

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead, at Town Hall, Howell Avenue, Riverhead, New York, on Tuesday, December 2, 1997, at 7:00 p.m.

Present:

James R. Stark,	Supervisor
James B. Lull,	Councilman
Mark A. Kwasna,	Councilman
Otto Wittmeier,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Robert Kozakiewicz, Esq.,	Town Attorney

Absent:

Victor J. Prusinowski,	Councilman
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Supervisor Stark called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Supervisor Stark: "Thank you, Dorothy. Merry Christmas to you."

Is there a motion to approve the minutes of the November 18th meeting?"

Councilman Wittmeier: "So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Is there a motion to approve the Special Town Board Meeting of November 20th?"

Councilman Wittmeier: "So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Madam Clerk, Reports, please."

REPORTS:

Sewer District Discharge monitoring report for October, 1997

Receiver of Taxes Utility collection report for November. Total collections was \$174,876.31

Town Clerk Monthly report for November of 1997. Total collections \$11,152.29

Open Bid Report Liquid calcium chloride opened on 12/1/97. Two bids were received

APPLICATIONS:

Parade Permit Riverhead Lions Club Christmas parade to be held on December 7, at 1:00 p.m. and the March of Dimes Walk America on 4/26/1998

Site Plan Thurm's Estates - equipment storage building, Fresh Pond Avenue in Calverton

Site Plan Andreas Markakis (Newsday)

loading dock, 845 Raynor Avenue,
Riverhead

Petition

from Charles Cuddy to extend the
Riverhead Sewer District to
include a parcel at Mill Road

Shows and Exhibition
Permit

Charles and Marybeth Zilnicki
selling Christmas trees on 3668
Sound Avenue, Riverhead

CORRESPONDENCE:

William Welsh

Letter to the Town Board regard-
ing Lebanon Chemical Corp.

Leroy Barnes, Jr.

Letter of resignation of position
of Riverhead Town Assessor
effective midnight November 30,
1997

Kelly Tocci

requesting a parentage leave
effective 12/22/97

East End Arts

thanking the Town Board for
allowing the East End Arts
Council to erect its tent on the
grounds of the Peconic River
parking lot for its 25th
Anniversary Gala on October 17,
1997

Town of Southampton

notice of adoption of resolutions
adopted on November 14 and
November 27th

Supervisor Stark: "Thank you. Russell, get Leroy for me,
please. As most people know yesterday at about 11:05 or 11:55,
Leroy Barnes resigned as the Assessor for the Town of Riverhead and
the Chairman of the Assessors to take up the position of Department
head of the Building Department. Leroy spent 16 years in the
Assessor's Office and at this particular time, I would like to

publicly thank him for his public service in that particular department. It's probably well known throughout the State of New York that Leroy is one of the finest Assessors in the State of New York and recognized so by his colleagues. So I would ask you to join me. And we hope he does half as well in the Building Department. Good luck to you Leroy. And I look forward to my first building application that must be processed rather rapidly. But we all wish you good luck."

Public Hearing opened: 7:18 p.m.

Supervisor Stark: "Let the record show that the time of 7:18 p.m. has arrived. Would the Clerk please read the notice of Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall, Riverhead, New York, at 7:05 p.m. on December 2, 1997, to hear all interested persons who wish to be heard regarding the consideration of an amendment of Chapter 108 Section 108-129 Review Authorized; approval required, penalties, issuance of permits and certificates of occupancy; expiration."

Supervisor Stark: "Do you want to take this one, Bobby?"

Robert Kozakiewicz: "Mr. Pfeiffer, this is another Chapter 108 amendment. What we are looking to do is with respect to the site plan approval process. We found that many times after the site plan approval, we have instances where based upon some vagueness in the language, there was a question of what additional requirements would be posted before land clearing could take place under Subsection B of Section 108-129."

What we've indicated or what the proposal is is to add additional language to 108-129 that provides that in addition to obtaining site plan approval, before any applicant can clear ground where site plan approval is required, they must also post the necessary bonds prior to breaking ground. So essentially, to recap, we're adding language to 108-129 that states before land clearing could occur, they must also post a bond. So there's no confusion down the road."

Supervisor Stark: "Thank you, Robert. Is there anybody who would like to make comment at this particular time on this particular Public Hearing? It must be very simple; thank you for a great explanation. Bill, I knew I'd get a rise out of somebody."

William Kasperovich: "No, I don't quite understand what you people are trying to accomplish here. I know that we had an accident-- excuse me, William Kasperovich, from Wading River."

Supervisor Stark: "Thank you. I was about to remind you but you've been up here to often I think the girl can probably recognize the voice."

William Kasperovich: "No, it doesn't seem so. I seems I speak in a slightly different tone that is hard to listen to and type at the same time. We had a situation where a developer or contractor or whoever issued the instructions went out on the site and did landscaping in a sense of digging up or clearing and was not appropriate or correct. This does not change the situation in that before anybody could come in and put a shovel into the ground, that there has to be the presence of a building inspector. Had this been done, in the past the situation that I refer to would not come to be."

However, I don't know if the inspectors pay that much attention to the details that are in question or that are approved. Before any physical work is done on a site, it's quite normal in most parts of the country that I've been in that a building inspector is on the site and is versed on what has been approved to work. Now we have been giving out building permits without clear indications of what is to be done. And yet the building permit is not only not posted, it's not paid the attention that is required.

The penalty in most parts of this country that I've been in the building construction trade, if you didn't do this correctly, your work was stopped. That was the penalty. And if the building inspector can see or show (inaudible) his understanding, something that is not correct or appropriate, the work stops. And this is the strength with which we can enforce the things that we approve. What penalty we're referring to here, I don't know. I don't think it's going to be of much strength.

As far as the certificate of occupancy, if the violations are not put in the pile for the inspector to see before he goes out for final inspection, there's no way for him to know what is in difference or what is in error or what is illegal. In the past, it seems that people go out there and just use their own opinion, their own judgment and not the law. Building codes are put in issuance, approvals for a particular site plan requirements are there for the benefit of the public, the neighbors, the Township, and everybody concerned.

But if you send a man out there and there's nothing in the file for him to look at or see whether it was done or not, there's no way he's going to know what his job entails. So I say this amendment is going in the right direction but it's not strong enough. Thank you."

Supervisor Stark: "Thank you, Bill. Anybody else who would like to make comment at this particular time?"

Anthony Lohr: "I don't know if this is the amendment I came out here for, but I know it was in the paper, about excavating or cutting down trees or bushes."

Supervisor Stark: "Yes. Sir, I have to ask you to go to the podium, identify yourself, where you live, and then we'll answer the question because this girl is not going to be able to transcribe it."

Anthony Loehr: "Anthony Loehr, 9 Langdon Road, Farmingdale. I was just wondering if this was the section, the amendment that was in the paper about three weeks ago, about \$1,000 fine for excavating, cutting trees or bushes. If this is what this-- if this is the amendment that we're talking about right now. Well, if it is, I have a letter I would like to submit."

Supervisor Stark: "Yes, if you would want to read it into the record and then give it to the Clerk, I would appreciate it. That will make the transcribing easier."

Robert Kozakiewicz: "Just to clarify, the section that deals with the \$1,000 fine is already codified. That's not the subject of the hearing. The only thing that is the subject of today's hearing is the addition of the words posting of bond. The rest of the section already is in the code. Just so it's clear."

Anthony Loehr: "Well, if it's already in the code there's nothing, you know, I cannot comment, but there was supposed to be a meeting tonight on that. And that's why I'm here. But if it's already in the code, I'm fighting a losing battle."

Supervisor Stark: "Not necessarily."

Robert Kozakiewicz: "Just, maybe there's some confusion. If you look-- do you have the article that was posted in front of you, by chance?"

Anthony Loehr: "No."

Robert Kozakiewicz: "Okay. What it states, it was a public notice that was posted pursuant to Town Board Resolution and if you looked at it closely there's a asterisk or star at the bottom which indicates that the underscore or the underlining represents an addition to what's presently in the code book. The section that we're talking about is 108-29 which is site plan review. Site plan review is part of an article that's part of the Town zoning ordinance which deals with when a site plan is necessary for-- when it must be submitted for approval an application to the Town Board. The Town Board is the agency that approves site plans.

