

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead, at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, October 6, 1998, at 7:00 P.M.

Present:

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

Also Present:

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

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

Supervisor Villella: "The meeting is now open, 7:16. Steve, would you like to do the Pledge of Allegiance for us, please? Start the Pledge of Allegiance. Thank you, Steve. Okay, are you guys going to approve the minutes here now? Let's go. Who's going to move the minutes and the Special Board Meeting?"

Councilman Lull: "I'll move the minutes of the September 16th meeting and the Special Board Meeting of September 29th."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

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

REPORTS:

Police Dept.

Monthly report for August,
1998

Recreation Department	Monthly report for August of 1998, total collected \$12,895
Receiver of Taxes	Collection report for September, total collections \$330,216.82
Sewer District	Discharge Monitoring report for August
Town Clerk	Monthly report for September total collected \$10,264.78
Budget Summaries	From the Jamesport Fire District and Wading River Fire District
Bid Reports	Suffolk Life Sewer Connection Opened on September 28 at 11:00, 2 bids were received, one from Bove Industries and from Pav-Co Asphalt #4 and #6 fuel oil opened on 10/2/98 at 11:00, two bids were received

APPLICATIONS:

Shows & Exhibition Permit	First Congregational Church October 3, 1998 from 4:30 to 6:30 p.m., Lombardi Park, Church service and blessing of the animals Helen's Greenhouse, Union Ave. Aquebogue, September 25-26 and through the month of October hours of operation 9:00 a.m. to 7:00 p.m. Riverhead BID, October 9th, 7 p.m. to 12 a.m. music live
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performance by Little Curtis and his band

Haunted House, John McCreedy - amendment to permit to allow for Monday, October 12th

Site Plan

R&K Precision Automotive for a facade alteration on Sound Ave in Riverhead

Riverhead Enterprises, facade alteration 211 E. Main Street

CORRESPONDENCE:

Carolyn Thorenz

Regarding Baywood Drive in dire need of road repairs, dangerous condition exists

James and Lorraine Johnson of 259 Remsen Rd. Wading River

Regarding flood lights or security lights - the direction in which they shine as not to infringe on the privacy of others

Louis Willumsen

Regarding Extension #52 in Calverton. Endorses the proposed extension

Joseph's Storehouse
733 East Main Street
Riverhead

Regarding Hooters Restaurant admantly opposes this particular type of restaurant in our town

Petitions

30 names on a petition to protect Iron Pier Park and to minimize destruction from Maidstone Condominium project

18 names on a petition for the dedication of Promenade Drive and Jeannie Lane in Aquebogue as Town roads

3 names on a petition for the extension of the Water District on Twomey Avenue

17 names on a petition requesting a four way stop sign on the corner of Raynor Avenue and Parkway Street

26 names on a petition requesting that Promenade Drive and Jeannie Lane in Aquebogue to become Town roads

29 names on petition on the preservation of the scenic easement at the Maidstone Landing

Geraldine Kelly

regarding Maidstone Landing

Elizabeth McCahill and Cynthia Halsey, Southold

Regarding the change of zone for the construction of a hotel and golf course planned by the Talmage family

Alex Anasky

regarding animal control

Dept. of Planning

regarding the moratorium on the issuance of approvals and/or permits for Thrift Shops. It's a matter of local determination

Regarding Swezey's Riverhead Holding LLC, also a matter of local determination

Supervisor Villella: "Thanks a lot, Barbara. We will now go into the public hearings.

Public Hearing opened: 7:21 p.m.

Supervisor Villella: "Let the record show that the time of 7:21

has arrived. Please read the public hearing."

Barbara Grattan: "I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall, Riverhead, New York, at 7:10 p.m. on October 6, 1998, to hear all interested persons who wish to be heard regarding the consideration of the establishment of a proposed extension to be known as Extension #52, Edwards Avenue/River Road to the Water District."

Supervisor Villella: "Thank you, Barbara."

Barbara Grattan: "You're welcome."

Dennis Kelleher: "Mr. Supervisor, can I request that the second hearing notice be also read because the two hearings are really tied together?"

Supervisor Villella: "All together?"

Dennis Kelleher: "Yes."

Barbara Grattan: "I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall, Riverhead, New York, at 7:15 p.m. on October 6, 1998, to hear all interested persons who wish to be heard regarding the costs of the increase and improvement of the facilities of the Riverhead Water District, estimated cost is determined to be \$387,000."

Supervisor Villella: "State your name and where you come from."

Dennis Kelleher: "Good evening. My name is Dennis Kelleher. I'm from the engineering firm of H2M in Melville. We are the consulting engineers for the Riverhead Water District. We've been authorized by the Town Board to evaluate the possibility of extending the Riverhead Water District into an area along Edwards Avenue and River Road. It's highlighted in pink on this first map which shows the entire town, the black line highlights the existing Riverhead Water District boundaries and in pink is the proposed extension."

Councilman Kent: "It this the Haizlip extension?"

Dennis Kelleher: "Some people call it that, other people call in Extension 52, Edwards Avenue and River Road. The proposed extension will include the properties along River Road from the

existing Riverhead Water District boundary, from the (inaudible) extension 14A that was installed several years ago, westerly along River Road, under the Long Island Expressway up to the intersection of Edwards Avenue. At Edwards Avenue it will include the properties along Edwards Avenue north up to the existing Riverhead Water District boundaries from the existing extension #46 which is the Miller Environmental-- that was also installed several years ago.

The District extension will include approximately 600 acres and that includes approximately 55 single family homes and several commercial and industrial establishments.

In order to bring water to this extension, approximately 13,350 linear feet of 12 inch water main will need to be installed along both Edwards Avenue and River Road.

Besides bringing public water and fire protection to this area, the extension will also provide for a connection between the high zone and low zone of the Riverhead Water District.

The proposed extension should use approximately 41,000 gallons of water per day on an average day and 124,000 gallons per day on a peak day.

With the Riverhead Water District currently in the planning stages of constructing two additional supply wells, the District will have sufficient water supply to provide water for this area.

Gary, maybe we'll just put up-- this shows the detail of the existing Water District highlighted in blue. The proposed extension, again, is highlighted in pink and the proposed water main route has been highlighted in yellow. As you can see right now we do have (inaudible) between the low zone of the Riverhead Water District and the high zone of the Riverhead Water District (inaudible).

At a later date, the Riverhead Water District will be possibly looking of building a booster pump station somewhere along the route where we will be able to pump water from the low zone to the high zone. As it's being proposed today, we will just have a valve that is closed between the high zone and low zone and Gary will be able to feed water from the high zone down to the low zone.

The cost to extend the Riverhead Water District to this extension is estimated at \$774,000. This includes construction costs, design,

inspection, legal and contingencies. We recommend that 25% of this cost be paid by the entire district since the district will gain benefit from this high zone and low zone connection. In addition, we recommend that the district pay for 25 of the cost-- excuse me-- the size difference in pipe. In order to bring water to this area, we really only need an 8 inch line to provide sufficient water for the community. However, Gary will be using this as a transmission main between the high and low zone so we recommend that a 12 inch pipe be installed. So the cost difference is approximately 25%.

So based on our total project costs of \$774,000, approximately \$387,000 will be proposed to be paid by the property owners in the extension area, \$387,000 to be paid by the entire Riverhead Water District. If we assume a 20 year bond at sixpercent interest with the assessed value of the proposed extension at approximately 5.4 million dollars, the resulting tax rate on an average will be \$6.16 per thousand dollars assessed valuation.

On the District-wide cost, in order to pay off a bond of \$387,000 and assuming a 20 year bond at 6% interest, this would increase the District-wide water district tax 4.8 cents per thousand."

Supervisor Villella: "Dennis, can I just say something? That 6%, shouldn't it be lower, the bond?"

Dennis Kelleher: "Actually, if the town went out to bond the project today, they would actually receive a lower rate. But we like to be more conservative in our estimate because we're not going today. I'll talk about timing in a second. During the public hearing, we like to be a little more conservative so the numbers will come in a touch higher. Maybe, Mr. Hansen could probably give us a better idea if the Town went out today-- "

Supervisor Villella: "You've got to go see Greenspan, not Hansen. He'll take care of it for you."

Dennis Kelleher: "These numbers may not mean anything to you unless you translate it to what a typical homeowner would pay. Our report also represents what a typical homeowner would pay in the first year. A typical homeowner will have to pay if he lives in the extension, will have to pay the extension tax of \$6.16. Using an assessed-- typical assessed value of \$50,000 property, that would be \$308 per year extension tax. In addition to that, each homeowner would have to pay the District-wide tax. The existing District-wide

tax is approximately \$.89 per thousand dollars. That would work out on that same home with an assessed value of \$50,000, would be \$44.65. In addition, each of these homes and commercial establishments will have a water meter and they would pay the water district usage rate of \$1.00 for every thousand gallons of water they use. A typical Riverhead Water District consumer uses 115,000 gallons per year. So that would work out to an average-- a typical water bill of \$115. If you add up those three components, the typical water cost to that individual living in this proposed extension would be \$467.65. Again, that is a typical homeowner. Each individual homeowner would have to figure out based on their assessed value what the tax rate would mean to them.

Now this was based on existing assessed value. There is a lot of vacant land along Edwards Avenue that there are some proposed projects already in with the town. As those projects do come to fruition and are implemented, the assessed value of the proposed extension will go up and the actual tax rate will go down. So it's based right now on assuming a-- no change in the assessed value.

If this project does get approved by the Town Board and we proceed with the design and construction public water could be made available to this community by mid-spring of next year."

