts Council Sunday, May 24th-- and I hope

you can all make it-- rain date is Monday, May 25th. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #412

Councilman Cardinale: "This Resolution approves the application of Polish Town Civic Association for the Polish Street Fair and Festival to be held in Riverhead on the 15th of August, and the 14th of August. Both days. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #413

Councilman Kwasna: "This approves the application of Tanger Factory Outlet Centers for a tent sale. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #414

Councilman Kent: "Well, these are different dates so-- "

Supervisor Villella: "Can we do 414-- that's right, they are on different dates, we have to do separate."

Councilman Kent: "This is another resolution approving a tent sale. This one is from-- at Liz Clairborne-- from July 1 to July 7. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #415

Councilman Cardinale: "This Resolution approves the application of Tanger Factory Outlet Centers, Inc. to have another tent sale. They must really like those tent sales-- September 2nd through September 8th. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #416

Councilman Kwasna: "416 approves Cardo Site Development, Inc. as drainlayer for Riverhead Sewer District. This is just adding them to our list of drainlayers that we have in the town. So moved."

Councilman Kent: "I'll second."

Supervisor Villella: "Moved and seconded."

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

Resolution #417

Councilman Cardinale: "This Resolution authorizes the

Supervisor to execute a lease agreement between Bomel Riverhead Company LLC and the Riverhead Business Improvement District Management Association, Inc. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent."

Councilman Kent: "I represented Bomel Riverhead Company LLC as their attorney in the past, and I'll abstain."

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

Resolution #418

Councilman Cardinale: "This Resolution authorizes the Town Clerk to publish and post public notice to cosnider the demolition of buildings owned by Charles Mason pursuant to Chapter 54 of the Code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures. This building is located at 432 East Avenue, Riverhead, New York, not surprisingly it's in the Town of Riverhead. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #419

Councilman Kwasna: "Authorizes the Town Clerk to republish and repost public notice to consider the naming of a road in the Town of Riverhead to Debbie Lane, Wading River. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #420

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

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #421

Councilman Cardinale: "This Resolution awards the bid for Meadowcrest III Hidden Acres, Riverhead Water District. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #422

Councilman Kwasna: "Order establishing lateral water main Village at Wading River in Riverhead Water District. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #423

Councilman Kwasna: "This resolution authorizes Supervisor to execute change order reference to high zone booster pump station at plant No. 9 general construction contract. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #424

Councilman Kent: "Resolution is an order establishing lateral water main Country Vue Estates at Wading River Riverhead Water District. So moved."

Councilman Cardinale: "It's Resolution 424. And I would second that."

Supervisor Villella: "Moved and seconded."

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

Resolution #425

Councilman Cardinale: "This Resolution authorizes the Town Supervisor to submit grant application for financial assistance to the New York State Office of Parks, Recreation and Historic Preservation pursuant to Title 9 of the Environmental Protection Act of 1993 and Title 3 of the 1996 Clean Water/Clean Air Bond Act for project known as Peconic River Greenway and Riverside Park. So moved."

Councilman Kwasna: "And seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Villella,

yes. The Resolution is adopted."

Resolution #426

Councilman Kwasna: "Authorizes the Town Clerk to publish and post public notice to consider the demolition of buildings owned by Brookfield Farms, Inc. pursuant to Chapter 54 of the Code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures. This structure is located at 446 Main Road in Aquebogue. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #427

Councilman Kent: "This awards the bid for snack vendor at Iron Pier Beach to Harry Wilkinson. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I'm going to abstain because I've represented this guy in the past."

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

Resolution #428

Councilman Cardinale: "This Resolution authorizes the Supervisor to execute an agreement between the New York State Department of Environmental Conservation and the Town of Riverhead in regard to the Youngs Avenue landfill. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #429

Councilman Kwasna: "429 reduces the letter of credit of Meadowcrest - Section 2. So moved."

Councilman Kent: "And seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #430

Councilman Kent: "Awards the bid for Vail Leavitt Theatre boiler replacement on Peconic Avenue. So moved."

Councilman Cardinale: "I would second it and I've asked the question, we don't own this building, do we?"

Supervisor Villella: "No. It's a block grant."

Councilman Cardinale: "We're just giving them the money to do it."

Supervisor Villella: "Right. We've got a grant for them to help them out."

Councilman Cardinale: "That's good. Okay, I second the motion."

Supervisor Villella: "Moved and seconded."