Under this particular subsection which deals with land clearing, this would not deal with residential; this would deal with other than residential which would be business uses, industrial uses, where site plan review would be necessary.

Currently the code reads, land clearing. No person shall undertake or carry out any such activity or use including grading, clearing, cutting and filling, excavating or tree removal associated therewith without first obtaining site plan approval therefor, pursuant to provisions in this article.

That's in the code; that's codified; that's there; that's not the subject of this hearing. It's these words which are subject to the hearing and quote and posting the performance bond provided for therein, end of quote. Those words, those additions, that's the subject of tonight's hearing."

Anthony Loehr: "In other words, residential property is not

cluded in this? Then I'm sorry for taking up your time."

Supervisor Stark: "No, it's a pleasure. Different than the regulars. Is there anybody else who would like to make comment at this particular time? George? Only one more time. Don't forget that the next meeting is in the afternoon. And the press, if you would notify this. I believe it's the 16th, it will be at 2:00 in the afternoon."

George Schmelzer: "I'm glad you told me."

Supervisor Stark: "I definitely want to go out with you sitting here with us."

George Schmelzer: "-- takes soil, well, let's get-- now, when they raise sod, every time they take the sod off they are taking three inches of topsoil. Is that a violation?"

Supervisor Stark: "No."

George Schmelzer: "How come?"

Robert Kozakiewicz: "Agricultural."

Councilman Lull: "You're simply harvesting your crop."

George Schmelzer: "I have an IRS statement home that says (inaudible) of sod, your topsoil is gone so you can deplete it, I mean depletion allowance. You are allowed."

Robert Kozakiewicz: "You asked a question. I'm going to ask question of you. Is sod farming part of an agricultural industry?"

George Schmelzer: "(inaudible) can't eat it. Agriculture is-- "

Robert Kozakiewicz: "You would not consider it agriculture?"

George Schmelzer: "Well, it's something you eat or fiber. Can't it?"

Robert Kozakiewicz: "Something that's grown on land. Isn't it?"

George Schmelzer: "Yes. I can tell you a lot of things that's grown on land."

Robert Kozakiewicz: "I can see this is going nowhere."

George Schmelzer: "So are rats and mice grown on land and so part of Riverhead Town which goes back to the patent given to Col. William Smith in 1697, all rights of water rights and all trees, ground, everything is private. Not in that part that was the Andrews patent, so there's a basic right people have to control their own trees and land. You should recognize that."

Supervisor Stark: "Thank you, George."

George Schmelzer: "Yeah. I'll be right up again. Thank you."

Supervisor Stark: "I know you will."

George Schmelzer: "Well, can I stay here then. I won't have to sit down."

Supervisor Stark: "No. Good-bye."

George Schmelzer: "Okay, thank you."

Supervisor Stark: "Is there anybody else that would like to make comment at this particular time?"

Dorothy Pennell: "Dorothy Pennell, Jamesport, New York, representing the Jamesport Campground Association. Question being relative to the old Lebanon Chemical Co."

Supervisor Stark: "Wrong time."

Dorothy Pennell: "It is? Oh, I'm sorry."

Supervisor Stark: "Yes. This is the Public Hearing on-- "

Dorothy Pennell: "Oh, I'm sorry. I'm sorry."

Supervisor Stark: "I'll call you back up, Dorothy. Just take seat by the end. You won't have to climb in so far. Is there

anybody else who would like to make comment at this particular time on this particular Public Hearing? If not, I will declare-- on this particular one you want to-- "

Andreas Markakis: "Andreas Markakis of Southold. I heard before about the permits required for cutting trees and related activities. I can't help but come up and congratulate you people for being ahead of your neighboring township of Southold. We have recently a case where it's going to the courts and it arises out of this very delicate situation. It's so refreshing and it's so encouraging to see the neighbor township of Riverhead being ahead quite a few years. You deserve congratulations. Thank you very much."

Barbara Grattan: Mr. Markakis, what's your first name?"

Andreas Markakis: "Andreas."

Barbara Grattan: "Thank you."

Supervisor Stark: "Actually, he's in the-- in your section. Anybody else who would like to make public comment on this particular Public Hearing? If not, I declare the Hearing to be closed."

Public Hearing closed: 7:35 p.m.

Supervisor Stark: "I am going to recess our regular meeting and we will go into a Community Development Agency meeting."

Recess

Meeting reconvened: 7:37 p.m.

Supervisor Stark: "Let the record show that the time of 7:37 has arrived and the Regular session of the Town Board meeting is now back in session. I would like to at this time before we go into the next Public Hearings to take a resolution out of order from the regular resolutions, with the resignation of Leroy Barnes from the Assessor's Office who is Chairman. It is my pleasure to move the action to appoint the chairperson to take the vacancy created by

Leroy to the Riverhead Board of Assessors by the young lady named Laverne Tennenberg who has now been in the Assessor's Office how many years? Eight years. Self-educated herself and worked very hard to come an IOA or IAO recognized throughout the State as being very high in her particular field of assessments. It is with great pleasure that I move resolution 997 at this particular time to appoint Laverne Tennenberg Chairperson of the Riverhead Board of Assessors."

Councilman Lull: "Second."

Supervisor Stark: "There is a second by Councilman Lull. Could we have a roll call? Is there any discussion? Roll call, please."

The Vote: "Councilman Wittmeier, yes; Councilman Kwasna, yet; Councilman Lull, yes; Supervisor Stark, yes. 4 yes and one absent."

Supervisor Stark: "Congratulations. Come on up here. All the department heads you'll find usually sit back there in that dark corner and this is one way we were guaranteed of getting the department head of the Building Department here and the new Chairman of the Assessors, so I congratulate you, Laverne. If you would like to say a couple of words, we certainly would appreciate it. You don't want to say? You are shy tonight. Richie, you've got to get a shot of her. Wait a minute, let's get a shot of her. There we go. Laverne, good luck. I hope that the new majority of the Board recognizes the talent that you've acquired over the last eight years and continue to do as Chairman of the Board of Assessors. I also invite the new majority coming in if in their process they have a candidate for Assessor, it is a very busy time over there. And if you want to bring that name to us, this Board is more than willing to appoint your choice. If not, you can wait until January but I think you'll find as you talk to Laverne and Leroy in the past and Madeline Sendlewski this is the busiest time. We have a vacancy there and I would urge you to come to your conclusions so that we may appoint for you if you want or if you want to wait and take the glory in January, fine. There's a lot of work to be done over there especially with the Star program. And we are going to be loaded, so take that to heart, that's a promise by this Board and I believe the Board agrees with us. Thank you. Thank you, Laverne."

Public Hearing opened: 7:40 p.m.

Supervisor Stark: "Let the record show that the time of 7:40 has arrived. Would the Clerk please read the notice of Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall, Riverhead, New York, at 7:05 p.m. on December 2, 1997, to hear all interested persons who wish to be heard regarding a Local Law amending Chapter 101 entitled Vehicles and Traffic of the Riverhead Town Code."

Supervisor Stark: "Bobby, do you want to take this?"

Robert Kozakiewicz: "This is one of two hearings to discuss an amendment by Local Law to Chapter 101 which is the Vehicle and Traffic Law for the Town of Riverhead. The first two additions are additions that were done by the Board earlier this year prior to our full scale revamping of 101 to remove the parking meter regulations and to put in its place the two hour parking."

What happened was the establishment of a stop sign on Farm Road West-- I mean at the intersection of Farm Road West and Farm Road East and the parking prohibition on the south side of Remsen Road were done, had failed to make it into our code book and when we repealed the existing chapter again to replace it with the new parking regulations, we had forgotten that we made this change.

The second change involves a minor change with respect to parking time provisions at Second Street near the office of Twomey, Matham, Shea & Kelley, found that instead of half hour parking we will be establishing on the south side of Second Street, near the intersection of Griffing Avenue, a two hour parking zone. And that is the second change which is being proposed with respect to this particular hearing."

