

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

Present:

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

Also Present:

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

Supervisor Stark called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited, led by Louis Cork.

Supervisor Stark: "Thank you, Lou. Let me please inform everybody that the September 16th meeting will be our quarterly afternoon meeting. It will be at 2:00 p.m. right here at Riverhead Town Hall. You will notice on Resolution 719 that our-- which is our first meeting in October, we'll be at the Jamesport Community Center in what I call Main Street, I guess it's South Jamesport Avenue. It's always been Main Street to me. We will be in Jamesport Community Center at 7:00 p.m. Takes care of my notes.

Is there a motion to approve the minutes of the Regular Town Board meeting of August 5th and the Special Town Board meeting of August 21st?"

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:

Town Clerk	Monthly report for August, 1997 total collected: \$11,586.32
Tax Receiver	Utility collection report for August, 1997. Total collected: \$226,109.62
Open Bid Report	1998 Chevrolet Suburban 4x4, opened on August 27th at 11:00 no bids were received

APPLICATIONS:

Site Plan	PGC Associates (Golf Day & Woodworker's Warehouse) Riverhead Plaza, Route 58, Riverhead
Site Plan	Preliminary site plan for Peconic Bay Golf, Northville Turnpike, Riverhead
Site Plan	West Marine (rollup door), East Main Street, Riverhead
Special Permit	Corwin House 1868 Bed & Break- fast, 110 Lincoln Street, three room occupancy, no structural changes
Special Permit	Jean Ozol, 2860 N. Wading River Road to open a Bed & Breakfast

CORRESPONDENCE:

Blanche Demetriou	In support of a movie theater
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preferably down town, second choice on Mill Road

Molly Roach

writes in regards to the school district coach affair, a justice court case relating to same and an Officer of the Juvenile Aid Bureau

Mid Atlantic Race Complex

19 postcards in support of

Louis D. Cork

petition with 166 signatures in favor of a demand signal controlled traffic light to be installed at the intersection of Sound Avenue and Roanoke Ave.

Supervisor Stark: "Thank you. The time for the first public hearing has not arrived, which would be 7:15. I recognize anybody in the audience who wants to talk to the Town Board on any given subject at this time. Bill."

William Kasperovich: "William Kasperovich from Wading River. Gentlemen, please don't take my comments as I come up here before you in a personal offense. I respond to these resolutions as honestly and sincerely as I can and all for the good, not to show that there's an inadequacy or an error or what have you. Since I've been doing this for many, many years, I have been able to reflect back to see how after a decade or so that one resolution that was thought to be well thought of and thought out proved not to be adequate. Excuse me. Lost the spot."

In resolution 729 the middle of the page, Whereas, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk. This might be expedient and help matters along, but in the period of time marked drawings seem to get filed in the TB file-- trash basket. In that the markings-- the drawings exist and be filed properly but the one that shows the marking and the initials is never found. I've had this experience several times in trying to look for something that's

15, 20, 25 years old. And so I say the resolutions, the drawings should be revised and resubmitted for the record. This is to me the proper way of doing this. The architect or the engineers don't like to revise their drawings; it means a lot of paperwork and some cost to them, but for the filing system in the Town Hall in the long run this is the way to do it.

My next comment is about resolution 743."

Supervisor Stark: "Seven what?"

William Kasperovich: "743. It's the last resolution on the agenda. There seems to be a possible question of wordage or possible question of intent. We have a lot of whereas, whereas, and whereas but I don't see intent. It says here, Planning Board be the appropriate authority for the development of such comprehensive plan. Further down you say, resolved that the Town Planning Director to assist the Planning Board. I think that's putting the horse on the wrong end of the cart. They should be working for or assisting the Planning Director. The Planning Director is top man. The Board as appointed by the Town Board should assist him, not the other way around.

And then you resolve that an execution of a contract by the Town Board to employ those experts necessary for the completion of such plan. I thought we had sufficient amount in number of experts in this planning stage to come to a point of conclusion. The people that live here that are interested in the Town that participate in the Town's efforts are the experts. Now at the end of this is says that you resolve-- I'll read the whole sentence. Resolve that upon completion of the master-- comprehensive master plan to the satisfaction of the Planning Board, the Planning Board shall recommend by resolution. Since when does the Planning Board make resolutions? No way my friends. We elected you five people up there to make the resolutions."