Councilman Kent: "How many years is the extension cost going to be incurred by the homeowners?"

Dennis Kelleher: "Twenty years."

Councilman Kent: "It seems very high, but I guess because there's so much vacant land in that area that-- "

Dennis Kelleher: "That's correct. Actually, this extension has been discussed between Gary and our office for the last several years because there was not a large assessed value in the area. And we've looked at ways to reduce the cost. We have talked to New York State DOT about the ways we could save cost about going under the expressway. So we feel this is the best price we could get at this time."

Councilman Kent: "It goes over the railroad tracks, too, doesn't it-- under railroad tracks."

Dennis Kelleher: "Yes, it does."

Councilman Cardinale: "Dennis, the split between the cost endured by the district and that endured by the extension area, how did you come upon that split?"

Dennis Kelleher: "Actually, the cost between the 25% for the difference in the size of pipe is really based on previous bids we received between an eight inch and a twelve inch. However, the cost of-- the sharing over the cost of the benefit Gary gets out of it between a high zone and low zone is just something we worked out between our office and the Water District."

Councilman Cardinale: "You have the \$774,000 cost of the project split half and half between the district and the extended area-- the town-- "

Dennis Kelleher: "Between the town extension area and the District-wide area."

Councilman Cardinale: "How did that-- how did you come upon that split-- how did you ascertain that? What formula did you use?"

Dennis Kelleher: "25% for the differential in pipe; 25% for the benefit to the Water District for high zone, low zone; 50% left over for the entire extension."

Councilman Cardinale: "Okay. I guess there's no-- there's more art than science to it."

Councilman Kent: "Luckily, I don't think those homes are very highly assessed to this may be a high estimate based on each individual homeowner, because I don't think their values are that high to begin with. I don't think there are that many homes with \$50,000 assessed values there."

Dennis Kelleher: "You're probably right. In previous extensions, this is the number we use."

Councilman Kent: "Right. I understand. Okay."

Supervisor Villella: "Is that it for you then?"

Dennis Kelleher: "That's is it for my presentation."

Supervisor Villella: "All right. Now we would open for-- who

would like to speak on this public hearing? Steve. This is Steve's 52."

Steve Haizlip: "Steve Haizlip of Calverton. They say that good things come slowly. Well, this here water main, extension 52, has been coming slowly. But it started out at \$8.00 and about \$.05 per thousand. Now they've got it down to \$6.00 per thousand and \$.16. So the-- everytime that I spoke to Gary Pendzick on it they kept telling me that we had to get better financing. It was a little too high for the number of houses and people that was only Edwards Avenue and River Road. Well, I know that \$774,000 is a lot of money but in order to have good water and not to be bothered with iron control apparatus and servicing them and the cost of them being serviced, most of the time it's twice a year, some places maybe it's three times a year. Your wells rust up, can't get no more water through them, then the cost to put in another well.

Myself, it's three wells, about four tanks and two pumps and the original water rust inhibitor come from the famous outfit that advertises rust free water. Well, I found out there's only one thing wrong with that. Everytime you have a part change, they turned around and said it was theirs. So I finally changed vendors on that so I'm getting along all right.

Now, for myself, and I know I'm probably speaking for the other residents that's on Edwards Avenue and River Road. River Road, in particular, is very bad water as far as trying to drink it or make coffee, it doesn't have the right colors they tell me in there and everybody is using bottled water and so that has its cost to it. Now, there was one thing that George and I proposed but I don't suppose our water superintendent and our H2 engineer could see our way of thinking. There's a wonderful island in Peconic River and it's in the pine barrens and just because there's a river on top doesn't mean the water down below isn't good because the superintendent of water can verify that. But somehow or another it didn't work out so I guess we don't save any cost there.

Now, myself, Dennis says that it will probably be spring. Well, it was cold weather so to speak when they put in extension 46 for Mr. Miller. I guess us poor people, we can't get that fast service and same as a project on Twomey Avenue because we have to pay it out of taxes. They paid it out of the pocket. So if we can expedite this and get it a little faster than spring and would certainly be welcome I'm sure to all these residents of Edwards Avenue in Calverton.

kink?"

Gary Pendzick: "That's the expressway. Right here. That's what goes underneath the Long Island Expressway."

Supervisor Vilella: "Okay."

George Schmelzer: "The road has no kink. The road has no kind. How come there's a kink?"

Gary Pendzick: "Well, River Road bends sharply-- "

George Schmelzer: "Not like that. Not like that. You know it doesn't. Come on."

Supervisor Vilella: "George owns that road. Remember that."

George Schmelzer: "I've heard it-- you have a hard time going under the railroad. Is that true?"

Supervisor Vilella: "Under the railroad tracks?"

George Schmelzer: "Yeah, twice. Shouldn't because River Road and Edwards Avenue were there before the railroad existed. So they should bend to the road, not the road bend to satisfy them. Really."

Supervisor Vilella: "It's up to the engineer and them to work out."

Dennis Kelleher: "I can quickly answer that. It may be shown with a kink in the water main, however, the water main will be following the road. When we do come to the railroad, we will need to follow all the rules and regulations established by the railroad and we will need to jack under the tracks. So there is an additional expense to that and we will have to meet their standards. Same thing when we go under the expressway we have to work with New York State DOT and meet their standards."

George Schmelzer: "You mean the railroad has more power than the town over the road?"

Dennis Kelleher: "The railroad was there before our water main."

George Schmelzer: "Well, the railroad wasn't there before the

road was there though."

Supervisor Villella: "George."

George Schmelzer: "What?"

Supervisor Villella: "You've got to talk to us."

George Schmelzer: "Well, all right. Talk to him, too."

Supervisor Villella: "He can hear you."

George Schmelzer: "Now, what about using pine barren water. Everybody's (inaudible) away from that."

Supervisor Villella: "The river you mean?"

George Schmelzer: "Not the river water. There's land-- "

Supervisor Villella: "You mentioned that little island-- "

George Schmelzer: "Yeah, it's not really an island, just a higher spot, it's higher than the other land is. I found it by myself, couldn't find it-- yeah, so the town signed up for this God damn system-- "

Supervisor Villella: "Watch your language."

George Schmelzer: "Well, that's what I think of it."

Supervisor Villella: "Well, that's your thing. Watch your language."

George Schmelzer: "Okay, I didn't say you did, but I do. So why not use it? Gary had a house by the river, went down below the clay, best water around. There's clay around there. All you've got to do is go through the clay, get the best water, pine barren water, it comes out like artesian because of the hill south of the river, well, how come we're trying to avoid that?"

Supervisor Villella: "Avoid it? I don't know if they're avoiding it. Maybe it's the cost factor."

George Schmelzer: "No, (inaudible) it all the time."

Supervisor Vilella: "George, step aside, let Gary speak on that."

Gary Pendzick: "Gary Pendzick, Superintendent Riverhead Water. We're not trying to avoid it. We are looking in that area and we do believe that down deep below several layers of clay that there is a very high quality of drinking water there. And we hope to secure some properties in that area for future pump stations for the Riverhead Water District and the people of Riverhead."

George Schmelzer: "Why not make a pump there now?"

Superintendent Vilella: "George, who's living there now?"

George Schmelzer: "Birds. Oak trees, maybe some snakes. I don't know. Snakes they come down the river in boats, they live in Nassau and in the city. But there's water below the clay there, it's the best water around. And besides we'd be furnishing water for the whole town, why can't you get a cheaper rate on this cost of putting the pipes in? We're looking for ourselves, too, me and Steve. So-- "

Supervisor Vilella: "They said they were looking into that."

George Schmelzer: "What?"

Supervisor Vilella: "They are looking into that, George, for the future."

George Schmelzer: "Looking, but nobody has been down there to look. Just an excuse, been looking into it, you have to go down there to look. I'll bring them down there anytime they want to now. Even though I felt rotten yesterday and today. So-- "

Supervisor Vilella: "Okay, George. We appreciate that invitation. I know we went out last time, we couldn't find it."

George Schmelzer: "Well, I found it by myself."

Supervisor Vilella: "Good, good."

George Schmelzer: "Grown up in bushes, the road was. There's a road there; it's not really an island, just a higher spot. If the river went up two feet, it would be an island. If the river went down a foot, it would be perfectly dry land and the river-- the actual

river is only about eight, ten feet wide anyway because there's no dam there."

Supervisor Villella: "Do you have anything else pertaining to this public hearing?"

George Schmelzer: "It looks to me the interest will amount to more than the principal in 20 years, won't it?"

Supervisor Villella: "Over a 20 year period?"

George Schmelzer: "Yeah. If anybody wants to pay off their share of (inaudible) at one time, could they do that, save the interest?"

Supervisor Villella: "That's not how it works, but-- "

George Schmelzer: "I'm just asking you. See now if people get charged even if they're not hooked up. If a private water company couldn't-- wouldn't be allowed to do that. They could only charge for the water. See what I mean? It's a good thing the town doesn't run the lighting company. They'll be sending light bills to empty lots."

Supervisor Villella: "I'm glad you're smiling, George."

George Schmelzer: "Maybe this lighting company we got now won't do that. Who knows? Okay, thank you."

Supervisor Villella: "Thanks a lot, George. Would anyone else like to speak on the public hearing? If not, yes, Steve."