Supervisor Stark: "Thank you, Bob. Thank you, Robert. Is there anybody who would like to make comment on this particular Public Hearing? I try to save him for last. Yes, George."

George Schmelzer: "It seems to be a little unclear about railroad crossings. It doesn't say whether the train should stop and yield or the car should stop and yield."

Councilman Lull: "No railroad crossings in this one, George."

George Schmelzer: "Should make it clear."

Councilman Lull: "There's no railroad crossing in this one, George. That's just the title of the code."

George Schmelzer: "You mean you misrepresented this when you printed it?"

Supervisor Stark: "No, George, you just didn't read it correctly."

George Schmelzer: "It says railroad crossings. I can read that without glasses on."

Supervisor Stark: "Yes, that's the title of the section of the code."

George Schmelzer: "If it-- "

Supervisor Stark: "It covers a multitude of sins."

George Schmelzer: "It says railroad crossings, I can read that. Intersections, railroad crossings, parking fields. What's the railroad crossing for? You don't even know?"

Robert Kozakiewicz: "I'll give you a-- when I have the time, George."

Councilman Lull: "This section of the code also covers railroad crossings. We have none tonight."

George Schmelzer: "Oh, I was wondering if the train should stop at the crossing or the cars. It doesn't say."

Supervisor Stark: "Thank you, George."

George Schmelzer: "Okay."

Supervisor Stark: "Is there anybody else who would like to make comment at this particular time? If not, I declare the Public

Hearing to be closed."

Public Hearing closed: 7:45 p.m.

Public Hearing opened: 7:45 p.m.

Supervisor Stark: "Let the record show that the time of 7:45 was arrived. Would the Clerk please read the notice of Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall, Riverhead, New York, at 7:15 p.m. on December 2, 1997, to hear all interested persons who wish to be heard regarding a Local Law amending Chapter 111 entitled Vehicles and Traffic of the Riverhead Town Code. (Peconic Bay Blvd. stop sign on Meetinghouse Creek Road).

Councilman Wittmeier: "A number of people from the area had mentioned this intersection. If you know where Meetinghouse Creek Road is, if you are coming northbound on it, when it intersects into Peconic Bay Blvd., there's a yield sign and there has been at least two accidents that we know of down there and we are going to change that yield sign to a stop sign."

Robert Kozakiewicz: "Just for those who are looking closely at the agenda tonight, it appears we are taking a stop sign that's presently there because for some reason-- well it says if you look at the-- it reads wrong. The actual notice states that there's currently a yield sign at Meetinghouse Creek Road and what we're doing is replacing the yield sign with a stop sign. However, if you look at the document which I'm sure someone is going to bring up, it says stop sign on-- and stop sign on, that's just an error, it's a typo. It was properly posted in the paper as to indicate it was a yield sign currently. Just so that it clarifies it. It is a yield sign being replaced by a stop sign."

Supervisor Stark: "Thank you. Is there anybody who would like to make comment at this particular time? If not, I declare the Hearing to be closed."

Public Hearing closed: 7:46 p.m.

Supervisor Stark: "We will take a 10 minute recess and be back. Thank you."

Recess

Meeting reconvened 8:03 p.m.

Supervisor Stark: "Let the record show that the time of 8:03 was arrived. The Public Hearings are over. If anybody would like to make comment at this particular time-- Pat."

Pat Frankenbach: "Thank you. Pat Frankenbach. I'm here as the Chair of the Town of Riverhead Public Parking Liaison Group. And I sort of like your permission to address my remarks to the citizens of the Town of Riverhead. I'd like to first relate a little story that happened recently. We had a secretary from one of the law offices on Main Street come down to Town Hall and complain about getting a warning ticket because she had parked in a space for three hours. And her comment was she parked there always before and she just fed the meter all day and she didn't understand why she shouldn't be able to park there all day anymore. So this is the kind of thing that as a merchant downtown we are dealing with.

The reason for the public-- the regulations on the public parking downtown is because we would like these spaces immediately adjacent to the building to be available for our customers. This is-- it's ease of getting in and out of businesses. And by now regulating these spaces, it opens the door for employees of businesses who do not rely on these spaces to park there all day. And this is a prime example.

The grace period is about a third over and we've had several questions and a lot of confusion it seems and I'm here tonight to try and address this and straighten some of it out. At the present time, there is signage along the corridor on Main Street, both east and west, from Osborne Avenue to I believe Maple Avenue. It might be Union-- I get them confused. I think it's Union. This signage indicates that all of the onstreet parking in this area with the

ception of handicap spaces is limited to two hours. It also indicates a considerable amount of area that is now no stopping areas. And I want to clarify something because people are not familiar with what constitutes no stopping as opposed to no parking. No stopping means no stopping. You don't stop your car there. You don't stop your car and get out for a minute. You don't stop your car and sit in it. You don't stop your car there. I did have a gentleman that parked his car-- "

Supervisor Stark: "Or you don't park there."

Pat Frankenbach: "You don't do anything there. You don't bring your car to a halt in that area. I did have a gentleman say to me, well, I wasn't just stopping, I was parking. Well, you know, it's just-- it's common sense and unfortunately not all people are aware of what no stopping is and that's what it means; it means no stopping."

These areas that are no stopping have been created for the safety of the pedestrians in the downtown area. In most cases they are sight line clearances from crosswalks. So when you stand at a crosswalk waiting to cross the street, you can see a considerable distance into the oncoming traffic and the traffic also coming the other direction. It is important that these areas are kept clear. This was not done by Town resolution; this was done by State order. And this is very, very important.

The other thing is the two hour parking. Now at this point, there are no tickets being given. The grace period means that we are trying to do an instruction time for people to understand what the regulations are. The two hour parking, however, is in most cases is enough time. If someone feels that it is not enough time, there is a lot of areas in the parking fields that is designated as all day parking and we invite the public to use that area.

The other thing that we've heard is well, there was a space there before and why can't I park there now? We're in a new-- this is a new ballgame. We talked about getting out of the meters and doing this and unfortunately the State does have very stringent regulations as far as what we can have and can't have. The spaces are ridiculously long. Every single person in the Town of Riverhead should be able to parallel park their car in one of these spaces.

I don't even think you have to parallel park; I think you can just pull straight in. So please, if there seems to be a lot of room, make sure there's a whole space.

Other things that have come up because they are not signed or I don't know why, people are blocking hydrants, people are blocking driveways, people are blocking crosswalks. We don't need laws on the Town books to tell us not to do these things. These are New York State Department of Motor Vehicles regulations. You are not to block the crosswalk; you are not to park in a driveway; and you cannot park within 15 feet on either side of a fire hydrant. Prior to these new regulations, it was 15 feet which meant seven and a half feet on either side of the fire hydrant. It's now 15 feet, which leaves, again, 30 feet for the firemen to get to the fire hydrant. Do not park in these areas.

On the side streets, the signage has yet to go in. When the signage goes in, will probably be after the first of the year. Those areas will also be two hour parking. We talked tonight about the areas on Second Street. It is not sure whether we are going to line those spaces. If we line those spaces, again, we're designating 25 foot spaces. That will be taken up in January, but all of the parking that was previously metered will, hopefully, by spring have two hour regulations on it.

And as far as the handicap restriction signs, hopefully, those will go up in the next couple weeks.

I noticed on the agenda tonight, we had resolution #1016 which called for-- "

Supervisor Stark: "That resolution will be-- it was inadvertently only by historical reasons put in because that's what we always did."

Pat Frankenbach: "We're tabling that."

Supervisor Stark: "It's not even being tabled. It's being withdrawn."

Pat Frankenbach: "Okay. Thank you very much."

Supervisor Stark: "Okay. That will save a little time."

Pat Frankenbach: "That saves a lot of time. The only other thing, and this is-- I want to say this not as the Chairman of the Parking District, I want to say this as a business owner. We've had 440 patrols downtown for sometime. One of the things that they have pretty much stopped enforcing is the noise ordinance. With the increase of holiday shoppers and the increase of traffic, I would really request that the noise ordinance, especially the loud radios, be enforced very strictly. It does create a dangerous situation downtown. You cannot hear another car. You can be behind one of these cars and you don't know whether somebody is screaming fire, get out of the way or an ambulance is coming up behind you. And I would ask that especially during this holiday season that the noise ordinance be more strictly enforced."