Councilman Prusinowski: "To this Town Board. It says-- well, let's read the whole thing then if we're going to read it. It says, that upon completion of the comprehensive master plan to the satisfaction of the Planning Board, the Planning Board shall recommend by resolution, which they do pass on a regular basis, the proposed plan together with any caveats contained therein to

this Town Board by resolution and resolve that a certified copy, and then the Town Board at that point would consider the matter and have a public hearing to get public input on it."

William Kasperovich: "Well, recommendations-- "

Councilman Prusinowski: "Only the Town Board can change the zones, you know, amend the zoning code as you know, Bill. You're absolutely correct on that."

William Kasperovich: "But this wordage seems to read between the lines maybe, to me. But reading between the lines is important because we don't have an initial-- in a starting section that says which is the intent."

The experts supposedly were appointed by the Town Board to make up the Planning Board. Now, if we need more expertise than the Planning Board individuals have, then we need some more or other people in the Planning Board."

Supervisor Stark: "That's basically-- excuse me. That's basically what we're doing here, Bill. This resolution is giving the authority to the Planning Board on behalf-- directed by the Town Board-- if you go to the second whereas, to draft a request for proposal and qualifications in order to effect such a master plan revision. Once that-- those qualifications and request for proposals have been brought back in, they will be analyzed not only by the Planning Board, but they will be also analyzed by the Town Board. They will also give the parameters of what we need to do in order to update our master plan which dates back to '75? '73. Also it will give this Town Board the knowledge it needs as to what it's going to cost and we're moving forward that way. But we have to give them the authority to start this process and that's what this resolution is doing."

William Kasperovich: "I don't quite understand that you require to give them authorization when you have appointed them as a committee which is what their duties are."

Supervisor Stark: "Their duties-- really as a Planning Board is to accept anything that the Town Board wants to send to them for their comments and also their only legal jurisdiction is to the

approval of subdivisions plus what else? One other thing, Rick."

Rick Hanley: (inaudible)

Supervisor Stark: "Right. So what we have done and elected to do is to have them create a draft of a request for proposal which we'll be receiving probably early next week. We will analyze it and then it will be set in action. That request for proposal will be advertised and sent out to planning consultants throughout the eastern seaboard. They will return what we request in the proposal, which will give us the idea of what the detail complexities of updating the master plan, what they feel it's approximately going to cost. Without going through it-- I don't have it in front of me-- it's on my desk-- the draft anyway, and members of the Town Board have the draft of that request for proposal and they will either add or detract from the final draft and then we'll start the process. It's a process that I think we have to do. The plan is over 24 years old and we have to update it and bring it up to today's levels."

William Kasperovich: "Not to differ with you, but I don't think that's quite accurate."

Supervisor Stark: "Well-- "

William Kasperovich: "We have overlays. We have changes that have been made and approved and-- "

Supervisor Stark: "Well, that's why we are going to update-- we are going to update the blueprint."

William Kasperovich: "-- but it's not on the-- so we're talking about a piece of paper that hasn't been revised to date."

Supervisor Stark: "Well, it's been revised several times over the years by change of zone, overlays and etc. It's been revised by the Wading River hamlet study which was adopted by previous Town Boards before my arrival here which has really sustained in Court on challenges. We have had the Jamesport hamlet study started and moving; the Aquebogue, the Riverhead hamlet study has been under the direction of the Planning Director. The Calverton hamlet study which has slowed a little bit simply because we want to see what

the process is going to be at the Grumman site, so what we're trying to do now is to bring all of that together and move forward to updating the blueprint of the master plan."

William Kasperovich: "But at the same time you are telling us that the Planning Board will be saying what is to be done. I say-- "

Supervisor Stark: "It will be making a recommendation. They will not have the final approval-- the final approval still sits with this Board sitting up here."

William Kasperovich: "That's true, but you are putting the duties, some of the duties-- I say some of the duties because I don't know how much."

Supervisor Stark: "We don't know how much either and that's why we're going out for a request for proposal."

William Kasperovich: "All right, but this-- "

Supervisor Stark: "Bill, I want to wind this up. You can come back to the podium in a while. But I've got to get to that public hearing."

William Kasperovich: "All right. I'll terminate this quickly."

Supervisor Stark: "I thought you would give me five. You've already given me 15. And I appreciate the coverage."

William Kasperovich: "I'm trying to say to you people that you're passing the duties onto an appointed commission-- committee -- that you people appointed."

Supervisor Stark: "That's absolutely correct."

William Kasperovich: "So, you are passing to them the work that you should be doing. You are our elected officials."