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

Resolution #431

Councilman Cardinale: "This Resolution authorizes the National Science Division of Southampton College and the Marine Program of Cornell Cooperative Extension access to East Creek to harvest seed clams-- scallops. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #432

Councilman Kwasna: "Authorization to publish bid for food for use by the Town of Riverhead. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #433

Councilman Kent: "This is an authorization to publish a bid for meat and poultry products for use by the Town of Riverhead. So moved."

Councilman Cardinale: "I'll second it."

Supervisor Villella: "Moved and seconded."

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

Resolution #434

Councilman Cardinale: "This Resolution authorizes the

release of bid bonds to the Recreation Department. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #435

Councilman Kwasna: "435 grants leave of absence to Scott Sinnickson, from June 1, 1998, through November 31, 1998. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #436

Councilman Kent: "This extends the contract for Arshamomaque Dairy for homogenized milk. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #437

Councilman Cardinale: "This Resolution awards bid for toner and supplies. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #438

Councilman Kwasna: "Appoints Cheryl Berezny a summer recreation aide to the Riverhead Recreation Department. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #439

Councilman Kent: "This appoints temporary clerks to the tax receiver's office. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #440

Councilman Cardinale: "This Resolution appoints a custodial worker, Charles Ramsey. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded. This is to make him full time in this building right here. Okay. Moved and seconded."

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

Resolution #441

Councilman Kwasna: "441 appoints John Galvin a Park Attendant II to the Riverhead Recreation Department. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #442

Councilman Kent: "This Resolution amends a prior Resolution #335 of 1998. We'd appointed four seasonal laborers to the Buildings & Grounds Department, one of them, Brandon Norris, had declined the position, so we are amending it by removing his name. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #443

Councilman Cardinale: "This Resolution extends the opening date for bid 98-12, sports equipment for one week, to May 29th at 11:00 a.m. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #444

Councilman Kwasna: "444 approves the site plan of Pizza Hut facade alterations which is going to improve and change their logo-- Piiza Hut logo, to possibly having a red roof. I just hope that they work hand in hand with the town so this doesn't become an eyesore and I (inaudible) down Route 58, but (inaudible). I make this motion with the (inaudible) that I hope they work with us on the (inaudible)."

Councilman Kent: "Well, they have added a-- I'll second this and they did make some additions to this that they're going to be responsible for removing damaged shrubs and-- they're going to add the trees and they're going to fix the asphalt, that was three things we added-- and I'll second this."

Supervisor Villella: "Moved and seconded."

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

Resolution #445

Councilman Cardinale: "This Resolution appoints a seasonal laborer to the Buildings & Grounds Department, Jason Hubbard. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #446

Councilman Kent: "This appoints Jayna Heilbrunn and Michael Longo as summer interns in the office of Accounting. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna."

Councilman Kwasna: "I just want to say something. This (inaudible) or spelled outf or the people on the program exactly what we're doing. This is the first one I've ever seen like this that had people's names right in the heading."

Supervisor Villella: "More to the point."

Councilman Kwasna: "(inaudible) what you're doing. I'll vote yes."

Supervisor Villella: "Did you write this up, Jack?"

Jack Hansen: "If it's good, I'll take credit."

Supervisor Villella: "Okay. Thank Jack for it. Moved and seconded. Okay."

Barbara Grattan: "We did that already. I'm waiting for your vote."

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

Resolution #447

Councilman Cardinale: "This Resolution is a street budget adjustment-- street lighting district whereby we're moving $9,000 from the street lighting electricity to the street lighting maintenance. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #448

Councilman Kwasna: "448 amends Section 198-45(B) of the

Riverhead Zoning ordinance to provide for day care center/nursery school as a specially permitted use in that district. So moved."

Councilman Kent: "I'll second it. This allows us the right by special permit to allow day care centers and nursery schools in Industrial A zones by special permit, like I said. I'll second it."

Supervisor Villella: "Okay. Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "In regard to this, I'm going to vote no. I thought very carefully on this and I believe that like the Planning Board Chairperson who also felt this way that child care-- placing child care as a permitted use even by special permit in the Town's most unrestricted Industrial zone seems inappropriate. I'm concerned also that if we permit it even by special permit use, that the burden of proof in denying any such use now would fall upon the town and, therefore, I'm voting no."

The Vote (Cont'd.): "Kent."

Councilman Kent: "I believe that if it's appropriate even in Industrial A zones when there are neighboring properties that would allow a day care center and a nursery school to be operated without any risk to the children and without any detriment to the zone, I believe that it's appropriate that we locate day care centers and nursery schools in Industrial A zones where it's appropriate. So I vote yes."

The Vote (Cont'd.): "Kwasna."