Supervisor Stark: "I would even go one step further. I think that whether it's holiday season or not, 12 months, that's why we put the noise ordinance in and I believe the Chief is here, he was in my office a little while ago, and I will reaffirm that our foot patrol, bicycle patrol, whatever we have will enforce that."

Pat Frankenbach: "Thank you."

Supervisor Stark: "We did it before, sometimes you get-- when you don't have a problem-- but I have noticed and I saw it tonight, I heard some. So I will pass that on. But it should not just be for the holiday season."

Pat Frankenbach: "Okay. No, it should be year round."

Supervisor Stark: "It should be for 12 months that bass that comes out of these speakers is annoying-- and I know you live around the corner from me. Somebody in our neighborhood has got on of those."

Pat Frankenbach: "I stand in my store-- it's on your block."

Supervisor Stark: "I know where it is. It's my next door neighbor. He's 16 years old and I've told him either you turn it off or I'll throw it out your window."

Pat Frankenbach: "2:00 in the morning, it's just wonderful."

Supervisor Stark: "Well, 2:00 you couldn't wake me up with an atomic bomb."

Pat Frankenbach: "Well, it wakes me up, so-- "

Supervisor Stark: "Well, you're a lighter sleeper. I agree with you, Pat."

Pat Frankenbach: "Thank you."

Supervisor Stark: "You're absolutely correct. Is there anybody else that would like to make comment at this particular time? Yes, George."

George Schmelzer: "All I can do is kick with my mouth, not my feet."

Supervisor Stark: "That's true."

George Schmelzer: "Yeah, so I was talking to Gary, I don't know if he's here tonight."

Supervisor Stark: "Gary Pendzick is-- he's out in the hallway. If you need him in here, I certainly-- why don't you call Gary and see if he will come in."

George Schmelzer: "By having a-- they need a new well in Town -- suggested for quite a while (inaudible) put the well near the river, get that Pine Barren water. And he says the idiots in charge in the State-- I call them idiots, he didn't-- he expects them to give him a hard time continuously on that with those idiotic regulations. So I said to him-- you waving at me?"

Supervisor Stark: "No, I'm waving at Gary just to back up."

George Schmelzer: "Back up? Well, he's not going to hurt me. Let him come. So, I always think it's better to get tough-- "

Supervisor Stark: "Gary, you want to find the Town Attorney for me, too, please? That's not for you."

George Schmelzer: "Okay, I was getting ready to defend myself."

I think they should apply for that and see what happens and don't be so chicken with the State, with their authority, the DEC and the rest of them. What the hell did Riverhead Town sign up for this Pine Barrens for? Now they set it for water preservation, now we can't use the water. What is this nonsense? Think it's better to put a well down there, down through the clay and get the water underneath-- it's very pure, and the water in the farm areas, save that for farming. Simple as that. I wish they would pursue it. You want to bring me in? I'd talk to this so and so-- I had experience with them. You can't be chicken with them; you've got to hit them right between the eyes and they'll take off and run. So, you want any detail, just get a hold of me."

Supervisor Stark: "I certainly will, George."

George Schmelzer: "Yeah, okay, somebody has got that aerial picture-- "

Supervisor Stark: "Don't forget that the 16th meeting is at 2:00 in the afternoon."

George Schmelzer: "Thank you for the invitation."

Supervisor Stark: "Absolutely. It wouldn't be a regular meeting without you."

George Schmelzer: "Well, I'm glad. At least I got that out of you this time."

Supervisor Stark: "That's right. Thank you, George."

George Schmelzer: "I wish you said that a year ago. It would have been nice."

Supervisor Stark: "Thank you, George."

George Schmelzer: "Okay, so long."

Supervisor Stark: "Dorothy, you wanted to speak? Russell, I need Bobby in here please."

Dorothy Pennell: "That's a hard act to follow."

Supervisor Stark: "That's an understatement of the year. It's the other one, that one, pull that one down Dorothy, please."

Dorothy Pennell: "Thank you. I'm Dorothy Pennell from Jamesport Campgrounds Association representing-- I'm the president there. And it's the old story of wanting to know exactly what progress has been made as far as the Town is concerned regarding the former Lebanon Chemical Co. It's status quo as far as I can see and I understand that there was a limit-- a violation had to be answered by December 10th, and I wondered why it was extended, or it seems a long time for it to have been extended considering it was first issued to Lebanon last year, in September of '96. What are they doing or what is the Town doing to enforce that situation?"

Supervisor Stark: "What is the status of Lebanon Chemical, Bob?"

Robert Kozakiewicz: "I kind of walked in at the end so I'm not sure if I know-- "

Supervisor Stark: "Dorothy would like to know the status on the Lebanon Chemical property or Samoza (phonetic) is it?"

Dorothy Pennell: "Yes, I keep calling it Lebanon because it's been there so long-- "

Robert Kozakiewicz: "It's Samoza LLC (phonetic)."

Dorothy Pennell: "Yes, and I noticed that they have a dumpster down there and I guess this is the second or third one that they've had that's been filled up to the top."

Supervisor Stark: "Well, Dorothy, they're cleaning up the exterior of the property and the brush and what have you and they certainly are entitled to do that."

Dorothy Pennell: "Oh, yes. But what are they-- what are their plans? This is what-- my constituents, if you would-- "

Supervisor Stark: "I believe, Bob-- weren't they in your office today, Bob?"

Robert Kozakiewicz: "Yes, they did stop by, without an appointment, but we did discuss a couple of facets of this case. One of which is the fact that they've provided me with three separate engineering reports which state the building is structurally sound, but they've never really answered the question of what use it is that they believe they have or what they're entitled to under the statute. They've made some conclusory statements that they feel they have never lost the prior non-conforming use and in that regard they submitted a letter from Lebanon Chemical Corp. which states so much in a sentence or two. But it doesn't give me any facts or a basis by which to judge that upon.

They have threatened lawsuit-- "

Dorothy Pennell: "Good."

Robert Kozakiewicz: "Well it's never good for the taxpayers to incur a lawsuit. That's not good. And we want to make sure that we're clearly within our rights and have our case to the best abilities as possible to ensure that the taxpayers don't face a lawsuit which we can't prevail in the Court. So that's where we are."

Dorothy Pennell: "But the thing is-- that started me thinking -- well, I've been thinking about it a lot because going back in some of the correspondence that I've dug out from some of the people in the area and as far back as Janoski and even Bruno (inaudible), there has been correspondence-- "

Supervisor Stark: "You go back a long way."

Dorothy Pennell: "I know. Well, I'm old. But that they have -- there's been question about the dangerous situation that has existed there and going-- getting-- jumping forward again, fast forward to (inaudible), I was at that work meeting that you gentlemen had and I-- if I understood correctly, Mr. Samoza made mention of the fact that he had contacted or been contacted by Bidwell and Palmer Vineyards regarding the possible use of that building as a storage warehouse for the wine. Well, I'd rather drink arsenic than get involved with any of the wines that they had stored there.

So, I pursued it a little further and I contacted both of those wineries and they said they never, ever contacted him, nor did they

even know who he was. So this-- "

Robert Kozakiewicz: "It's another winery that's expressed interest in it."

Dorothy Pennell: "And it's a situation that-- who are we as tenants or owners, property owners in that immediate vicinity-- who are we to believe? The Town? Former Lebanon people? Or Samoza? It's like a soft shoe tap dancing around, that we're not getting any exact answers as to the disposition of that building and it's still remains a dangerous condition. The-- "

Supervisor Stark: "Well, to bring it to a conclusion, Dorothy, we certainly are going to proceed in a very cautious manner for the protection of not only the taxpayers as far as liability or litigation. This is not going to be solved in the month of December, I can assure that. But Rob as the Town Attorney has always proceeded -- he's a very conservative lawyer and we will have our ducks in order. And that's the only thing I can tell you right now. You would love to have us say we're going to start ripping that building down tomorrow morning."