Supervisor Stark: "And we will be doing it by the Planning Board plus the Planning Department."

William Kasperovich: "Well, I want it to be-- "

Councilman Prusinowski: "All the previous zone changes-- "

William Kasperovich: "-- by the elected officials. I don't want it to be done-- "

Councilman Prusinowski: "Well, it is."

Supervisor Stark: "Okay, Bill, I'm going to bring this to a conclusion so that we can get to the 7:15 public hearing. Thank you very much."

William Kasperovich: "Well, if you will allow me a concluding statement afterwards, I would appreciate it."

Supervisor Stark: "Absolutely. Absolutely."

Public Hearing opened: 7:26 a.m.

Supervisor Stark: "Let the record show that the time of 7:26 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 7:15 p.m. on September 2, 1997, to hear all interested persons who wish to be heard regarding the consideration of an amendment to Chapter 58 entitled Dogs of the Riverhead Town Code."

Supervisor Stark: "Councilman Lull. The town attorney."

Robert Kozakiewicz: "The town attorney. Tonight's public hearing is to hear all interested people with respect to a change to Chapter 58 of our code. It involves deletion and replacement of the language in another section of the code in 58, which deals with the impoundment authorities of the dog warden which would seem to make more logical sense. This is again an outgrowth of Jim Lull's committee who has been studying the dog shelter and also making recommendations on how we can modify the particular chapter

of the code which is entitled Dogs, to make it a little more favorable for prosecution and for enforcement purposes."

Councilman Lull: "As a specific there, one part of the code could be enforced as part of the leash law. It gave the dog control officer the right to seize and impound a dog who was being mistreated, mishandled, kept in unsanitary conditions, that type of thing. But that was listed only under the leash law which means that only if the dog was being mishandled and running loose. It didn't go together. That's all. It's just a case of refining the language to make it such that we can make sure that the animals are being treated correctly and that the dog control officer does, in fact, have a right to impound dogs for a variety of different reasons. Those are all in the code. This just reorganizes it, puts it in a different order."

Supervisor Stark: "Thank you. Is there anybody who would like to make comment at this particular time? Steve. Bill, after him."

Steve Haizlip: "Steve Haizlip of Calverton. The question that I want to ask to the dog chairman, if you don't mind, Jim. One time-- "

Supervisor Stark: "We often refer to him as the woof chairman. Woof, woof."

Steve Haizlip: "One time when the control-- animal control officer, I think his name was (inaudible), and it was two stray dogs that took up at the house and they were forever turning over everything and cutting up and what have you, scrounging in your garbage can. So I called up to get him to get those dogs away from me, pick them up. Now, at that time, I was informed, you've got to call the police department. Then the police department will call him. Now, my question is, will this control officer have any authority to pick up strays that's running around."

Councilman Lull: "He does now, Bill. The dog control officer does have that power to do so and in that particular case, two dogs like that, he would have to because he's picking up dogs which are unidentified dogs. They must be brought to the pound. They must be logged in and an attempt is made to find owners. If it's

impossible to find the owners, then an attempt is made to adopt them."

Steve Haizlip: "Okay. So you can call to the animal control officer."

Supervisor Stark: "You've got to remember one thing, Bill, that the animal control officer, dog warden whatever title you're calling him, is actually controlled and directed by the police department."

Steve Haizlip: "So do we have to call the police department again?"

Supervisor Stark: "Absolutely. Unless-- "

Steve Haizlip: "Well, that was the question I wanted to know."

Supervisor Stark: "Yes. There are two ways to do it. If, you know, during the normal work hour the dog warden is out riding around the road. The quickest and easiest way to get to him and gain some attention is to go to dispatch or the police department who raises him on a radio to come to Calverton on Edwards Avenue because there's a couple of stray dogs."

Steve Haizlip: "Thank you. That was the answer."

Supervisor Stark: "Thank you. Bill."

Bill Roberts: "Bill Roberts, Baiting Hollow. I applaud the changes made in this section. There's one part though is-- I don't think it's properly worded. It has to do with the penalties for offenses. Now let me read this the way it's written. I think I know what the intent is; it's just a matter of English."

Any person owning or harboring an animal in violation of any of the provisions of this article shall be guilty of a violation punished by imprisonment for a term not in excess of 15 days and or by fine of not less than \$25.00 for the first offense and not less than \$50.00 for the second of any subsequent offense, no more than \$100.00.