Steve Haizlip: "Steve Haizlip again. Back on extension 52, water main extension 52. One important thing that I wanted to bring out and overlooked it when I was up here. If anyone has a hardship of getting the extension hooked up from the main to their house and some houses on River Road will be rather difficult to get hooked, the house, for example, Mrs. (inaudible) way up on the hill, the (inaudible) house and the (inaudible) up there, it's upgrade like, but if anyone is having financial hardship on this, they can contact Eileen Roman (phonetic) here in the CDA by just calling Town Hall at 727-3200 and ask for her and she will help them out as to their finances and give them paperwork and so forth and work with them on it. So I wanted to get that-- "

Supervisor Villella: "Thank you for bringing it up, Steve. It's very important."

Steve Haizlip: "It is."

Supervisor Villella: "Thank you. George. Make it quick. We've got a lot of resolutions."

George Schmelzer: "On the river side of River Road there are two gas pipes, one that's been there for about seven years almost, and on the other side there's a big telephone cable for Grumman. Now where are they going to put this water pipe? In the middle of the road?"

Supervisor Villella: "They'll answer that for you, George."

George Schmelzer: "Where is he?"

Supervisor Villella: "You've got to move away."

Dennis Kelleher: "Dennis Kelleher, H2M. Actually we have not picked the exact location where the water main will go. That will be part of the detail design. When we contact all the utilities that have buried gas pipes, electrical, telephone, we then look at the most cost effective location for installing the water main. So that will not be done until the Town Board approves the extension."

George Schmelzer: "In the middle of the road then, because on both sides-- one side you got gas pipes, the other side a big telephone cable."

Dennis Kelleher: "I cannot say at this time where it will be."

Supervisor Villella: "Thank you."

George Schmelzer: "Sounding more like a lawyer than an engineer."

Dennis Kelleher: "Is that good or bad?"

Supervisor Villella: "It's bad. I'm up here with him. If no one else would like to speak on this public hearing, I think-- what time is it now? 7:50. I declare the public hearing closed. There

were two public-- we did both at the same time. Both public hearings are closed on this."

Public Hearings closed: 7:50 p.m.

Supervisor Villella: "Now, we're going to go on to comment on tonight's resolutions. Would anyone like to speak on tonight's resolutions, please come forward."

Steve Haizlip: "Steve Haizlip of Calverton. I would like to ask Resolution 381 explained, please. I don't quite understand-- wait a minute, 861. 861. I jumped up too fast-- "

Supervisor Villella: "That's all right. You're excited about getting your extension."

Councilman Kent: "861 we're going to table. Because it doesn't have the support document."

Councilman Cardinale: "Chris will address that. We were discussing it."

Steve Haizlip: "It's all-- "

Councilman Kent: "This is to upgrade the electrical design in electrical service at Davis Corwin house which is one of the houses we own, where East End Arts Council is on Main Street."

Steve Haizlip: "Oh. Okay."

Councilman Kent: "And we need an outside designer to design the electrical in there and we're going to table it because we don't have the cost, how much it's going to cost us to do this design work."

Steve Haizlip: "Oh, I got an electrical engineer for you. But the only thing is he's in Rhode Island, he's my son, so I can't get him here."

Councilman Kent: "Will he do it for nothing?"

Steve Haizlip: "He would if he was here. He designed and took care of all the electrical work for the Pine Barren Auto Works, well,

it's his first cousin, you know."

Supervisor Villella: "Thank you. Anyone else like to speak on the resolutions tonight? Bill?"

Councilman Kwasna: "Before Bill comes up, Mr. Supervisor, I'd like to add one thing. We do have one resolution that's coming off the floor tonight."

Supervisor Villella: "I was going to talk about that."

Councilman Kwasna: "That I'd like to place in the number spot that we had for the one resolution that we're not bringing up, if you want to stick it in where 876 was so we're not skipping a number. 876 was a resolution that we're not going to bring on the floor tonight."

Supervisor Villella: "Does that affect your-- "

Barbara Grattan: "Actually it doesn't affect me."

Councilman Kent: "We're going to take out 876? Are we going to table it or are we going to withdraw it?"

Councilman Kwasna: "We're not even going to bring it off the floor."

Councilman Kent: "We're not going to even move it?"

Councilman Kwasna: "No. So you want to stick that last resolution-- "

Councilman Kent: "I think it might just cause confusion-- "

Barbara Grattan: "I think it would because later on, Mark, when somebody looks at the resolutions, and into the agenda, you're going to see that resolution number and it's not going to be there where this one is going to be placed."

Councilman Kent: "I think that resolution that we're calling off the floor should be resolution 899."

Supervisor Villella: "Good suggestion."

Councilman Kent: "I don't want to cause confusion when you look

at a future agenda that was prepared for tonight's meeting and it shows this and then you look at the adopted resolution and it's got a different caption."

Councilman Lull: "Chris, did you want to explain this 899 a little bit so people have a chance to comment on it before we vote on it?"

Councilman Kent: "Okay. Resolution 899 is a resolution that we felt was-- out of necessity we had to adopt tonight because it affects this week's country fair. As a Board we decided to suspend the marina regulations and fees as provided under Chapter A113.2 of our Town Code because they are unenforceable. And we have boats that are already there docking at the Town dock. It would be very difficult for us to enforce the regulations as they're written in the code. So we're going to step back; we're going to amend the code and we're not going to attempt to enforce the regulations as written in the code right now. So we're suspending them for this week's country fair. That's the resolution and if anybody wants to speak on it, I have an extra copy up here."

Councilman Lull: "Chris, didn't we agree at that point that we would let stand as far as fees are concerned-- we'd let stand our recreation fees? In other words, the \$5.00 fee for-- "

Councilman Kent: "Well, if they have a permit-- "

Councilman Lull: "They have a permit, if you're not a resident, you also have to get a permit."

Councilman Kent: "Right. But-- "

Supervisor Vilella: "It can't even be enforced, that's what we're trying to settle."

Councilman Kent: "The police chief came in today and told us that he looked at that. He was asked how he would be able to attempt to enforce it this weekend and he advised us that he would not be able to enforce it."

Supervisor Vilella: "It can't be enforced and we're going to be sending out a letter to everybody that's tied up at the docks stating that next year you will be paying because we are going to update the code to be exactly the way-- you want to talk about the

code situation?"

Adam Grossman: "Well, I just want to mention that this resolution reflects a subsection A113.2 of chapter-- of this chapter of the Town Code. It does not amend the entire chapter. Okay. I just (inaudible) subsection-- "

Councilman Kent: "Has to do with fees."

Councilman Lull: "It has to do with fees but it did not suspend the-- "

Councilman Kent: "It doesn't suspend the requirement for them to clean up after themselves, to have their dinghies on the boat, not in the water when they come into the river. Things of that nature."

Councilman Cardinale: "Now that we've totally confused everybody including me-- "

Supervisor Villella: "I should have just read this. Kim had this written up for me, I should have just read it and that would have satisfied everybody-- that's all right."

Councilman Cardinale: "Can I summarize? I think what we're saying to the public is we can't enforce paying for the dock space at the weekend of the fair so we've given up trying."

Supervisor Villella: "Until we rewrite the code. Next year let everybody know out there in television land that you're going to be paying next year. Thank you."

Councilman Lull: "Which is also letting everybody know that it's free this year."

Supervisor Villella: "Right. Okay. Anybody-- Bill."

William Kasperovich: "William Kasperovich from Wading River. I'm glad to-- with the way things are going that the west end of the township will be tied up with the rest of the township by-- if nothing else, by water pipes. Let me take the least important item. 868 is going out to bid for recycled containers."

Councilman Kent: "No. That's not recycled containers."

Councilman Lull: "That's the blue containers that the town sells to the people."

Councilman Kent: "That's not 868."

Supervisor Villella: "That's not 868, that's what I'm confused about."

William Kasperovich: "886."

Supervisor Villella: "Oh, 886."

William Kasperovich: "The comment I have to make is that the lids on these containers are not holding up and we should not continue buying the same design. One, the-- by use of the pickup people the handles break in the manner that they handle it. And the other item is that the design is such that it collects water and in the winter it freezes up and it destroys the life of the lid. And this design is just not a good design. I then say-- comment is that we shouldn't continue buying the same design."

Supervisor Villella: "What he's saying is true. You are correct, Bill. They are-- we do have problems with them."

Councilman Cardinale: "This could be a first; we all agree with you. Five to zero, we agree with you. Thank you for the comment."

Supervisor Villella: "I bet you don't even have it on your tape. You forgot to press the button down."

William Kasperovich: "No, no."

Councilman Kent: "There should definitely be a domed lid. I agree with you there."

Councilman Lull: "And there's no reason in the world it has to have all that writing on the front. I'm not sure that's part-- that's going to be part of the bid, but we had that discussion last year at the meeting and that (inaudible)-- "

Supervisor Villella: "Plus we have a-- "

William Kasperovich: "Well, okay, as long as you know-- I'm sure you'll do what has to be done. Maybe I ought to stop when I'm

ahead.

I was going to talk on 861 but you say-- I hear that's going to be tabled."

Councilman Kent: "You can still speak on it if you would like."

Supervisor Villella: "If you want to know about it-- a little bit about it."

William Kasperovich: "No, if it's tabled, it's tabled. On 865 where we-- once again to the renewal of the annual rental to the district with regards to the fire districts. I would like to know whether a public-- official comment, that we are ready to do this again."

Supervisor Villella: "George-- I mean Bill, if we don't-- I'm sorry, I didn't mean to call you George. Yes we want to do this again for the reason that--"

William Kasperovich: "I don't want to-- excuse the interruption. I don't want to get into conflict or embarrass Ray Pendzick-- Gary Pendzick-- see I don't even know his name. But I want reassurance that he has checked all the hydrants and they are ready to be rented out."