Councilman Kwasna: "(inaudible) I'll vote yes, too."

The Vote (Cont'd.): "Villella."

Supervisor Villella: "They both handled it quite well, but mine is yes."

Barbara Grattan: "The Resolution is adopted."

Resolution #449

Councilman Kwasna: "449 approves the special permit petition of Kroemer Avenue Holding Co., Inc. I would like to table this. Motion to table."

Supervisor Villella: "Do I have a second?"

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded to table it."

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

Resolution #450

Councilman Kent: "450 authorizes the Town Clerk to publish and post notice of public hearing regarding the purchase of development rights. This is for the purchase-- the first time that we are going to be purchasing development rights of farmland in our town, it's the (inaudible) farm on Union Avenue. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Villella."

Supervisor Villella: "Before I vote yes on this. This is a big step with the county, Mr. Gaffney is very pleased with this, with the Peconic Land Trust and it's a partnership situation and this is a big plus for the Town of Riverhead. So I vote yes."

Barbara Grattan: "The Resolution is adopted."

Resolution #451

Councilman Cardinale: "This Resolution is an authorization for preparation of an urban renewal plan. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent."

Councilman Kent: "Yes. I would like to state this is an urban renewal plan for certain redevelopment activities at the Calverton site. So we're going to be going forward with the plan there at the Calverton site. So I vote yes."

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

Resolution #452

Councilman Kent: "This is a capital project for East Creek pump out station. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #453

Councilman Kwasna: "I make a motion to pay the bills."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #454

Councilman Kwasna: "I have a Resolution off the table here tonight that has to do with Meadowcrest III Hidden Acres subdivision. I believe we released some money to them tonight in

Meadowcrest II so (inaudible) right back to us (inaudible) road drainage improvements at Meadowcrest III Hidden Acres subdivision in the amount of $910,000. So moved."

Supervisor Villella: "We're still reading, we just got this."

Councilman Cardinale: "Yes. We're just reading."

Councilman Kent: "Meadowcrest III."

Supervisor Villella: "Sounds like Tanger."

Councilman Kent: "I'll second it."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I have a question. Earlier in the evening we talked about letters of credit replacing performance bonds, yet this one is a performance bond. Could you speak to that, please, Adam."

Peter Danowski: "Maybe I could-- this is an old subdivision, old in the sense that we approved several times (inaudible). Went through the process about six months ago, we had a re-approval of the process with the numbers in as performance bonds. In addition, there were other fees and monies paid (inaudible) the Planning Department. These are six month old resolution in essence that I have to (inaudible) by the next week. So it's not only the performance bond for the roads but also the-- we've got fees for water and parks and recreation fees, I originally delivered today one bond, then brought back two other bonds, a total of three, to cover all the numbers. They're absolutely consistent with the Planning Board Resolution and right out of the Planning Board Resolution."

Adam Grossman: "I just want to add, Phil, since you asked me to speak on the subject. We're going to be having a change of policy in terms of having letters of credit rather than performance bonds. However, that process of changing-- a change

in policy is really at the beginning stage at this point. I'd like it to happen very quickly but at this time being that Mr. Danowski's client was of the understanding that as of today's date we still accepted performance bonds, I believe that's why that is what he submitted to the town. I don't want-- "

Councilman Kent: "Since it's in the process we can't really change-- "

Supervisor Villella: "And also Utica Mutual was a big insurance company. They're not going to be going bankrupt on us so-- "

Peter Danowski: "I just ask that if any resolution include the water tap fee, bond and the park and rec bonds, three separate bonds. You've got possession of all of them. When they type the resolution I think one of them was only (inaudible)."

Councilman Kent: "Three separate amounts then, too. We've only got the one bond attached."

Peter Danowski: "Okay. The amounts are consistent with the Planning Board resolution."

Councilman Kent: "Okay."

Councilman Cardinale: "This 910 is covering you said-- "

Peter Danowski: "Roads and drainage. In addition to that, there's another 110 and in addition to that there's another note."

Supervisor Villella: "They're performance bonds on record and everything."

Peter Danowski: "They're all bonds, they're all Utica Mutual. (inaudible)."

Councilman Cardinale: "I like bonds, as long as we call them when we're supposed to call them. In that case, somebody seconded it, didn't they?"

Councilman Kent: "I did."

Councilman Cardinale: "I think I seconded it."

Barbara Grattan: "Moved and seconded?"

Supervisor Villella: "Yes."

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

Supervisor Villella: "No other Resolutions? Meeting adjourned."

Meeting adjourned: 10:10 p.m.

Barbara Grattan
Town Clerk