What the-- it should read like so. Any person owning or harboring a dog in violation of the provisions of-- for a term not in excess of \$15.00 or by fine of not less than \$25.00 for the first offense, not less than \$50.00 for the second offense, and not less than \$100.00 for the third and all subsequent offenses. True?"

Supervisor Stark: "I would have to ask counsel."

Bill Roberts: "Because the way it's written now-- "

Robert Kozakiewicz: "I just used what the present codification language contained. Surely I could take what you've used as an example and then say for the first offense not less than \$25.00 nor more than \$50.00. For the second offense not less than \$50.00 nor more than \$100.00 and for the third offense not less than \$100.00 nor more than \$250.00, if we want to go that avenue. Certainly we could spruce it up a little bit and make it a little bit maybe easier to understand I guess is what your point is."

Councilman Lull: "Bill, I believe that the intent of it originally, excuse me, the intent of it originally was to make sure that by the time you had a third offense the dog control officer had two choices and the preferable choice is to take away the animal."

Bill Roberts: "Well, he's entitled to do that now, if it's a barking dog or if it attacks somebody."

Councilman Lull: "No, he's not entitled to impound the dog in all situations but in this particular case if it gets to a situation whereby the dog is being constantly abused or constantly not maintained or constantly not controlled, the person who has the dog does not deserve to have the dog."

Bill Roberts: "Also, it says if the dog is constantly barking. That's what it says. I've got that situation; I've had it for years. And I had the police once, they came a second time, nothing was done. Never got a fine either."

Councilman Lull: "Well, we are in the process now of again being-- this appears also in a different part of the same code, the barking dog complaints. And we have been following up on those. And we have been as a matter of fact Mr. Kozakiewicz was in court

twice last week on exactly that case. So-- "

Bill Roberts: "My recommendation is the way it's written now it's copied straight from the code as it's been written for a long time. But the way it reads, or it's printed, it's not clear."

Councilman Lull: "Probably the last clause needs to be-- "

Bill Roberts: "Yes. Thank you."

Supervisor Stark: "Very good. Thank you, Bill. Is there anybody else who would like to make comment at this particular time? Bill?"

William Kasperovich: "Should I say woof, woof? William Kasperovich from Wading River. I've got a bit of education in my neighborhood when I saw the person have the dog trained, in addition to training by herself, that the dog didn't bark at me, didn't bark at noises. It did bark when somebody walked in front of the property, 50 feet wide. But before or after, the dog didn't bark. The dog sits at the side of the house; no noise whatever, except for when somebody approaches the property. I mean in close proximity. And this was done by training and this is something I never thought possible."

But the thing I wish to say here is that we have a man that handles dogs, that picks up dogs, that takes complaints and what have you, but come Saturday and Sunday, he is not available. The police have to come in the scene. Now the police, we don't have as many as we should and police have more important things to care for or they should be caring for than a four legged animal, a canine."

Councilman Lull: "You're absolutely right, Bill. Up until about-- "

William Kasperovich: "Now a farmer treats a dog one way, somebody that treats a dog as a pet or as a watchdog treats the dog differently. So a dog is a different thing to every owner."

Councilman Lull: "Bill, as far as your weekend is concerned, up until three weeks ago we had two dog control officers, one working full time on weekends. That person has left our service

now. We will be interviewing this week to hire another person for that same position on weekends. There will be somebody up there on weekends."

William Kasperovich: "Well, this would be good. It would also be good to reconsider what we call fining. It seems that the only fining we have is money. Money is the only thing we could use as fine. Now I say this is taking a short sided view. There are people that have dogs within their-- that they hold within their property and within their domicile that should not be allowed to have a dog or plural, dogs. This would be a severe penalty. This would be a penalty that dog owners would pay attention. So when you come to the third offense, you should have something that people would look and pay respect. A \$25.00, \$50.00, \$100.00 fine, hey, if you've got a lot of money, \$100.00 isn't that much money. You pay \$100.00, \$200.00 for a little pup. But if you put the third offense with sharp teeth and the owner would get bitten by it, they would pay attention and I believe appropriate attention."

Supervisor Stark: "Thank you, Bill. Is there anybody else that would like to make comment at this particular time? If not, I declare the hearing closed."

Public Hearing closed: 7:40 p.m.

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 7:25 p.m. on September 2, 1997, to hear all interested persons who wish to be heard regarding the consideration of a Local Law to amend the 1997 Retirement Incentive Program."