Councilman Kwasna: "Bill, I don't know if you're referring to charging the fire districts what we use to charge the years ago, but this is just holding to the same agreement. It's the same agreement we've had with them for like the past four years-- three or four years. We're not changing the agreement of what it's been for the past three years."

Supervisor Villella: "Because if we have to charge \$167 per fire hydrant--"

Councilman Kwasna: "That's what we use to charge."

Supervisor Villella: "It would raise the taxes in the fire district. So it's still like a wash out anyway."

Councilman Kwasna: "Am I correct, Gary? It's the same agreement we've had in effect for the past two, three, four years? With the fire districts, fire hydrant rentals?"

Gary Pendzick: "Precisely."

Councilman Kwasna: "We're not changing it; we're just renewing it."

Supervisor Villella: "I don't think we're answering the question you're asking."

Councilman Lull: "Bill, you're asking a question about the effectiveness of the specific hydrants. Is that right?"

William Kasperovich: "No. Normally there is a schedule check on the hydrants. They open them up, they run them, they check the pressure. This is not every hydrant, but in the new developments or the new hydrants or some areas where the old hydrants have never been gotten to, have not been done, (inaudible) these are the problems of the water department. But since this comes up on a resolution, I throw this question out, are we ready?"

Supervisor Villella: "Are we ready? Gary, are we ready?"

Councilman Lull: "I believe what Bill's trying to ask is are you regularly testing the hydrants all over the town?"

Gary Pendzick: "Of the 1800 hydrants-- 1600 hydrants that the water district is in control of, we have a rotating maintenance schedule of 60 months where they are opened and tested, in conjunction with the various fire districts who also run flow tests from time to time from year to year. Mark, you're aware of a couple of those. We also check fire hydrants physically in the event-- in the immediate area of a house that's had a fire and we check with the records of the fire districts with respect to their performance during the course of a firematic event. They always report to us as to how well they perform or if they felt it was a problem or whatever. We've not had any problems in recent years, not since I think the late '70's when we had undersize water mains. But flows and the maintenance of them, they do operate well and once every five years we run through the whole pack of them."

Supervisor Villella: "Gary, is there a-- Gary, is there a program-- oh, wait a minute, Bill got you there. Bill, you want to talk, go out in the hallway and talk to him."

Gary Pendzick: "We are going to-- we do need to paint some

hydrants that-- with reflective material and with the federal orange-- not day-glo, but it's the federal orange rustoleum. Some paints that we attempted to use some years ago didn't last or give us the five to 10 year coating time that we had hoped; they only last a few years, in fact, some of these are right in Bill's neighborhood. And it's a problem that-- "

Supervisor Vilella: "Why don't we give him a job? Bill, would you like to paint them?"

William Kasperovich: "I had threatened to do this many times but I don't want to cast any shadow on the good job that Gary's doing in the water department."

Supervisor Vilella: "Oh, we know he's doing a tremendous job because Suffolk County Water Department is always calling me up. They want our water. Is there anything else, Bill?"

William Kasperovich: "On resolution #877."

Supervisor Vilella: "877."

Adam Grossman: "Vinny, I just wanted to comment on this resolution. Resolution 877 is adopting a local law to amend Chapter 61 Environmental Quality Review of the Riverhead Town Code and we had a public hearing sometime ago on this (inaudible) September 16th, and the reason for these changes is to have this Chapter, Chapter 61 reflect current-- what's currently required by the State Environmental Quality Review Act. Among the changes that we made there was a Board that is referenced in the former section that if this resolution is adopted (inaudible) will be changed-- an Environmental Quality Review Board would no longer exist and, in fact, hasn't existed for quite some time. So we had a chapter of the code that was referring to a Board that was not acting, was not dealing with things (inaudible). So we are eliminating that and otherwise (inaudible) section on fees and referring to the proper language that it should reflect to comply with the (inaudible) Environmental Quality Review Act. We're correcting this chapter."

William Kasperovich: "Okay, glad to hear it. And your last paragraph where you resolve, you send certified copy to a department, a board, a department. Neither of these departments or boards are headed by an elected official and consequently they should be the man in charge or the head of or the chairman of should be listed by name."

Adam Grossman: "Well, I think we try to keep the names out of these particular resolutions in case there are changes of personnel in the town. I don't see any problems in putting names in (inaudible)."

William Kasperovich: "Well-- "

Councilman Kwasna: "I guess we could change everything to lead agency."

Adam Grossman: "Mostly that's what it is."

Supervisor Villella: "Do you want to explain lead agency to Bill? He knows."

Adam Grossman: "The other reference in these amendments, is to reflect-- in this chapter rather than having this Environmental Quality Review Board make SEQRA determinations, to have the lead agency. And lead agency in some instances, the Town Board, in some instances other boards within the town and sometimes it's outside the town, such as the DEC on occasion (inaudible) for a particular application here in Riverhead. But regarding the issue of Planning Department, Planning Board and the Building Department, I have no objection to putting in that the Chair of the Planning Board and the heads of those departments in the resolution. I think it's a practice we just do not include names."

William Kasperovich: "Well, I think it's high time we improved our practice."

Supervisor Villella: "We've been improving-- "

William Kasperovich: "Yes, I know we have been and this is why I felt this was an appropriate time to bring it up."

Supervisor Villella: "And we always listen to your suggestions, too."

William Kasperovich: "Your personnel change, your make up of the department, board change, but the man that's in charge, he should be spelled out so there is no question that the person in charge, the responsible individual, gets the certified copy."

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

William Kasperovich: "All right."

Supervisor Villella: "Before we go into the resolutions-- is there anyone else who would like to speak on the resolutions-- George. Because we have to take about a five minute break. Okay."

George Schmelzer: "What's this 854 about?"

Supervisor Villella: "Excuse me, George?"

George Schmelzer: "On resolution 854."

Supervisor Villella: "What about it, George?"

George Schmelzer: "I don't understand it. What is it?"

Supervisor Villella: "Adam, do you want to-- "

Councilman Cardinale: "The Town Attorney is going to explain this. And Rick Hanley is also here, he might be of assistance to you."

Adam Grossman: "Rick, if you want to come up? I just want to mention that this is part of the process at the Grumman site in terms of what we're going to be doing with property there, is we're going to be-- there are going to be some changes made there pursuant to an Urban Renewal Plan. Essentially what we've done is we've speeded up that part of the update-- "

George Schmelzer: "Urban renewal? There's nothing to renew. It's all open land. What are you renewing, the runways or something?"

Adam Grossman: "Rick, I think I'm going to give this one to you. But this is part of what we're doing with the Grumman property."

Richard Hanley: "There's a question on the resolution?"

Adam Grossman: "Yes, he's just asking generally about the resolution."

Supervisor Villella: "We have to adopt this Urban Renewal Plan before we go into contract."

Richard Hanley: "The purpose of this resolution is to allow the Town Board to convey real property at the Calverton site. Since the property-- really the CDA director could probably echo this, but the property is owned by the CDA and according to the State Municipal Law, in order for the town to convey this property we have to have an adopted Urban Renewal Plan which sets forth the purpose of the conveyance and what the property could be used for after conveyance. So that's the reason we're adopting this resolution this evening."

Supervisor Villella: "All right, George?"

George Schmelzer: "I'm more confused than ever. You must be confused, too, because you asked Rick to explain it."

Supervisor Villella: "This is to get the contract going for First Industrial. After we adopt this plan, we have 45 days-- "

George Schmelzer: "Urban renewal? What are you renewing? Didn't say, come on."

Supervisor Villella: "Oh, George. We're going to renew your house, right there in that area. You live right behind Grumman."

George Schmelzer: "There's nothing there. What a system. I thought you'd (inaudible) to the New York Port Authority and then with a (inaudible)-- "

Supervisor Villella: "We were waiting for you to come out with that."

George Schmelzer: "Yeah, as long as they pay taxes on it forever. You can get a deal like that if you want to. New York City-- "

Supervisor Villella: "There's a lot of deals coming through, you're right."

George Schmelzer: "Yeah, and it will just be a complete mess. Now you're going to have (inaudible) there, give them tax abatements nobody else can get by giving special deals so people that can't run their own business come in here want to develop it, you got to give a million dollars mitigation fee, why don't you (inaudible). It's getting crazy all the time."

Supervisor Villella: "George, you're making up your story there."

George Schmelzer: "You know it's all true-- you know."

Supervisor Villella: "You've got to keep it to Calverton."

George Schmelzer: "Keep-- anybody has a private piece of land, what are they going to do now? Nothing. Wait until this damn thing gets all done and you're going to give special tax rates, special electric rates, special this, special interest. People come in there, they'll come there for 10 years and move down south and the people that worked there be left on welfare. That's what we're headed for. Really. Smart deal."

Supervisor Villella: "Maybe by then if they do that then we'll go to the MTA like you suggested."

George Schmelzer: "Well, it'll be too late then. Better do it now, really."

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

George Schmelzer: "Wait a minute, I'm not done yet."

Supervisor Villella: "George, what other resolution do you have?"

George Schmelzer: "This here knocking down private buildings here in-- last page 871, why is it, 971?"

Supervisor Villella: "Is that the Swezey one?"

George Schmelzer: "There's four of them there. The only building in town that's not safe is that Rimland building, the town owns it."

Supervisor Villella: "Right, and we're going to knock it-- they're going to knock it down."

George Schmelzer: "-- knock that down first. Sure, good example. People-- picking on people that have (inaudible) no danger. And you charge them for it? You have some never to do that. Knock

somebody's building down and charge them for it. I'm surprised-- nobody can get away with that but the town and even they couldn't even get away with it. Really. Just because somebody doesn't like the looks of it. You can take any building in town maybe somebody wouldn't like the looks of it. There are hundreds of buildings. Some of these historical buildings, are they safe? Well if you consider them-- see, a building is new, then it gets old and decrepit, then it becomes historical. If it gets down to the fourth designation it's preserved, see."