Dorothy Pennell: "No."

Supervisor Stark: "But right now we cannot. We have started our proceeding. We will follow the proper status, the proper steps in order to secure a compatible conclusion. What that conclusion is, whether it's going to be to your likes or not, I can't tell you right now. But to sit here and beat it to death-- it's not going to be solved here tonight."

Dorothy Pennell: "Oh, I know that."

Supervisor Stark: "I don't believe that we're going to be able to give you any answers here tonight that are going to be to your satisfaction. We are going to follow legal counsel. I'm not a lawyer. You're not a lawyer. And that's the way we're proceeding."

Dorothy Pennell: "Because there are-- "

Supervisor Stark: "And I'm sure that the future Board, of which two members are here and at least two were out in the audience

one time. They will also proceed under legal parameters. And that's where we are."

Dorothy Pennell: "Because there is still a dangerous situation on-- "

Supervisor Stark: "In your opinion, there is a dangerous-- in your opinion."

Dorothy Pennell: "And the opinion of the water-- leaching from the water. After that fire several of the property owners in that area had their water tested."

Supervisor Stark: "The leaching of the water did not come from the building that is in existence now. It came from the building that burned down. And that particular building, yes, they had insecticides. In the fertilizer building, the big structure, there were never insecticides kept there."

Dorothy Pennell: "In the corrugated building that's there now?"

Supervisor Stark: "There were never insecticides. Only fertilizer. Potash, nitrogen, what have you."

Robert Kozakiewicz: "Well, if I can just say one thing. We spent-- "

Supervisor Stark: "Now, if they had it over there it was not kept there on a regular basis. Only insecticides were kept in the Old Downs (phonetic) lumberyard. Now, you may pull out (inaudible) but we're not-- "

Dorothy Pennell: "No, no, I'm not talking about that."

Supervisor Stark: "Dorothy you are not going to argue tonight. We will proceed in the proper, legal steps that we have to take in order to safeguard not only the protection of the Town liability-wise, but also the steps that will protect the community that surrounds these buildings."

Dorothy Pennell: "Fine. And the-- but I have-- "

Supervisor Stark: "About all I can say to you tonight-- "

Dorothy Pennell: "I know, just another addition, but the members of the Campground Association of which there are 19 homeowners, have contacted me and I've counted, most of them do not live in the area, but they-- in sending them information about the situation they have said well, fine. Then as a group, supposing we get together and ask for a tax reduction in our taxes because-- "

Supervisor Stark: "You certainly have the right to go to Grievance Day which is usually-- "

Dorothy Pennell: "Indeed we do. And it takes a long time."

Supervisor Stark: "-- in May, I believe, isn't it Bobby?"

Dorothy Pennell: "Yes, I think it's in May. Yes."

Supervisor Stark: "Second Tuesday in May or something like that."

Dorothy Pennell: "Well, hopefully, by that time things will be cleared. Okay, thank you very much."

Supervisor Stark: "Well, I certainly can't predict the future right now but we are certainly going to follow the legal step."

Dorothy Pennell: "Thank you."

Supervisor Stark: "Thank you. Is there anybody else who would like to make comment? Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. Mr. Lull, on this resolution 13 that I've got here and if I understand-- "

Supervisor Stark: "What's the number, Steve?"

Steve Haizlip: "13. That's the one that you had Andrea to have the Community Development hearing on. If I understand this, sometimes only being an eighth grader and when you're trying to read some of this government legal stuff, jumbo, you don't quite grasp it maybe sometime. Is the Town getting permission to borrow \$130,000

from a regional lending consortium to build houses? Is that what this is meant?"

Supervisor Stark: "Yes. We're in the process of revamping the Gables which was formerly known as the Greens, into affordable multi-racial community. We've had problems down there. As you know, Councilman Kwasna has spent a great deal of time trying to clean up the area, having dilapidated houses torn down, staying in cooperation with the police department who has done a magnificent job down there as far as cleaning up a lot of the drug traffic. It's almost becoming liveable down in that section and when we're done, I'm sorry we don't have the TV in here tonight or I would show you a video we took of a similar location over in Islip that through state HUD monies, Suffolk County Block Grant monies, federal HUD monies, they took an area that was 10 times worse than our Gables and made it into a wonderful project where it was affordable housing plus a multi-racial community that has now been in existence for seven or eight years and you would think it was just a normal subdivision in a town. And that's where we're heading. And that will be done through borrowing through grant money. We'll be working very closely with Congressman Lazio who is-- sits on the HUD Committee down in Washington who has promised support. The state has promised support and we feel that once we-- and it's not something you're going to accomplish right over night, Steve."

Steve Haizlip: "No, I understand."

Supervisor Stark: "It's probably a couple of years away. At the time, I think, Islip's took almost five years before they actually put a blade to the ground. There is some condemnation. It's mostly willing buyer, willing seller, landbanking of properties. It also takes into consideration some of the property out on 25 and actually the mobile home parks that are up on Route 58 where they can eliminate them and get those residents into affordable housing in the project."

It's the start of a very lengthy process that probably will take at least another year to possibly two years before you see some fruits of all of the efforts which have now been going on for almost three years."

Councilman Kwasna: "Steve, I'll also add to that. This money

ere that you see here tonight is sort of a cash flow. It's cash flow that we will have to use to purchase properties whether they be vacant or with abandoned houses on them. Tear down the houses, build new houses and put these houses in the lottery system and they can only go to owner/occupied. They can never be rentals again. And that's what this start up money is for. It's to be used for cash flow."

Steve Haizlip: "I'd like to just comment a little bit further and then I'll be finished on this."

Supervisor Stark: "No problem."

Steve Haizlip: "Is the town-- of this \$130,000, are they going to become the mortgage holder of these houses?"

Councilman Kwasna: "No, Steve. When the houses are individually sold through the lottery, the people obtain their own mortgages and that money goes to pay this loan back."

Steve Haizlip: "To pay this loan back?"

Councilman Kwasna: "Yes."

Councilman Lull: "It's a turn over, Steve. Just cash flow."

Steve Haizlip: "I've got it straightened out now."

Supervisor Stark: "Okay."

Steve Haizlip: "At this time, I would like to commend the Town Board for allowing Leroy Barnes to be elevated to head of the Building Department. But at the same time, as he's leaving the Tax Assessor's Office, he is carrying a lot of expertise with him. Now, we had people sitting over in the county that didn't know how to proceed with a tax case from Northrup Grumman and it was Leroy that had to straighten out our higher (inaudible) as to how to proceed along. I hope-- "

Supervisor Stark: "Well, one of the things, let me-- it was not only Leroy but there was the whole Assessor's Office. But I want to set the facts straight on it. Laverne was part of it."

Madeline was part of it. The Accounting Department. There were a lot of people that were involved in this. The Town Attorney was part of it. Leroy was the lead item on it. Let me assure you of one thing. Leroy has always dreamed of being in the Building Department; it's an industry he would have loved to be in. And he was in at one time. But it's like a company around here. We all work for the same company; we just-- or we're in the same church but we are in different pews.

Leroy is not leaving and Leroy will be there to support any process that we do in the Assessor's Office or in litigation that we have presently going. He's not leaving us. He's just changing from one side of the wall to the other side of the wall."

Steve Haizlip: "It's like the guy on the radio, Jim. You got a little ahead of me. But, that's all right, that's all right. You said the very words that I was going to say that I know he's ahead of the Assessors but they all collaborate."

Supervisor Stark: "Absolutely."

Steve Haizlip: "And so does the Town Attorney and so forth."

Supervisor Stark: "Absolutely."

Steve Haizlip: "Right. Now, Laverne Tennenberg which is taking this place, I have the highest regard for. She's always been very pleasant and help me in every way and if I live through the night, she'll be helping me tomorrow."

Supervisor Stark: "Okay."

Steve Haizlip: "Right. Because-- "

Supervisor Stark: "She's a very talented young lady."

Steve Haizlip: "Right."

Supervisor Stark: "Extremely dedicated."