Supervisor Stark: "Thank you."

Robert Kozakiewicz: "This is a Local Law or a hearing to

discuss a minor revision to a local law that was adopted-- if my recollection is right-- at the last Town Board meeting on August 19th. The local law was sent to the Secretary of state, fine, we did good with the Secretary of State. However, when it went to the New York State Retirement System, they had one problem with some of the language and they asked for us to revise this. If those of you were here at that last public hearing remember, the reason we are adopting the local law in this case is that the state legislature had passed a law which authorized local municipalities to adopt their own local retirement incentive program. And in order to do that or elect to have such a program, the mechanism was by local law.

So today's discussion is to amend only one section of that prior local law which will state specifically that the effective period for which an employee lawfully can take advantage of the local law-- if my recollection is right-- is from November 1, 1997, to December 31, 1997."

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

Public Hearing closed: 7:42 p.m.

Supervisor Stark: "There are no more public hearings for the evening. I will recognize anybody from the audience who would like to speak to the Board on any given topic. Barry? Gary, could you find Jack Hansen for me?"

Barry Barth: "My name is Barry Barth. I'm President of the Business Improvement District Management Association and in the last couple of weeks we have run a full page advertisement trying to elicit support for the multiplex theater which we would like to see located in the urban renewal area, specifically downtown Riverhead.

I know that each one of you wants to know how successful this was and to date we have received a little over 250 coupons back

that's coupons that people have cut out of the newspaper, put a stamp on, and mailed into us. We have also started an aggressive petition program. It's in many of the local stores and we've gotten over 550 people to sign the petition in favor of having a multiplex in downtown Riverhead.

We are in no position I think to tell the Board exactly how to achieve this goal. We had hoped that it would be done through some zoning process to make developers realize that if in fact the Town of Riverhead wants a multiplex, that there would be some zoning incentives or some zoning requirements to have it in the urban renewal area.

I would also like to express the concern that the Business Improvement District Board feels that at the very least, possibly a public hearing could come out of our petition program but we want to let it go another couple of weeks and we'll be back to the Board with the final results.

The second issue I have is that I had hoped to see a resolution on the agenda authorizing the Supervisor to sign a contract with Gary Jacquem. Gary is an architect who has worked for the BID for the last three years. The BID Board had approved two meetings ago a contract for another-- a one year contract with Gary Jacquem and I had directed the administrator of the BID, Vicky (inaudible), to provide each Board member with a copy of Gary's contract and a little cover letter just stating that the Board had approved Gary's contract and hoped that it would be on the resolutions so that we could get Gary back on Board.

The work that he does-- our Business Improvement District Management Board feels is very important and we would hope that the Town Board would see fit to authorize the Supervisor to sign that contract."

Supervisor Stark: "Thank you. Is there anybody else who would like to make comment to the Board at this particular time? Steve? Ma'am, I will get you right after this."

Steve Haizlip: "Steve Haizlip of Calverton. Today Mr. LaValle was at the Senior Citizen East End Council meeting over at the County Center in the legislature's room. I took up the question

that George has been prodding the Town Board about and that was the disparity of the taxes between Brookhaven and Southampton by 30 and 80% and causing us 115% to educate those children. The answer was and it came back as there was extra aid given for that. But now I've got to go one step farther. I'm going to find out how much aid and where was it put and was it put into the general fund and if I have to file a freedom of information to get it, I will. And George is not able to come tonight-- "

Supervisor Stark: "Are you talking about the general fund of the town or the general fund-- "

Steve Haizlip: "The general fund of the school system."

Supervisor Stark: "I think if you call up Dr. Holmes you may get an entirely different scenario than what you received this afternoon."

Steve Haizlip: "Well, I'm going to go in person and see-- "

Supervisor Stark: "Well, that's what I mean. There's no doubt that Dr. Holmes will see you but I think he'll give you a scenario what happened to this big state aid that was supposed to come down that never materialized."

Steve Haizlip: "All right, well-- "

Supervisor Stark: "Somehow, don't ask me-- "

Steve Haizlip: "He said extra aid was given, so we'll find out. Now-- "

Supervisor Stark: "Not in the amounts that he was indicating that he was going to-- "

Steve Haizlip: "He didn't give any amount what was given; he just said extra aid was provided for that-- "

Supervisor Stark: "I would recommend that you go see Dr. Holmes on that, really, seriously."

Steve Haizlip: "I'm going to see somebody. I don't know when."