Supervisor Villella: "Okay, thank you for your suggestion, George. If no one else would like to speak on that, we are going to take a five minute break."

Recess: 8:15 p.m.

Meeting reconvened: 8:20 p.m.

Supervisor Villella: "We did all that. You were gone; I didn't know you were gone."

(Some discussion was held)

Councilman Kent: "We can vote it down and then they can accept the old rates or we can table it and get them to make them better."

Supervisor Villella: "The tape wasn't on so we have to reopen the meeting. Thank you. Are we going to take the tabled one now?"

Councilman Cardinale: "Why don't we table it and vote it down?"

Supervisor Villella: "Okay."

Councilman Cardinale: "I would-- "

Councilman Kent: "777."

Councilman Cardinale: "I would move that tabled resolution 777 be brought on the table."

Councilman Kwasna: "I'll second that."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Vilella, yes. The resolution is brought off the table."

Councilman Kwasna: "I'll move resolution 777 which approves revised rates for H2M. So moved."

Councilman Cardinale: "Seconded."

Supervisor Vilella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I'm going to vote no on this. Chris and I and other members of the Board have had discussion on it. Even those individuals who work for us, if you look at them alone, some of the rate increases are significantly higher than that which we would give our own employees. Accordingly, I'm not prepared to adopt this and I suspect that if we do not adopt it that the rate schedule that is currently in effect will continue which is to the benefit of the town. So I vote no."

The Vote (Cont'd.): "Kent, no; Kwasna, yes; Lull, yes; Vilella, no. 3 no's, 2 yes, the resolution is not adopted."

Supervisor Vilella: "This can be brought back-- "

Resolution #849

Councilman Kwasna: "849 approves the amendment to the Comprehensive Master Plan. So moved."

Councilman Kent: "Second."

Supervisor Vilella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Kent: "Can we just have a little discussion on this so we can explain to the people what this does?"

Supervisor Vilella: "Sure can."

Councilman Kent: "What this does here, it takes the work that was commissioned by the town from HR&A and adopts it to-- as an

amendment to the 1973 master plan for the Town of Riverhead that was adopted by the Planning Board but that's a little aside. So it's necessary at this point that we do this so I will second it."

Supervisor Vilella: "It was moved and seconded."

The Vote: "Kwasna, yes; Lull, yes; Vilella, yes. The resolution is adopted."

Barbara Grattan: "Resolution #8--

Councilman Kent: "I don't think they voted."

Barbara Grattan: "Who didn't?"

Councilman Cardinale: "The first two."

Councilman Kwasna: "Chris was simply seconding it. He hadn't voted yet."

Barbara Grattan: "Phil Cardinale said yes."

Councilman Cardinale: "That was the last one. No, the last one was no."

Councilman Kent: "Say yes."

Councilman Cardinale: "This one is yes."

Supervisor Vilella: "That's all right; we're entitled to make mistakes."

Barbara Grattan: "The resolution is adopted."

Resolution #850

Councilman Kent: "850 approves the application of St. John the Baptist Roman Catholic Church's Octoberfest to be held on October 18th between 2:00 p.m. and 8:00 p.m. So moved."

Councilman Lull: "Second."

Supervisor Vilella: "Moved and seconded."

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

Resolution #851

Councilman Lull: "Approves the application of Helen's Greenhouse for hayrides. This is Union Avenue, Aquebogue, to be held weekends during the month of October. So moved."

Councilman Cardinale: "Seconded."

Supervisor Vilella: "Moved and seconded."

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

Resolution #852

Councilman Cardinale: "This resolution approves the application of Riverhead Business Improvement District Management Association for an application for the purpose of conducting live music on the Peconic Riverfront across from McDermott Street Friday, October 9th, 7 to 11. So moved."

Councilman Kwasna: "Second."

Supervisor Vilella: "Before I say moved and seconded, this is a free concert Friday night. We're going to have some oldie groups there; we're going to have a blues band. So it's going to be a great night. So everybody come on out and have some fun. Moved and seconded."

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

Resolution #853

Councilman Kwasna: "This approves a temporary sign permit of James Bissett Atlantis LLC. So moved."

Councilman Kent: "Seconded."

Supervisor Vilella: "Moved and seconded."

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

Resolution #854

Councilman Lull: "854 is the adoption of the Calverton Enterprise Urban Renewal Plan. The Riverhead Planning Board held a public hearing on this in August; the Town Board held a public hearing in the beginning of September, and now based on those two public hearings, the Urban Renewal Plan for the Calverton Enterprise Park is ready to be in place. And I move that."

Councilman Cardinale: "Seconded."

Supervisor Vilella: "Moved and seconded."

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

Resolution #855

Councilman Cardinale: "This resolution authorizes attendance of the Animal Control Officer at a training academy in Syracuse. So moved."

Councilman Lull: "Second."

Supervisor Vilella: "Moved and seconded."

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

Resolution #856

Councilman Kwasna: "856 appoints Community Development Director Andrea Lohneiss as our representative to the Suffolk County Industrial Commercial Incentive Board. So moved."

Councilman Kent: "Seconded."

Supervisor Vilella: "Moved and seconded."

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

Resolution #857

Councilman Kent: "Resolution 857 waives the customary bond requirements on the application of the Riverhead Free Library. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I'm going to abstain since I serve as a trustee on the library board."

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

Resolution #858

Councilman Lull: "Accepts Suffolk County National Bank letter of credit of Baiting Hollow Estates for road and drainage improvements. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #859

Councilman Cardinale: "This resolution ratifies the appointment of three detention attendants. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #860

Councilman Kwasna: "860 authorizes the Town Clerk to publish and post help wanted ad for Maintenance Mechanic II, Riverhead Water District. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #861

Councilman Kent: "861-- I'm going to move to table this resolution authorizing the contract for professional engineering and design services of JBG Statistical Services. We need the hourly rates listed in the-- they're said to be provided but are not listed in the resolution. So I move to table."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution to table."

Resolution #862

Councilman Lull: "862 authorizes the transfer of county owned property in the Mesta Vista Subdivision to the Town of Riverhead, tax default properties in Mesta Vista Subdivision which are being transferred to the Town of Riverhead. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Supervisor Villella: "Do you want to speak on this, Adam? This is your baby here; you forced the issue. But I'll vote yes anyway, but I want you to speak."

Barbara Grattan: "The resolution is adopted."

Adam Grossman: "This is one further step in the direction of resolving outstanding litigation in connection with the Mesta Vista Subdivision. We had a legal impediment that was discovered in terms of the work I was doing with settlement with the litigants in connection with this case, that we discovered that the county, in fact, owned the roadways. Normally the county charges fees for the town to take over roadways owned by the county. In this instance, we requested to Legislator Carraciola that those fees be waived and that is what the county has agreed to. Thus this resolution tonight."

Supervisor Villella: "Thank you. Barbara."

Resolution #863

Councilman Cardinale: "This resolution authorizes the execution of a contract for New York State assistance with Household Hazardous Waste State Assistance Program. The town has been awarded \$22,180 towards collection of household hazardous waste and we're entering a contract for that function. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes. Kent-- "

Councilman Kent: "This resolution provides grant money for the town STOP program, which I know is important to a lot of people in town and I vote yes."

The Vote (Cont'd.): "Kwasna, yes; Lull-- "

Councilman Lull: "And I have a question because it's been asked by several people. Do we have a date, Mr. Supervisor, as to when we would be ready to go with the STOP program?"

Supervisor Villella: "John is working on that date, John Reeve, he's going to notify us as soon as possible. He said something-- in the fall. We are going to have one in the fall."

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

Resolution #864

Councilman Kwasna: "This authorizes the Supervisor to execute an agreement with the Family Counseling Service Employee Assistance Program. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #865

Councilman Kent: "This authorizes the Supervisor to enter into fire hydrant rental agreements with the Riverhead, Wading River, Jamesport and Manorville Fire Districts, \$1.00 per year. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #866

Councilman Lull: "Authorizes the Supervisor to execute a change order for the Riverhead Water District Meadowcrest III. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #867

Councilman Cardinale: "This resolution appoints the law firm of Twomey, Latham, Shea & Kelley in connection with the lawsuit entitled Calverton Industries LLC versus the Town of Riverhead and others in

the US Federal Court and it authorizes the firm to defend members of the Town Board and the Building Department represent Sharon Klos. So moved."

Councilman Kwasna: "I'll second it."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, no; Lull, no; Villella, yes. The resolution is adopted."

Resolution #868

Councilman Kwasna: "Authorize the Town Clerk to publish and post notice of estoppel for \$1,943,000 serial bonds increasing improvements to facilities of the Riverhead Water District-- so we'll correct that to add another zero. It will be 1.943 million. So moved."

Councilman Kent: "I'll second it. This is a notice that the time period for permissive referendum has expired and it's a notification printed in the press. So I'll second it."

Supervisor Villella: "Moved and seconded."

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

Resoution #869

Councilman Kent: "Authorizes the Town Clerk to publish and post a second notice of estoppel regarding \$2,595,000 worth of serial bonds for open space. Again, it's a notice that the permissive referendum period has ended. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #870

Councilman Lull: "Authorizes the Town Clerk to post and publish public notice for a public hearing to consider proposed local law for an amendment of Chapter 101 Vehicles and Traffic of the Riverhead Town Code. This involves stop signs on Herod Point Road, Maple Road and Berry Lane. That public hearing to be held on the 20th day of October at 7:05. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #871

Councilman Cardinale: "This resolution authorizes the Town Clerk to publish and post public hearing notice to consider the demolition of buildings owned by Lifeboat, Inc. c/o Nassoun S. Azzouni pursuant to Chapter 54 of the Code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes."