Steve Haizlip: "I want to hit on something that-- well, I'm had on names-- Frankenbach-- I want to hit on something that she

brought up. I was up in Rite-Aid today, had to get some medicine for the wife. By the way, she got a clearance today from the doctor in Mineola, she's doing just fine and okay to resume normal activity. She can drive five miles now."

Supervisor Stark: "I'm glad you clarified that."

Steve Haizlip: "Right. Anyway, there was a car parked there and that radio was going so loud that I thought that the fiber lining of the speaker was going to come out because it was just trying to jump out. But, I know you've got to have the law enforcement people around at the time but maybe from Pat speaking up and I'm speaking up, it can probably get into the paper and maybe some of these guys that's going around with this loud noise will turn them down a little."

Supervisor Stark: "Certainly as you say, they're-- we have 60 some odd square miles I believe to cover. We have six sector cars on the road at a time, seven, I don't know how many cars we have on the road, I think six or seven. You're not always going to be in the right place at the right time. But I do know that when it is recognized, certainly you can go ask Judge Saxtein and Judge Ehlers, they're being taken in."

Steve Haizlip: "All right. On November the 25th, over at the County Center, the 18 legislature room, a public hearing for Kenny Little on his water taxation of 5%, they're going out of the county. I had my say there but as the hearing went on, things developed in there that I didn't know at the time but which I learned later as the hearing went on. But then there is's a circus and you can't go back a second time. Here, where if you stick up your hand and yell, please let me come up, you're allowed, but not there."

Supervisor Stark: "Not all the time."

Steve Haizlip: "Well, you have for me when I wanted. Now, there's the point I'm making. There's guys there like Bishop and Backett (phonetic). They kept on picking on this here well taxpayers put this money up in the Pine Barrens to preserve their drinking water and the protection of it and so forth. Well, let me tell you something. If I could have got back up there, I would have said there's no more money there to protect any Pine Barrens protection

ater. Gaffney went and raided it, \$25,000,000. That's all, Jim."

Supervisor Stark: "Thank you, Steve. Sid."

Sid Bail: "Good evening. Sid Bail, President of Wading River Civic Association. I have questions on two matters. One, what is the status of the lawsuit with Lilco about the creek and the disputed 100 feet?"

Supervisor Stark: "It's still in process and the status of it if you would ask me privately, I would rather do that rather than public."

Sid Bail: "Okay. All right. So it's still in-- "

Supervisor Stark: "Oh, absolutely. As a matter of fact, probably sometime in the next week or 10 days I will be sitting with the Supervisor-elect to give him a list of all litigation that we're in the process of doing. Bobby is in the process of compiling that right now. And as you well know, we get sued for anything. I think a couple of years ago during the ice storm, I think we replaced every cracked windshield in the town of Riverhead. Except for one who gave a number of a truck and said it happened in Jamesport when that truck is based in Wading River and never leaves Wading River. We got him on that one."

Sid Bail: "The one dishonest person in Wading River. Okay."

Supervisor Stark: "No, one down in Jamesport."

Sid Bail: "The other question concerns the sale or the proposed sale of six vacant parcels in Wading River. These are all relatively small parcels of land. I think the largest being like two acres and I have some concerns and a couple of people in the community brought it to my attention. For instance, there's a parcel on the South Side Road that's about two acres and the original maps it was listed as parkland, and also from talking to some of the residents, some of the residents have reason to believe that there is pipes or culverts that were installed and-- "

Supervisor Stark: "We're researching that now, Steve. There is excess property in the Town of Riverhead which creates a liability

the Town of Riverhead. We have done an attorney's title search on them; we're now researching the possibility of pipes running through it. Those determinations will be made. If there is no encumbrances in the properties of a liability nature and can be sold or-- to get rid of, they probably could be sold. This is a process we have to go through."

Sid Bail: "I just would hope that the Town would keep in mind that these parcels probably were originally donated to the Town for a specific reason."

Supervisor Stark: "It does not show that in the attorney's search."

Sid Bail: "All right. But, for instance, as you know, in Wading River-- "

Supervisor Stark: "There is one parcel though that we find that might have been dedicated for drainage although the sump was never built. Now, certainly, a piece of property like that would not be sold. Certainly, who would end up if there was a drainage problem there, building the sump, years ago, that developer is probably long gone. But if there is excess property, there are two ways to dispose of it. You can sterilize the property for density in affordable housing developments such as we did at Silver Linings and whatever the second part of Silver Linings was in order to get the density that you need in order to make affordable housing affordable. And it has been brought to our attention through insurance that those properties do, in fact, create a liability and it's better off having them in private hands rather than Town owned."

Sid Bail: "You probably are not aware-- "

Supervisor Stark: "And I doubt very much if people in those particular neighborhoods would like to see us create a park next door to the house rather than have a house."

Sid Bail: "Right. But, also, the idea that drainage is a problem in these neighborhoods."

Supervisor Stark: "Yes. On one particular lot there was a question. There is one parcel of land up there that the two owners

either side, come and said, gee, can we buy half of it and then we'll keep it. Fine. It's much better liability-wise and today and, again, if you see the amount of litigation against the Town, all you have to do is sneeze the wrong way and they sue the Town."

Sid Bail: "Maybe you're not aware of this but the way the public perceives things, probably is maybe not the way things actually happen sometimes. But like if you're living next to a parcel and all of a sudden there's a sign on it that this is for sale, and you check with the local realtors and they already are making deposits on these pieces, you wonder how the heck did these folks find out so quickly. And, Vic, is not here tonight. We once had a conversation and we were talking about politics, non-politician talking to a person who has been in politics a long time, and we were talking about appearances-- "

Supervisor Stark: "You're talking to me. He's been a long time, not me."

Sid Bail: "Yes. We were talking about politics, appearances being very important and when something like this happens, it creates the appearance."

Supervisor Stark: "It's the old saying, it's not what the facts are, it's how the facts are perceived to be."

Sid Bail: "Yes, yes. But, as I said, you know, I think there are good reasons to reconsider some of these parcels."

Supervisor Stark: "Certainly, we're in a process, Sid."

Sid Bail: "All right. And when do you anticipate this-- how long this process would run?"

Supervisor Stark: "Well, I could only guarantee you 29 more days."

Sid Bail: "But, these parcels wouldn't be sold before those 29 days are up?"

Supervisor Stark: "Certainly in the case where two neighbors wanted to split and buy, I don't see any problem with that."

Sid Bail: "Right. Okay. All right. Thank you very much."

Supervisor Stark: "Thank you. Is there anybody else who would like to make comment? Yes, sir? And then we are going to take up the resolutions."

Dean Terchunian: "Good evening. My name is Dean Terchunian and I live in Riverhead. At the last Town Board meeting a resolution was passed to approve the Riverhead Centre and I was wondering if in that resolution is it contingent upon the lawsuit that's pending right now against the PPD?"

Supervisor Stark: "Is it contingent on it?"

Dean Terchunian: "Yes."

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

Dean Terchunian: "So it seems-- "

Supervisor Stark: "If you follow the litigation, that was one of the requests of the litigants in front of the judge and the judge did not allow that to happen."

Dean Terchunian: "I understand that the judge did but it seemed imprudent to me that the Town Board, this existing Town Board, except, of course, Mr. Prusinowski, to pass a resolution like this when there's litigation pending on the whole situation. What was floating around in you guy's heads when you decided to pass that resolution? And I mean all four of you because you're the four who voted for it."

Councilman Kwasna: "What was going on-- "

Dean Terchunian: "What was floating around in your head? How did you make a resolution like that?"

Supervisor Stark: "Well, wait a minute. We passed a resolution. Whether you agree with the resolution or you don't agree with the resolution, that was a process that was in this town, an application for almost two years. This Board has, in fact, I believe listened to the majority of the public in the Town of Riverhead. You may

not be one of those that's in the majority. Now you can stand up there and ask us what we did and what was imprudent about it. We did what we thought was right. If you disagree, that's your choice."

Dean Terchunian: "Well, actually-- "

Supervisor Stark: "But to sit up here-- if you are going to sit up here and start to clamor on that, I'm going to cut you off and go to the resolutions."