Supervisor Stark: "Go to a school board meeting up there because they didn't get what they had been promised."

Steve Haizlip: "I've got another item here. Has any of you gentlemen paid any attention to building 400 on West Main Street, just beyond the library? That place has grown up in weeds and bushes between the-- whatever is there, and all kind of varmints can hang out in there including snakes, and garter snakes and mice and everything else. And I don't know who owns it?"

Councilman Prusinowski: "Nynex."

Steve Haizlip: "All right."

Supervisor Stark: "No. Nynex never owned it. They leased it."

Steve Haizlip: "Well, I think it comes under the category of where you order these people to clean up and tax them with a bill to do it because that's horrible and I think it ought to be looked at."

Supervisor Stark: "Certainly will do that, Bill."

Steve Haizlip: "Now-- "

Supervisor Stark: "I mean Steve. I'm sorry, Bill."

Steve Haizlip: "That's all right. We finally-- and when I say we, that means Bertha and I, finally got those hedges from 25 and Edwards Avenue on the northwest corner cut down to where people could see around that corner and prevent an accident. It took a while and persisting, but we got it done."

Supervisor Stark: "Are you talking about Mrs. Szay's property?"

Steve Haizlip: "Right. That corner. And I think that will be a case where she might get billed. Now, I want to commend George Guldi of the Suffolk County Legislature. Mr. Guldi was the gentleman of the Legislature that vigorously drove to get the people's money back that they paid the \$100 fine which was illegal to start with and the original judge in the case sort of remind me of an

administrative law judge, he just sort of went along to appease them, but then the second judge, Donald-- I can't get his last name -- he said it was strictly illegal to add \$100 fine when you already had penalties in place. But it didn't provide any means of getting that money back. And Mr. Guldi has worked hard to get that money back for people and they are receiving it back and I want to commend him for it. And I couldn't do it at the Legislature meeting on August 26th as you know, Mr. Stark, how they were running around over there. They didn't give you a chance. Like you, Jim, say is anyone wanting to speak on any subject. All right.

I would like to inquire as to Edwards Avenue and Riley Avenue pit drainage project. I can't understand how the Corrazzini come in with \$172,000 bid and of course they want to do it on their terms, and I don't blame the Town Board for not letting them do it in the middle of the winter when you would have all kind of slop, mud, and mess all over the road and everything else, and high waters and all that. So as the law reads, they have a right to reject any and all bids so they were rejected and went back out again. The guy that had bid \$234 in the original bid came in \$62,000 over Corrazzini. Now what is driving me crazy is when you went back out for bids, how did this guy go up \$24,000 more and went to \$258,000."

Supervisor Stark: "Actually Corrazzini went up, too, and still maintained that he could do it in-- wanted to do it in the winter-time."

Steve Haizlip: "I say I don't blame him for that. I'm just saying his low bid and he was the second bidder in the first go around, we 234. Now he punched in for 258 and he comes in \$24,000 over. Is he number one at that bid and you selected it? You don't care to answer, I'll go ahead."

Supervisor Stark: "I just did. He was the awarding bidder. We awarded that bid."

Steve Haizlip: "Yes. But you didn't want-- "

Supervisor Stark: "But he's also doing more work and the specs have changed, too, a little bit. Maybe Kenny, is Kenny around here?"

Steve Haizlip: "Oh, okay."

Supervisor Stark: "Kenny, you want to make comment on this? Do you want to just step back a second. Kenny Testa, our Town Engineer will make some comments on it."

Steve Haizlip: "You mean our Town Engineer is here? Oh, well, you're not home like the others are?"

Ken Testa: "Ken Testa, Town Engineer."

Supervisor Stark: "Kenny, just pull that left one down so that everybody could hear in the back."

Ken Testa: "Sure. Okay. I can't comment on why contractors put in higher bids. I would imagine it has to do with how busy they are at a particular time or how much demand there was for the sand that they are going to take out of the site. The bids changed a little bit in the timing requirements. We-- "

Supervisor Stark: "Kenny, you've still got to talk to that microphone so that everybody in the room can hear."

Ken Testa: "The bids changed a little bit in the timing. We tightened them up as far as how long they had to get the job done and how long they had to get it started. That may have affected the price. But most likely when we went out the second time, they were just busier and had other jobs and the demand for the sand which they are taking out of the hole may have gone up or down. So I think their price probably reflected that the second time around. But Corrazzini was not awarded the bid. It was awarded to Bovay Industries (phonetic) under the option where the work would start right away. Corrazzini jacked the price up too high and lost out. He took a gamble and he lost."