Councilman Cardinale: "Incidentally, this property is at 447 Peconic Bay Blvd., Aquebogue. Yes."

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

Resolution #872

Councilman Kwasna: "Authorize the Town Clerk to publish and post public hearing notice to consider demolition of building/buildings owned by Carroll T. Owen in the vicinity of 726 Roanoke Avenue pursuant to Chapter 54 of the Town Code of the Town of Riverhead. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #873

Councilman Kent: "Authorizes the Town Clerk to publish and post public hearing notice to consider the demolition of buildings owned by LIPA pursuant to Chapter 54 of the Code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures, building located at 43 Doctors Path, Riverhead, New York. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull-- "

Councilman Lull: "If we are successful in LIPA, then maybe we can get something done by the Metropolitan Transit Authority that owns that place on Railroad Avenue in Jamesport. Yes."

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

Resolution #874

Councilman Lull: "Authorizes the Town Clerk to publish and post a public hearing notice to consider the demolition of buildings owned by James A. Boyd pursuant to Chapter 54 of the Code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures. This building at 44 Cranberry Street in Riverhead. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #875

Councilman Cardinale: "This resolution authorizes the Town

Clerk to publish and post notice of a public hearing. So moved."

Councilman Kwasna: "Second."

Councilman Cardinale: "This is regarding community development block grant funds for 1999."

Supervisor Villella: "Moved and seconded."

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

Councilman Kent: "This is important to note that at our next Town Board meeting we are going to be having a public hearing to accept applications for this community block grant funds. So anybody interested in making a particular request of this money-- "

Councilman Lull: "Any organization who would like to make a presentation, do so."

Councilman Kent: "And I vote yes."

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

Resolution #876

Councilman Kwasna: "We're just throwing this one out?"

Councilman Cardinale: "We've got a motion to table?"

Supervisor Villella: "No. Not table. Out, withdraw it."

Councilman Kent: "A motion to withdraw it."

Supervisor Villella: "It has to be voted to throw it out. All right."

Councilman Kent: "Moved and seconded, I think."

Supervisor Villella: "Who-- "

Councilman Kwasna: "I move to withdraw it."

Supervisor Villella: "Okay. Who seconded it?"

Councilman Kent: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I vote yes. I believe we can handle this at the next work session. So I vote yes."

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

Resolution #877

Councilman Kent: "Yes. This adopts a local law to amend Chapter 61 entitled Environmental Quality Review of the Riverhead Town Code. The substantive change mostly is remove any reference to environmental quality review board and in its place has the words lead agency. We determine lead agency by resolution, now that work will be done by lead agency rather than the environmental quality review board. This is for reference to SEQRA, the SEQRA program. So moved."

Councilman Lull: "I'll second it and Chris we had this discussion while you were out. 61.6, there are four paragraphs having to do with the collection of fees that help to pay for the SEQRA process. I'm sure those fees were done away with with the thought in mind that there was something to replace them. But the something to replace them is not in here. So I asked Adam about the possibility of putting this off until the next work session so I move to table it."

Adam Grossman: (Inaudible).

Councilman Kent: "(inaudible) part of the site plan fees-- "

(Discussion among the Board members.)

Councilman Kent: "I would second the motion to table."

Supervisor Villella: "Moved and seconded to table."

The Vote: "Cardinale, yes, to table; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. This resolution is tabled."

Resolution #878

Councilman Lull: "Adopts a local law amending Chapter 58 Dogs of the Riverhead Town Code based on the public hearing that was held on the 16th of September. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

(Discussion was held among the Board members.)

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

Resolution #879

Councilman Cardinale: "This resolution approves the site plan of R&K Precision Autoworks for a facade alteration. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #880

Councilman Kwasna: "880 is a general fund budget adjustment. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #881

Councilman Kent: "Establishes rates for a PAL program. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #882

Councilman Lull: "Authorizing publication of notice to bidders for new pump out facility project. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #883

Councilman Cardinale: "This resolution is an authorization to publish bids for the purchase of meat for the Town of Riverhead. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #884

Councilman Kwasna: "884, we're going out to bid for some food to go along with the meat. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kwasna."

Councilman Kwasna: "Let me see if we can. I believe this is for the nutrition center. So everybody knows it's not for the town board's private use. This is for the nutrition center."

Supervisor Villella: "Moved and seconded."

Barbara Grattan: "You already did that."

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

Resolution #885

Councilman Kent: "Authorization to publish bid for the purchase of street light and traffic signal maintenance repair parts. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #886

Councilman Lull: "Before we publish bids, let's wait and try and talk about this. I move we table 886, which is the authorization to publish bids for recycling containers and we've had discussions about what is going to be on the containers and discussion this evening about the shape of the containers. Maybe we should take some time out and take a look at it."

Councilman Kwasna: "Well, has the bid been drawn up yet? Is Jack here? Jack? Has the bid been drawn up yet on recycling containers?"

Jack Hansen: "I think so."

Councilman Kent: "Yes, it talks about the bid packets being available in the Town Clerk's office."

Councilman Kwasna: "Is it the same container that we bid last time?"

Jack Hansen: "Same one that we have currently."

Councilman Cardinale: "We don't like that one."

Supervisor Villedella: "We don't like it. Water gets in it."

Councilman Kent: "We're going to have Bill draw up a new design for it."

Jack Hansen: "What color would you like?"

Supervisor Villedella: "No, the color is-- blue is the Riverhead color."

Councilman Kwasna: "The color is fine."

Councilman Kent: "The color is fine. The design is bad. We'll talk about it at a work session."

Councilman Kwasna: "I move to table it."

Councilman Kent: "I second the motion."

Supervisor Villedella: "Moved and seconded."

The Vote: "Cardinale, yes, to table; Kent, yes; Kwasna, yes; Lull, yes; Villedella, yes. The resolution is tabled."

Resolution #887

Councilman Cardinale: "This resolution authorizes the publication of a bid for toner. So moved."

Councilman Kwansa: "Second."

Supervisor Villedella: "Moved and seconded."

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

Resolution #888

Councilman Kwasna: "Awards bid for #4 and #6 fuel oil. So moved."

Councilman Kent: "Seconded."

Supervisor Villedella: "Moved and seconded."

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

Councilman Lull: "If this is 4 and 6, what happened to 5? Yes. Sorry."

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

Resolution #889

Councilman Kent: "Awards bid for office supplies. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #890

Councilman Lull: "Highway-- it's a budget adjustment in the Highway Department, \$1,500 from Garbage to paint. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #891

Councilman Cardinale: "This is a Village at Wading River water extension budget adjustment, moving \$120,400 to pay some bills. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #892

Councilman Kwasna: "This is a Route 58 commercial sewer extension budget extension. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #893

Councilman Kent: "This is a budget adjustment for ambulance equipment fund from appropriated fund balance, \$3,250 to purchase equipment and miscellaneous. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #894

Councilman Lull: "Budget adjustment in the sewer district. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #895

Councilman Cardinale: "This resolution accepts the Suffolk County National Bank irrevocable letters of credit of 1994 Soundview Golf, Inc. for the Sound Breeze subdivision Section 4. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #896

Councilman Kent: "Approves the special permit of Swezey-Riverhead Holding LLC for allowance for 100% building coverage in connection with the demolition of existing buildings and the construction of 60,000 square foot gross floor area on a half acre parcel zoned Business D downtown Riverhead. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Supervisor Villella: "And this is a big step in getting the project moving in the right direction. We were waiting for the Suffolk County Planning Commission to give their approval; they gave it to us, and now we're voting on it tonight. So this is a big step right here. I'm very happy for Swezeys. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #897

Councilman Kwasna: "897 adopts an amendment to Chapter 108 entitled Zoning in the Town of Riverhead Code. This makes restaurants a special permitted use in Industrial A District. So moved."

Councilman Kent: "Yes, seconded. This adds the words by special permit of the Town Board to Industrial A District, restaurants by special permit of the Town Board. Seconded."

Supervisor Villella: "Moved and seconded."

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

Resolution #898

Barbara Grattan: "Resolution to pay bills, 898."

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

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

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

Resolution #899

Councilman Kent: "Yes, this resolution 899 as we discussed earlier, this suspends Chapter A 113.2 regarding marina regulations at the town dock. So moved."

Councilman Lull: "Seconded."

Supervisor Villella: "Moved and seconded."

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

Supervisor Villella: "Okay. That takes care of the resolutions. Now I have to-- did we pay the bills? We did it already? Okay. I have to call this meeting closed."

Meeting closed at 8:48 p.m.

Town Board meeting reopened: 8:49 p.m.

Supervisor Villella: "We reopen the regular meeting."

Councilman Lull: "We'd like to mention that that public hearing will be held on October 6th-- 20th, sorry."

Supervisor Villella: "Okay, I have four cards here. William-- Bill Kasperovich, you already spoke on the resolutions. Is there anything else you want to speak on-- watch the Yankees, good, okay, all right. Ron. Thank you, Bill."

Ron Eck: "Ron Eck, Riverhead. Supervisor Villella, and Councilmen all, Barbara, Adam. At my last meeting, I did want to talk

about something else and I mentioned it to Steve Haizlip what I wanted to talk about and we're going back a few meetings before that last one. I had told Steve-- Steve had come here before you and said that he felt you should make a telephone call down to Aid and a few of those stores down there at the shopping plaza on 58, which is the Siegal Shopping Plaza, I believe Mr. Siegal owns it or something.