Dean Terchunian: "Actually I haven't stated my opinion on whether the Riverhead Centre should be built or not and that's not what I'm discussing tonight. What I'm discussing tonight is that if there's litigation pending of the PDD zoning, how could you pass a resolution to approve this site without the litigation being resolved?"

Supervisor Stark: "There's nothing in the litigation that says we could prohibit that."

Dean Terchunian: "Well, that's the answer you're giving me. I'm sorry that you passed that resolution and I have not stated that I am against the Riverhead Centre. I'm against us passing that resolution before the litigation is resolved. End of that conversation, but I would like to ask you one other question. How does a McDonald's fit into a food court at Tanger II"

Supervisor Stark: "It's not an entire McDonalds. It's one little short counter which they have several little types of-- different types of chain type thing."

Dean Terchunian: "Yeah, it seems like you stretch that a little bit there."

Supervisor Stark: "Well, I don't agree with you at all. Let us take up the resolutions."

Resolution #970

Supervisor Stark: "I'll get you after, Bill. I'm going to do the resolutions first. I'm going to do you after the resolutions."

Resolution #970

Councilman Lull: "Authorizes the Town Clerk to publish and post the public notice re change of meeting time. We've already talked about that this evening. The change in the meeting time for the December 16th meeting. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried. Again, the press, would you please do us a little article on that? Thank you."

Resolution #971

Councilman Lull: "No. 971 through 976 are all orders authorizing various Water District increases and improvements, the Pulaski Street tank is 971; the high pressure zone in Wading River is 972; the lateral water mains at Meadowcrest Section 3 is 973-- excuse me easement for the Water District is 974; replacement for Well No. 1 is 975-- "

Barbara Grattan: "Excuse me, Councilman Lull. This resolution has two errors in it. It has contract No. 2; it should be contract No. 2 and contract No. 3. So that could be changed."

Councilman Lull: "That's 975?"

Barbara Grattan: "That's 975."

Supervisor Stark: "Change please for us, Barbara."

Barbara Grattan: "Yes."

Councilman Lull: "Okay, replacement of No. 2 and No. 3. Okay. And, finally, 976, an order establishing a lateral water main for Sound Breeze Section 5 and 6. I'll move those Water District resolutions."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion?
Correction so noted?"

Barbara Grattan: "Yes, it is, sir."

Supervisor Stark: "Any other discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #977

Councilman Wittmeier: "Awards bid for commercial Sewer District
Extension - Route 58, Riverhead Sewer District. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All
in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #978

Councilman Lull: "Declares lead agency and determines
significance of action for Adchem Corporation expansion, preliminary
site plan application. That's 978. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All
in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #979

Councilman Lull: "Reduces the letter of credit of Tarra Development Corp. for Tall Oaks Estates. So moved."

Councilman Kwansa: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #980

Councilman Kwasna: "Authorizes the execution of an agreement with County of Suffolk and Department of Public Works for installation of traffic devices on Route 58. So moved."

Councilman Wittmeier: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #981

Councilman Wittmeier: "Reduces certificate of deposit of Manzi Construction, Inc. for Sound Breeze, Section 3. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #982

Councilman Lull: "982 authorizes the retention of special counsel in the matter of Schwahl versus the Town of Riverhead. So moved."

Councilman Kwansa: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? Who is that, Bobby? Oh, yes. Any other conversation? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #983

Councilman Lull: "Declares lead agency and SEQRA determination for special permit - Polish Town Civic Association. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #984

Councilman Kwasna: "Authorizes the Supervisor to enter into an agreement with New York State Armory. So moved."

Councilman Wittmeier: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? I believe this is for the teen center. Any other discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #985

Councilman Wittmeier: "Authorizes the Supervisor to execute addendum I - traffic sign at Tanger II access road. So moved."

Councilman Kwansa: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #986

Councilman Lull: "986 authorizes the publication of the notice to amend the Community Development Block Grant Program. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #987

Councilman Lull: "Appoints Don Devereaux volleyball official to the Riverhead Recreation Department. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #988

Councilman Kwasna: "Approves the site plan for a loading dock on the property of Andreas Markakis. So moved."

Councilman Wittmeier: "And seconded."

Supervisor Stark: "Not a bad pronunciation. Any discussion? I will abstain on this. All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? 3 for 1 abstention."

Resolution #989

Councilman Wittmeier: "Accepts resignation of Russell Kratoville, Deputy Supervisor and reaffirms permanent appointment as Special Projects Coordinator. So moved."

Councilman Kwasna: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #990

Councilman Lull: "Authorizes the Supervisor to execute amended declaration of covenants and restrictions for Warsaw Park. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #991

Councilman Lull: "991 reduces certificate of deposit of 1994 Soundview Golf, Inc. for Sound Breeze, Section 2. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #992

Councilman Kwasna: "Authorizes the Supervisor to execute first addendum to agreements with Eastland Carting Corp., Armar Carting Corp. and Crown Sanitation, Inc. So moved."

Councilman Wittmeier: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #993

Councilman Wittmeier: "Authorizes the Town Clerk to publish and post public hearing special permit, Clarissa Roesler. So moved."

Councilman Kwansa: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #994

Councilman Lull: "Promotes Maintenance Mechanic II to Maintenance Mechanic III, that's Sean McGahy. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #995

Councilman Lull: "Appoints account clerk typist in the Accounting Department. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #996

Councilman Kwasna: "Ratifies the reassignment of account clerk typist, Trisha Green. So moved."

Councilman Wittmeier: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

We have two members of our Tax Receiver's office who are retiring, both at one time. And the whole office got wiped out. So Irish Green is moving up to the Tax Receiver's Office."

Resolution #998

Councilman Lull: "Authorizes the Building Department head to attend code enforcement courses. So moved."

Supervisor Stark: "We skipped Laverne. Is there a second to that motion?"

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #999

Councilman Lull: "Budget adjustment, 999 is a budget adjustment, Special Trust. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #1000

Councilman Kwasna: "Budget adoption for Osborne Avenue

rainage. So moved."

Councilman Wittmeier: "And seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #1001

Councilman Wittmeier: "1001 through 1012, they are all budget adjustments municipal garage, Scavenger Waste District, public parking debt service, Sewer District, Water District, Community Development Agency, Senior Center Day Care Center, and Teen Center, general fund. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #1013

Councilman Wittmeier: "Appoints Fred Ligon to the position of 30 day mini bus driver. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #1014

Councilman Lull: "1014, 1015 - 1014, Water District Debt Service budget adjustment; 1015, General Fund Debt Service budget adjustment. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution 1016 we'll just pull and we'll use that to pay bills. Is there a motion to pay the bills?"

Councilman Wittmeier: "So moved."

Supervisor Stark: "1016. Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Motion carried."

Resolution #1017

Supervisor Stark: "Adopts local law to amend Chapter 101 of the Riverhead Town Code."

Councilman Wittmeier: "So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #1018

Supervisor Stark: "1018 adopts Local Law to amend Chapter 101 adding a new article entitled handicap parking regulations of the Town of Riverhead Code."

Councilman Lull: "So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #1019

Supervisor Stark: "1019 approves application of Charles Bilnicki and Marybeth Zilnicki."

Councilman Kwasna: "So moved."

Councilman Wittmeier: "Seconded."

Supervisor Stark: "Seconded by Councilman Wittmeier. Moved and seconded. That's it. All right, Bill."

William Kasperovich: "William Kasperovich from Wading River. There are three items here I would like to talk about. Let me just say in beginning that whether you realize it or not, Mr. Stark, you cut me off from having any comments made that I could make on the resolutions. This excess property that the Town is trying to unload, if we're (inaudible) liability to the town, why would we pass this liability on to somebody-- neighbors that want to buy the property?"

Supervisor Stark: "What was that question again, Bill?"

William Kasperovich: "It's a liability to us-- how come-- "

Supervisor Stark: "What was that question again?"

William Kasperovich: "How come it's not a liability to them?"

Supervisor Stark: "If they're willing to buy it, that's fine."

William Kasperovich: "Well, but we're selling it because it's a liability to us-- "

Supervisor Stark: "It presents a potential liability to the fact that-- "

William Kasperovich: "A potential."