Steve Haizlip: "So, all right. So you put extra work on him, changed the specifications and so, therefore,-- "

Supervisor Stark: "Changed the time restrictions, too."

Steve Haizlip: "And the time restrictions."

Supervisor Stark: "We want to get the job completed before the dead of winter sets in. I believe it's 90 days, isn't it Ken?"

Steve Haizlip: "That I understand, Jim. So we should see the bulldozer in there any time now."

Supervisor Stark: "Next week."

Steve Haizlip: "All right, Ken."

You know as I said once before in my Southern philosophy some people especially one, he may think more of me but I hope he don't think less of me. I'm going to join this fight with George over Joe's \$50,000 a year for stress, strain and aggravation and what have you. I'm going to say while he was in this building, I don't think there was any stress and strain and aggravation. I think the stress and strain and aggravation come outside heisting and working with the girlies. So I'm not for this and I hope it don't go through. And he took on the responsibility that everyone of you up there took on and it goes with the territory. And you can't expect anything if you get sick. I got sick from Grumman and had a heart attack; I didn't go back and sue them and told them they are going to have to give me \$50,000 a year because they brought on my anxiety, suffering and so forth. Thank you for that.

Now, one time I asked a question-- "

Supervisor Stark: "Let me just back you up on that one."

Steve Haizlip: "Go ahead, Jim."

Supervisor Stark: "Joe has put in a workman's compensation claim. Any employee, whether it's for Grumman, the Town of Riverhead, can put in a claim for workman's compensation. You then go through the whole process of hearings; you end up in front of a hearing officer I guess, or some kind of judge, administrative judge. We have an insurance company that is representing us on this particular lawsuit. Not lawsuit, but claim. On claims, not a lawsuit. They'll either-- this administrative judge will either award the workman's comp or not award the workman's comp. Then that applicant as any other applicant in any other business, town municipal government or what have you, always has a right to appeal,

just like the regular legal system. If somebody is found guilty in a court of law, they have a right to appeal.

We are being well represented by our insurance company. They don't want to spend their money."

Steve Haizlip: "Well, and as-- "

Supervisor Stark: "And if he is awarded this by virtue of the program that we're in, it will come out of their pockets and not the pockets of the people of the Town of Riverhead."

Steve Haizlip: "That was my-- what was bothering me. That I don't have to pay it."

Supervisor Stark: "Yes. We are in a self-insured excess program and, in fact, any time the limitations go over \$50,000 aggregate, the insurance companies pick it up. Anytime on property it's over \$25,000, the insurance companies pick it up. On liability, it's \$50,000. Am I correct? Yes, \$50,000, right."

Steve Haizlip: "Well, will they raise their premiums and then do you have to tax us-- "

Supervisor Stark: "Actually, Steve, I sat with the insurance company here not more than 10 days ago and our experience rating is such that the-- I believe that the premiums that we would be paying in 1998 will be lower than we've had to pay in 1997 because our experience ratings are low."

Steve Haizlip: "Right. Well, is that-- "

Supervisor Stark: "And it's not much like if you go out and have three or four accidents with your car, you probably are going to get a letter of cancellation sooner or later."

Steve Haizlip: "Well-- "

Supervisor Stark: "Or if you got two or three speeding tickets but you haven't reached the number where your license is revoked, they also take that in consideration of your premium."

Steve Haizlip: "Well, going back to my philosophy, you know -- there's certain things-- "

Supervisor Stark: "It's kind of one direct insurance company -- you buy insurance to protect you against these things, but when it happens they want to get rid of you because-- "

Steve Haizlip: "Yeah, they are like what they call the mid-night tail light, they're gone."

Supervisor Stark: "That's right."

Steve Haizlip: "Yeah, well, going back to my philosophy, you know, there's certain things you want to know, but you are afraid to ask. I'm not-- I've gotten past that. If there is something I want to know, I ask about it. Because, now-- "

Supervisor Stark: "Good. There are some other people out here in the audience who would like to ask some questions, too. You can come back."

Steve Haizlip: "Can I come back with my other two items?"

Supervisor Stark: "Absolutely. Absolutely."

Steve Haizlip: "Thank you very much."

Supervisor Stark: "Thank you, Steve. Yes, ma'am. I know you stay up all night. Some other people may want to get up here and say something and then go home. If you just pull that left one down, then-- "

Sophie Franzen: "Good evening. I'm a resident of Jamesport."