Steve said make a phone call to have Aid go ahead and pick up the garbage, the trash that's out there from people shopping and leaving their oil cans there and everything else. Well, nobody on that Town Board made that phone call. But I went and I talked to the Aid manager that day that was on a Saturday. He went out and he picked up the cans and whatever garbage was out there. He swept in front of his store so Steve's question to you was answered. Okay. And also, that Sunday there was trash out there again, but Steve had thought it all came from Aid store and I told him no, there was one oil can out there from BJ's. Now, BJ's is two miles away. But you could have called them up, the manager. They are keeping it pretty clean. I spoke with the Dunkin Donuts and they're keeping it clean. They put a garbage can out, Dunkin Donuts did. Aid had-- has a garbage can there but it's hidden because it's between their two doorways. People don't see it there. So they take a battery out of their car, they set the old one on the ground, put the new one in, the old one stays there. I've seen it.

But you can go ahead, I'm going to review something here and I see you used it a lot tonight in your amendments. Chapter 54. Now I spoke about 18 spaces of parking there that should be turned around the opposite way. Mark told me at the first meeting I was at that the man had been cited twice, I believe, and that there's no-- he does not answer your citations. Use Chapter 54; let the Town redo those parking lines, put in fire stripes-- you can't do it?"

Adam Grossman: "Chapter 54 is the chapter dealing with unsafe buildings and collapsed structures so the only way in which we could invoke that chapter against a business or a residence is that the structure itself is in question, that the structural integrity. If there's a problem with the parking, that is not an issue that would be appropriate nor legal for us to invoke that chapter for that particular problem. However, I think there are other sections of the town code that could be invoked and it sounds like something that the Building Department could work on getting compliance (inaudible)."

Supervisor Villella: "Ron, two or three weeks ago, you

mentioned something about the fire lane. That was taken-- did you see the fire-- "

Ron Eck: "There's no new stripes there."

Supervisor Villella: "No, no, no. He was up there. He gave me a report on it."

Ron Eck: "Yeah."

Supervisor Villella: "Have you seen it?"

Ron Eck: "No. I haven't seen the report on it."

Supervisor Villella: "Okay. No, no. Have you seen anyone parking there since-- "

Ron Eck: "Yes, yes."

Supervisor Villella: "Still?"

Ron Eck: "There is still people parking. But I don't see Davey boy around anymore."

Supervisor Villella: "Who?"

Ron Eck: "Davey boy. I have his license plate number home. He said the Town Board will not listen to him. I've heard it from other senior citizens in this town. It goes in one ear and out the other. They listen but you don't do anything for them. Okay.

Now, on Route 58, I heard Mr.-- "

Councilman Cardinale: "I don't want to interrupt, but who's Davey boy?"

Ron Eck: "I don't know. I got his license plate number. He has a truck. That's what he was called by a lady coming out when he pulled away and he yelled out the window, that Town Board won't do anything."

Councilman Cardinale: "So Davey boy was doubting us, I suppose we could probably say."

Supervisor Villella: "Talk into the camera and tell them we're after Davey boy."

Councilman Kent: "This town ain't big enough for Phil and Davey boy."

Councilman Cardinale: "That's right. Davey boy, if we find you, we are going to turn you over to Ron Eck."

Ron Eck: "Also, I heard Mr. Pfeiffer at the last meeting talking which put in my mind a few things that happened up there in that shopping center. Mr. Pfeiffer was turned the opposite way from the Town Board-- I mean you people on the Board because you wasn't up there yet-- he turned around, I was sitting in the middle there of the room and he turned around, he was talking to two people behind him. And he was talking about the Good Book where stones was thrown at a woman. Well, I was up there one day and I gave this lady behind that group of stores a dollar because she was picking up cans and she wanted a cup of coffee. A week later on a Saturday, she was throwing big rocks at me, all the way home I walked. I didn't complain to anybody. I knew she couldn't hit me because she couldn't throw."

Supervisor Villella: "She wanted five dollars this time."

Ron Eck: "The following Saturday, she threw two Snapple bottles at me, one nearly broke the window, it hit the bottom of the window where I was staying at and it nearly hit my friend, George, who, if the window would have broke, George would have got cut. Not George Schmelzer, another-- "

Supervisor Villella: "You were pointing at George there."

Ron Eck: "George is my friend, too. But about a week later, the woman was sleeping on the ground. So I went and I called the cops, 911. They come down to look at her and the cop said to me oh, she always sleeps there where she was sleeping. So they gave her a little nudge with their foot. She moved on. But she's back there again. One day a few of the people come in that seen her out there and seen her throw the bottles at me. How you're doing with that woman? I said, well, watch I'm going to buy her a cup of coffee. They said, uh-oh-- we better run. So I bought her a cup of coffee and I sat it on the newspaper stand and I said, Edy, this is for you. I walked away. So I got in the car and I drove back home. I went-- I didn't make the right turn right there because I went behind her and

as I passed her, I said, Edy, that coffee is sitting there for you. She says, thank you."

Supervisor Villella: "That was very nice of you to buy her coffee."

Ron Eck: "So that was very nice of her to-- "

Supervisor Villella: "That was nice of you to buy her coffee."

Ron Eck: "But I know my time is up."

Supervisor Villella: "Thank you, Ron. Appreciate it. Steve."

Steve Haizlip: "Steve Haizlip of Calverton. You know, I would like to ask three learned attorneys about this Riverhead Center court decision by the Appellate Division before judges, and I read that paper over pretty close and tried to decipher what they're talking about and they seem to be coming back that an environmental study wasn't completed by the Town Board. And that's what the judges hung their hat on to stop that project."

Adam Grossman: "Steve, I can explain as best as I can what the significance is of that decision. First thing I want to know and for you to understand is that it has been expressed to myself by the attorneys for Riverhead Center that they intend to appeal from the Appellate Division the highest court in the state. So it is possible that this will not be the final word on these particular issues. Okay."

However, what the decision means is that the Planned Development District, the Overlay District, which was adopted previously by the Town Board, by way of that decision was declared void and unenforceable. The basis of that declaration was that the town didn't comply with SEQRA by not having an environmental impact statement specific to the Planned Development District. In other words, they said that that was the reason that're declaring it void. That we didn't fulfill the obligations that we had pursuant to SEQRA. Now, whether that is true or not is another story but that is the significance of the decision and the problem with that decision from our perspective, I think from the Board's perspective, is that we have an existing application-- existing approvals for Riverhead Center that are now in jeopardy because of that decision. Okay."

And, so we know that it's going to be appealed. The question of whether this will be the final word on it or not, I don't have for you now because if the Court of Appeals, the highest Court in the State, is not obligated to hear every application. In other words, it just take a portion of those applications for leave to appeal that it receives."

Steve Haizlip: "All right."

Adam Grossman: "So we know that it's going to be going to the Court of Appeals and in the interim we have this Appellate Division decision that essentially stops the town from being able to use the PDD. But the existing approvals for Riverhead Center until the appeals process is exhausted remain in effect, okay, until that appeals process is over. So does that explain the decision?"

Steve Haizlip: "Yeah, that's pretty much in the ballpark. It all boils down to environmental and SEQRA studies."

Councilman Cardinale: "That was a brilliant recitation and accurate I believe, except I think you should point out it was the previous Town Board that did all of the above and that it's this Town Board's position in regard to Riverhead Center has not yet been announced or fully developed. Whether or not this is a poor decision or not where we have-- I guess gotten your opinion. We've gotten the opinion of Twomey, Latham and Shea and we are now seeking the opinion of an expert on the scope-- an expert in this area of law, in the name of Farrel, Fritz is the firm-- one of the best in the state with regards to zoning matters, as to whether this decision has any broad, long range implications for the town or whether it is simply limited to the rather odd state of facts in this particular case which was as Chris had pointed out to us and then you as well, that there was an environmental assessment form within the file that indicated that the zoning change itself would be-- have significant environmental impacts. Just the change in zoning, not the project. And although that was in the file, there was no study of those impacts and that is what the court hung its hat on."

Steve Haizlip: "Okay. Thanks for the explanation. Now I understand. Is there anyone from the Building Department working on these grown up yards. Where (inaudible) White (phonetic) used to live, across from that food delicatessen, I think that's Roanoke and Pulaski-- "

Councilman Kwasna: "Steve, that's one of the Chapter 54's we did tonight, was that address."

Steve Haizlip: "Oh, it was in one of the resolutions?"

Councilman Kwasna: "Yes. That was I believe it is 726 Roanoke Avenue. We-- last year we made the owners-- we went in and mowed that lawn down, cut all that grass down last year and charged it back to their taxes. This year it got overgrown again plus the building is open to the public, to drug dealers, to anybody that wants to go into it. The owners have refused to secure it. That's why we're doing the Chapter 54 on that property, we'll have the public hearing, I guess, in the next couple-- few weeks."

Steve Haizlip: "All right. Now, to be included in that public hearing if it's not too late, you've got a Northrup Grumman property where Mr. John (inaudible) used to live, it's all grown up and they evicted him or forced him out or threw him out or whatever term you want to use. And so it's growing up and the old (inaudible) house on the corner of Edwards and Route 25 is the same way. The only objections I have to that is if it's not cut and clean, the varmints will hang out in there and especially (inaudible) and they got some kind of medical word, I can't pronounce it, called (inaudible) or something there from the droppings and anybody walks through, breathes it, they die. That's my concern on that. Okay."

