

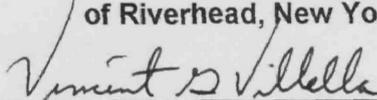
**WAIVER OF NOTICE AND CONSENT
OF SPECIAL MEETING**

We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 2:00 P.M. on the 13th day October of 1998, and do consent to the holding of such meeting for the purpose of:

Res. #900 APPOINTS THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER, & YAKABOSKI, ESQS. IN CONNECTION WITH LAWSUIT ENTITLED "RIVERHEAD BUSINESS IMPROVEMENT DISTRICT ASSOCIATION, INC., ET AL., V. JAMES R. STARK, ET AL." COURT OF APPEALS.

Dated: October 13 , 1998

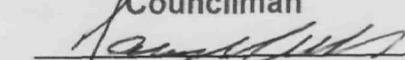
**Town Board Members
of Riverhead, New York**



Supervisor



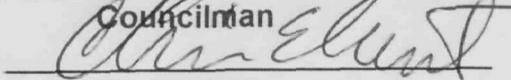
Councilman



Councilman



Councilman



Councilman

SPECIAL TOWN BOARD MEETING

October 13, 1998

**Present: Supervisor Vilella
 Councilman Kent
 Councilman Cardinale
 Councilman Lull
 Councilman Kwasna**

**Also Present: Town Clerk, Barbara Grattan
 Town Attorney, Adam Grossman**

Supervisor Vilella: "Let the record show that the time of 3:22 p.m. has arrived, the Special Town Board Meeting is now in session."

RESOLUTION NO. 900

APPOINTS THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI, ESQS. IN CONNECTION WITH LAWSUIT ENTITLED "RIVERHEAD BUSINESS IMPROVEMENT DISTRICT ASSOCIATION, INC., ET AL., V. JAMES R. STARK, ET. AL.." (N.Y.S. COURT OF APPEALS)

COUNCILMAN LULL offered the resolution, which was seconded by COUNCILMAN KWASNA.

COUNCILMAN CARDINALE: "Question, when does this have to be voted?"

ADAM GROSSMAN: "You mean the resolution?"

COUNCILMAN CARDINALE: "Yeah, when do we have to make a move one way or the other on this?"

ADAM GROSSMAN: "This Friday. The deadline is was served on September 17th, so it will be one month from September 17th, October to be safe."

COUNCILMAN CARDINALE: "October 17th, so prior to our next board meeting."

ADAM GROSSMAN: "That's correct."

COUNCILMAN CARDINALE: "Because I would have preferred to have this at a board meeting where the public would have an opportunity to look at the resolution and comment on the proposed resolution. They haven't had that opportunity, but you're saying it's not possible because of legal practicalities."

COUNCILMAN KENT: "We should have taken it up at the last town board meeting."

COUNCILMAN CARDINALE: "Yeah."

ADAM GROSSMAN: "We wouldn't have time to be able to commence, get the papers to the appellate division."

COUNCILMAN KENT: "This is a jurisdiction of requirement (Inaudible) They can't be extended by agreement (Inaudible) It's jurisdictional."

THE VOTE: Cardinale, I voted NO, this is what I'm going to say. I believe, this is a mistake from both substantive and policy perspective. From a substantive perspective the decision of the Appellate Division is narrow and not unreasonable. The Town after itself identifying significant environmental impacts associated with the PDD zone change in its Environmental Assessment Form chose to ignore those impacts by its failure to require an Environmental Impact Statement, which I might add is something they did repeatedly in the previous years. The Court considered this failure critical and struck down the ordinance.

Further, from a substantive perspective, I am convinced the Town will be unsuccessful, and this appeal will result in the expenditure of significant additional taxpayer funds.

Finally, from a policy perspective this resolution is totally inconsistent with our stated pre-election position in regard to this matter. It represents a betrayal of those who trusted us and who continue to protest the flawed process by which the Riverhead Center was approved with insufficient attention to its impacts upon our environment."

COUNCILMAN KENT: "I'll vote Yes, with the following explanation and I will print it if you would like me to, but I'll be brief. One, I believe that Industrial Zone along Route 58 is no longer feasible, that I believe this should be a commercial corridor of the town and I believe the PDD was a process that the planning department and the planning board developed with that goal in mind, a commercial corridor along Route 58. Our Industrial Property will be located at the Calverton Grumman Property and with that being Industrially Zoned, I don't think any other Industrially Zoned property within the town, I don't believe the Route 58 Corridor should be Industrially Zoned Corridor. I believe its less---I believe the PDD created a zone with less dense development than the underlying zone that existed on the property. I believe that allowing PDD would required greater landscaping for the development of that site within the overlay district. It required greater setbacks. It required additional parking. It was a tool that could be used by the town to enhance commercial development along 58 to avoid the strip centers that could be developed within Business B and I believe although it may have been done quickly, I believe when you look at it now, it's a policy decision, a zoning along Route 58 should be commercially, should be a commercial zone, so rather than go through the lengthy process of readopting PDD, I would take that first step by defending it, so I am going to vote to appeal."

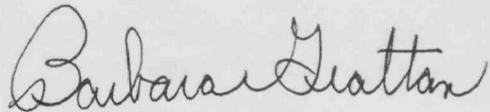
COUNCILMAN KWASNA: "Yes."

COUNCILMAN LULL: "I agree with Councilman Cardinale with the appellate division ruling was narrow, however, I do not agree that it was reasonable, I think it was narrow and unreasonable and I question the fact that the process by which the PDD was

arrived at was flawed. I don't believe it was and I do believe for some of the reasons that Councilman Kent has outlined that it is a very active and a pro-active stance of moving the town zoning into the future; and finally if the appellate court's decision stands, it will become law and the potential for that law we cannot foresee. We have dire predictions of what might happen, we have predictions that are, that nothing significant will happen, but we cannot know what that decision might mean and as a result I believe, we have to follow our initial decisions on the PDD and on the court case and appeal the case, I agree, I vote YES."

SUPERVISOR VILLELLA: "I'd like to add something to that too. Chris when he was talking about the PDD and also Jim, I have to agree with them. During my campaign, but before my campaign, don't forget, I was on the BID Board, that sued against the town, and I believe at that time, the PDD was the wrong decision, but as I look into the situation with the PDD, speaking to the Planning Department, the Planning Board and getting more knowledge on the PDD, I came to find out what I was told at these meetings, at the BID meetings, is not as accurate as what I know now. What I know now, is that it's less density with the PDD. I was against it during my campaign, but once I read into it, I acknowledge that I did make a mistake; and I'm sorry if I offended some people on this, but at least I'm telling you the truth, now and everything, that it's less density and I have to back the planning board and the planning department because they worked on this for over fifteen months, and I feel that they are capable of the zoning and---but I'm also appealing this for the reason of the future zoning and the cost to the taxpayers in the future, so I vote YES.

There being no further business on motion and vote, the meeting adjourned at 3:29 p.m.



Barbara Grattan
Town Clerk