Supervisor Stark: "-- it's land owned by the Town of Riverhead. If kids get in there, our former insurance agent is here-- "

William Kasperovich: "All right."

Supervisor Stark: "I guess that's what we call you now. It certainly-- if kids climb trees, fall out, they are going to certainly say it was the Town's fault. And that's what we've been surprised by-- and that's what I think we are going to follow."

William Kasperovich: "Well, I-- "

Supervisor Stark: "If we, in fact, can sell that property and get that off our taxrolls, I think we'll consider it. I doubt very much it's going to be done in the next 29 days, but certainly we have started a process to investigate whether we can relieve ourselves of that liability and move on."

William Kasperovich: "All right. Well, with that attitude, I guess there's nothing further to be said."

Supervisor Stark: "It's process, Bill. Okay?"

William Kasperovich: "All right. Now, not too long ago I started to work on getting a piece of the \$3,000,000 that Senator LaValle has to distribute, trying to get some of it for the neighborhood that I live in. I would like to see some action taken by the next Town Board meeting on this. What it is-- what you people have against this Senator that you are afraid to approach him for asking for some assist in my neighborhood."

Supervisor Stark: "You will not see the distribution of any grant money like that until after the first of the year. No matter what I do, you're not going to see it."

William Kasperovich: "Well, that means that you just are not going to bother."

Supervisor Stark: "Bill, don't say that. I have already bothered. I have-- "

William Kasperovich: "Come on."

Supervisor Stark: "I have had several meetings with it and that money will not be available until after the first of the year. As to how much we're going to get, he represents a district which goes well into Brookhaven and all the way out to Shelter Island, and East Hampton and Southampton. How he distributes that money is up to him. Certainly-- "

William Kasperovich: "I have not been able to contact him personally."

Supervisor Stark: "696-6900. George knows the number well."

William Kasperovich: "All right. But the-- I want to talk to him personally. His office tells me-- "

Supervisor Stark: "Well, I don't know that he's coming into Town Hall here in the next couple of weeks, although I did tell George, he got him one day. He corralled him down, didn't you, George? He tried to run away from you, but you got him."

William Kasperovich: "His office tells me-- his office in Albany, by the way-- tells me-- "

Supervisor Stark: "In where?"

William Kasperovich: "Albany."

Supervisor Stark: "Yes, well, he has an office in Selden, you know."

William Kasperovich: "Yes, well, if I can't catch him in Selden, I'll catch him in Albany."

Supervisor Stark: "Not until after the first of the year."

William Kasperovich: "He-- his office tells me that this is a cut and dried affair, that the Town has approved some 400 odd thousand dollars for three or four particular streets. And-- "

Supervisor Stark: "Well, if that's happened, then he's made it with the Highway Superintendent and I don't know anything about it so I suggest you go see Charlie."

William Kasperovich: "Well, there is a resolution passed by you people. Come on, you don't know anything about it."

Supervisor Stark: "Okay, Bill."

William Kasperovich: "You people passed a resolution for this, for these streets."

Supervisor Stark: "That was CHIPS money. That's a different cap-- different horse."

William Kasperovich: "Well, his office thinks differently because they also have-- "

Supervisor Stark: "Well, that's what makes the world go around, a difference of opinion."

William Kasperovich: "-- approved by DOT and we have a situation where we are in dire need of assistance. We're not getting it from the Town, and here's an opportunity to get it. Now whether he acts on it or whether-- or not, certainly an indication by the Town to show that this neighborhood does have a need and leave it in his hands.

Now the third item I would like you people to act on by the next Town Board meeting-- "

Supervisor Stark: "Which is at 2:00 in the afternoon, don't forget."

William Kasperovich: "Well-- "

Supervisor Stark: "I wouldn't want to miss my friends at the last meeting of the year."

William Kasperovich: "Well, then maybe at the last meeting of the year you could do my area I live in and have lived in for many years a good turn. I've been trying to get the neighborhood road designation established. This I've done on advice of counsel rather than take action on the street that I live on and making a personal issue out of it. The Wildwood Acres area roads have been used for 50 years, 50 years. But starting back in 1947 and this is 1997, that's 50 years."

Supervisor Stark: "I can't speak for Councilman Prusinowski tonight but I do believe at one of the last meetings where this topic of discussion was, that he had promised to look into it. He was going to bring it to some kind of conclusion. I don't know where he is tonight, but I'm sure for some good reason he's not here but certainly tomorrow morning I'll ask him where he is. Maybe by the next meeting we can deliver some good news to the area up there."

William Kasperovich: "All right. But there is a resolution on record back in 1990-- in the '70's with Smith, was the Supervisor-- "

Supervisor Stark: "I understand that."

William Kasperovich: "Are you listening or talking to the walls?"

Supervisor Stark: "I'm listening, Bill. I'm listening."

William Kasperovich: "These particular roads were mentioned by name, by distance, individually. And there is no reasoning in God's great earth that these are not Town roads. The resolution was passed unanimously. There's no question on those particular roads that was spelled out in name and distance. Now what is it that-- you've got everything there. You've got petition, you got approval of the Highway Superintendent, you've got everything that-- "

Supervisor Stark: "Again, I'll repeat to you that this was a project that Councilman Prusinowski who Chairmans the Highway

Committee was supposed to bring to a conclusion. I don't know what his research has found out. I heard him publicly state here on the forum that he would get together with you and the Town Attorney. Until I have the opportunity to converse with him to see where he's progressed, we are beating a dead horse."

William Kasperovich: "No, we're not."

Supervisor Stark: "Well not as far as you're concerned."

William Kasperovich: "Because this is a resolution that was passed."

Supervisor Stark: "All right, fine."

William Kasperovich: "And is on the books."

Supervisor Stark: "Then I would suggest that you contact Councilman Prusinowski tomorrow and find out where he has been on his investigation in this process."

William Kasperovich: "In other words, you're giving up the Supervisor's position as of now."

Supervisor Stark: "No. No, I'm not at all."

William Kasperovich: "Then why can't you bring forth a resolution that was passed in the previous time--"

Supervisor Stark: "Because I have always followed the process that the Councilmen have been given individual Committee jobs in this Town. I expect them, and they have accepted to do those jobs and we'll continue to follow that process until December 31st at midnight. Now, if you don't like my process, Bill, I'm sorry. But Councilman Prusinowski has been, in fact, the Chairman of the Highway Committee for the last eight years."

William Kasperovich: "Now, wait a minute. Wait a minute."

Supervisor Stark: "I'm not going to get into a long argument with you on it, Bill. I will converse with Councilman Prusinowski tomorrow. I will converse with him tomorrow and find out where

we're going."

William Kasperovich: "You are not listening to me. You are given an opportunity to get up here and talk and then you close your ears. This is a irregularity-- "

Supervisor Stark: "It's not an irregularity at all."

William Kasperovich: "There was a resolution passed naming and distancing-- "

Supervisor Stark: "Well, that's what you're stating here. I will find out what his research has brought. I thank you very much, Bill. It's been a pleasant evening."

William Kasperovich: "-- now, wait a minute. This is a question of the resolution not being put into effect."

Supervisor Stark: "Well, we'll find out and we'll see where it goes from there."

William Kasperovich: "In other words, you're passing the buck to a subordinate."

Supervisor Stark: "He's not a subordinate. He's an equal."

William Kasperovich: "You are the Supervisor. We had a resolution passed in this township and-- "

Supervisor Stark: "Well, I happen to be one of five. Bill, I'm not-- I'm cutting off the argument-- Bill, I'm cutting off the argument."

William Kasperovich: "What argument is there?"

Supervisor Stark: "There is no argument here. I'm cutting it off because-- "

William Kasperovich: "A resolution passed and was not followed."

Supervisor Stark: "That's what you want. That's what you demand."

William Kasperovich: "That's quite all right."

Supervisor Stark: "That we'll find out about it tomorrow. We'll see where his process has gone. Thank you very much. No further business, this meeting is adjourned."

Meeting adjourned: 9:07 p.m.

Barbara Heaton
Town Clerk