Supervisor Vilella: "No, don't mind them."

Councilman Kent: "I think you're talking about (inaudible) virus."

Steve Haizlip: "Thank you there. I told you I can't put-- all right. This question here, I don't know if anyone can answer or not. Is there some type of holiday today? There was no garbage pick up in Calverton, River Road, Edwards Avenue, and so forth. Unless they had a truck break down or something."

Councilman Kwasna: "It must be national garbage man's day, I don't know, Steve, I have no idea."

Steve Haizlip: "Okay. (Inaudible) all right."

Supervisor Villella: "Steve, would you do me a favor? Kim's not here and Edna's not here. If you could mention that tomorrow to them, I'd like to find out about that."

Councilman Lull: "If they don't come first thing tomorrow, yes."

Supervisor Villella: "We need this to be documented. Everytime if they do something wrong, if it is something that they did wrong because we have to keep it on file because we're going out next year to bid again on these districts. Now if we have a file on them that they're not doing their job we don't have to accept them. So we need the information. Everything has to be documented."

Steve Haizlip: "All right. One thing that I'd just like to add to what Ron said there about Aid is when these oil cans, when they drop them and they drop them near a drain and it's tilted just right which it has happened, 'cause Dean Terchunian, he's got a rough name to pronounce, he also brought that up once with pictures and it drains into the groundwater. All right."

Now, Ron mentioned about parking in one of the supermarkets. You know, over at King Kullen the (inaudible) parking lot that's the one facing Route 58, and goes back to Firestone, the Firestone (inaudible) if every slot is filled you can't get out. You have to back your car out and then back up so maybe Chapter 108 can handle that. Okay. I thank you very much."

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

Rolph Kestling: "Rolph Kestling, Wading River. First of all, about the garbage. They were very late by us. Usually he's there by 8:00 in the morning and today I don't think he came-- it was after lunch. So maybe a truck or something broke down."

The second thing before I get to my main subject. When you do your stickers for the garbage collections, don't leave days out."

Supervisor Villella: "Leave days out?"

Rolph Kestling: "Yeah. Look at your sticker. They left out July 31st. The week went from Thursday to August 1st. Blank space. We had no day there. Nobody picked it up? The first you heard of it? You don't look at your collection-- "

Councilman Kent: "I think they cancelled July 31st this year."

Supervisor Villella: "The year 2000 is coming. They've got to get rid of a few days."

Rolph Kestling: "Whatever. Next time proofread. What happened to the day? It was gone. Okay."

Councilman Kent: "That's because we proclaimed that's somebody else by proclamation. Didn't we? Went off the calendar."

Rolph Kestling: "Okay. To get back to what I was talking about on the Hulse Landing project, one of the last Town Board's disasters. Last time I spoke to you was around the beginning of your administration in January. I mentioned some of the problems there and since then I haven't spoken to you at all. You played cool, you had enough to do, so all these months I've been quiet. All right. You've been in office nine months now. What happens after nine months, you deliver. On the Hulse parking lot, seven of those trees that were planted are either missing or dead. Now, I understand that the one that built it guaranteed the trees, he would have to replace them. Nothing has been replaced. You've got dead trees there, you don't see where some of the other trees were. Seven of them. Count them.

Now, they were supposed to be three and a half inch trees at the base if I remember the contract right."

Supervisor Villella: "Circumference is three and a half inches?"

Rolph Kestling: "On the base, I think six inches over the base. Something like that. These were undersized trees that they put in in the first place, now most of them are dead. So, has anything been done on it yet? Who's looking after that? I mean there's somebody responsible for it. The town engineer?"

Supervisor Villella: "Was it brought to our attention?"

Rolph Kestling: "It was brought to your attention right in the beginning with the last administration."

Supervisor Villella: "In January?"

Rolph Kestling: "With the last administration. I would say,

December, November, whatever. I had mentioned it."

Councilman Kent: "Are you saying that they were required to put it in, the developer or whoever-- "

Rolph Kestling: "The way I understand talking to Mr. Testa, they were guaranteed and they were supposed to replace them. Nothing has been replaced. Now, this is the second winter. Now, this is the time to plant trees. You dig the hole, get the trees in and everything is fine. Now we have one more thing. And this was mentioned, too.

On the concrete swale that runs in the middle, where it goes down to the water, if you've ever-- this section, it's three feet wide, two feet in the other direction, that's been crumbling. Nothing and it's been mentioned-- nothing has been done with it. Now, somebody is going to trip on it, twist an ankle, probably nothing serious unless they hit their head, and the town is going to be sued."

Supervisor Villella: "Is that the fence that's in the ground?"

Rolph Kestling: "Pardon?"

Supervisor Villella: "There's a fence that's in the ground that sticks up."

Rolph Kestling: "No, no fence."

Supervisor Villella: "Well, something was up. We just-- when they had the cleanup on Hulse Landing, when was that? Two weeks ago?"

Rolph Kestling: "The concrete that where the water runs down into the drains, where the drains are-- "

Supervisor Villella: "You're talking about by the road, before you get to the-- "

Rolph Kestling: "By the road, in the middle of the road, right. Now, somebody trips and hurts themselves, they're going to sue the town. I mentioned this once before to the old administration, nothing has been done. Now, you've got a problem."

Supervisor Villella: "What's the problem? It's uneven?"

Rolph Kestling: "It's all crumbling. You got loose concrete and it hasn't been fixed up, it hasn't been replaced. The problem is now-- I mention it to you, because anybody trips now, the town can no longer say we weren't notified. Now, any lawyers that are listening, I get 5%. The town is notified."

Adam Grossman: "I just want to clarify. This is in the middle of the road you say?"

Rolph Kestling: "Well, the road that goes-- the part that goes to the beach. Have you ever been down-- "

Adam Grossman: "I mean, are we talking about the-- "

Supervisor Villella: "I'll take you down there for a ride. I'll show you."

Adam Grossman: "People walk on or-- "

Rolph Kestling: "People walk on."

Supervisor Villella: "They walk, they drive up to it."

Rolph Kestling: "They walk, they drive, everything. So, it hasn't been fixed. Somebody's going to hurt themselves, the town is going to get sued, and the town knows about it. Okay."

Councilman Cardinale: "Well, in order to really lock down the case for the potential plaintiff, you really should put this in writing as well because they may miss this. But you are right. Now that we are on notice-- "

Rolph Kestling: "I'm not going to put anything in writing. (Inaudible)."

Councilman Cardinale: "And you are correct though. That's correct. One of the keys to suing a municipality is having to show notice. Yes."

Supervisor Villella: "Bill always shows me things around town, too, that are dangerous. Thank you. Anyone else like to speak? Wait a minute. Did anyone write down the information because my secretary-- "

10/6/1998

1614

Freda Stalter: "My name is Freda Stalter from River Road and I just want to thank Mr. Haizlip for keeping me well informed of the water, what's going on with the water because I didn't know anything."

Adam Grossman: "Would you please repeat your name for Barbara for the minutes?"

Freda Stalter: "F-R-E-D-A, surname, S-T-A-L-T-E-R."

Barbara Grattan: "Thank you."

Freda Stalter: "You're welcome. I live way back in the woods and I wouldn't know anything that's going on on the main road. He came by several times."

Supervisor Villella: "Thank you for bringing that up. We know, Steve, this is his baby and he took care of it for you. Thank you."

Freda Statler: "Yes, when your water is the color of the chairs-- "

Supervisor Villella: "It is that rusty."

Freda Statler: "Yes, you can change your hair color anytime you wish."

Supervisor Villella: "George, did you hear that?"

George Schmelzer: "(inaudible)."

Supervisor Villella: "Okay. If no one else-- oh, George. Make it-- I'll give you a couple minutes, George."

George Schmelzer: "They didn't clean out that pipe at East Main Street, did they? (Inaudible) That three foot pipe. They done nothing, the State Department of Transportation."

Supervisor Villella: "The state, no. And they're on call, on notice. They said they were going to clean it up, George, and you know the state. Maybe, you know, you put a little pressure on them."

George Schmelzer: "They're worse than the town."

Supervisor Villella: "They are."

George Schmelzer: "Get any answer from Brookhaven yet on that Wading River suit?"

Councilman Kent: "We didn't get an answer yet on the suit. We're suing the town for that change of boundary."

Adam Grossman: "No. They actually requested an extension of time until the beginning of November."

George Schmelzer: "Did you get any map from the US government yet?"

Adam Grossman: "They're on their way. Okay. I have them on order and on their way."

George Schmelzer: "It might take a long time to get them."

Adam Grossman: "I'll continue working on it, I appreciate your help."

George Schmelzer: "Okay. Why don't you simplify some of these ordinances? Every Board that gets in is worse than the one before it looks to me. All the damn ordinances you've got, it's becoming stifling. Why don't you get rid of some of this junk."

Supervisor Villella: "I'm glad you're in the minority."

George Schmelzer: "What? What?"

Supervisor Villella: "Thank you, George, for your information."

George Schmelzer: "Really, it's hard for people to live with that junk that you've got. Look what happened with 58. I remember when I was going to school if anybody was poor they built a house, they put a shell up, they could afford it, they finish the inside (inaudible). Now you got to take out a big mortgage, pay interest more than the principal, (inaudible) to live in your own house. What's this? Russia or Hitler or something? I never heard of such a system."

Supervisor Villella: "Thank you, George."

George Schmelzer: "Yeah, you're welcome."

10/6/1998

1616

Supervisor Villella: "Would anyone else like to speak? If not,
the meeting is closed."

Meeting closed: 9:15 p.m.

Barbara Leatten
Court Clerk