Supervisor Stark: "Yes, ma'am."

Sophie Franzen: "I wish to speak about the fire, chemical fire, at Lebanon plant on the 29th of August. It was a real good blaze. Now, what we would like to know is if there are any residual chemicals, can they harm us? Is the water supply affected by the chemicals that have probably seeped in the ground for many years. I don't know how long the plant has actually been no longer

(inaudible) quote unquote. All I know that this was a really nifty fire."

Supervisor Stark: "Yes. Are you on public water, ma'am?"

Sophie Franzen: "I don't know what that means."

Supervisor Stark: "Do you receive public water or do you have a well?"

Sophie Franzen: "No. I have well water."

Supervisor Stark: "You have well water."

Sophie Franzen: "But you see I'm concerned about women who will get pregnant and young children. I'm over the hill. It doesn't matter to me."

Supervisor Stark: "I would say-- is Gary around here? Gary, you want to come up please."

Barbara Grattan: "Ma'am, could I have your name please?"

Sophie Franzen: "Oh yes, Sophie Franzen. That's a hard one. It's a north German name, you have to live with it."

Supervisor Stark: "Sophie, if you would just kind of step to the side, Gary Pendzick, Superintendent of the Water District-- I would imagine that almost 100% of South Jamesport is under public water right now."

Gary Pendzick: "Right now South Jamesport, all that has it available to it, but not everyone is hooked up to it by their choice."

Supervisor Stark: "That's what I mean. The entire area is serviced by public water."

Gary Pendzick: "That's right."

Sophie Franzen: "Okay. That means in fact that people are forced if they are fearful of water contamination, they have to

\$1,000 or more to connect with the Riverhead water supply. Because no one is willing or the money may not be available to actually test the safety of the existing wells."

Supervisor Stark: "Do we have any ability to test existing wells, home wells, Gary?"

Sophie Franzen: (inaudible)

Gary Pendzick: "If you would excuse me. No. And we would want it because we couldn't possibly afford to be federally certified as drinking water standards in this nation require. However, Suffolk County Health Department has a complete water testing program that for \$65 they will test virtually hundreds of components of your water and send it to you and they are federally certified. If you like, I could give you both the phone number and the names of the people that will arrange for a sample taker to come down to your house and take such a sample."

Sophie Franzone: "I'm aware that the Department of Water in Hauppauge will put on the waiting list, they will inspect your water free of charge. I personally had our water tested in 1992 but people need to be made aware of the option of having their water tested. Now, I spoke with a lot of people who live along South Jamesport Avenue and I said, well, are you concerned at all and most of them said not really. Now that doesn't mean that they might not in 20 years develop a bad case of cancer just because right now they are not particularly concerned about it. You know. Something that really needs to be made public to people. Like listen guys, you can call Hauppauge and they are going to test your water. I think we need to just, you know, some people are very laid back and, you know, I mean it's nice to not to worry too much but sometimes it is not wise to just push it aside. It don't affect me, what the hell? You know."

Supervisor Stark: "Well, I don't-- I really don't think that's the case here. We have brought public water to practically 95% of the town of Riverhead, 95, 96, 94, somewhere in that vicinity. That was our obligation or that District's obligation. Now if one elects to hook up or not to hook up, I can't force somebody to hook up to public water which is tested on a daily basis, or weekly basis, I don't know the schedule but Gary certainly could

ascertain those facts-- give us those facts."

Sophie Franzone: "Yes, but it is now a slightly different ballgame as it were. We've had a fire; lots of I don't know how many thousands of gallons were used to attempt to douse the fire which they wanted to (inaudible). The fire department started responding at 10:00. By 6:00 the following morning the fire was still going. So we are talking about lots of water which washed into the soil. Now we would like to know if there are any chemicals stored at that location. Now I know that these are nitrate based -- they used to store fertilizers there and nitrate is a (inaudible) component of that. I do know that some oldtimer-- now, it's only hearsay, I cannot attest to the validity of it, but periodically these fertilizers would freeze as it were and the employees would have to dynamite them. And lots of people died of cancer because of dynamiting those chemicals. Now, we would really be sure that none of that stuff is sitting around at that abandoned Lebanon plant in South Jamesport. It would be nice. Now, I read in the paper that a proposal has been considered to turn it into a playground. Well, that is possibly the worst thing that we could do."

Supervisor Stark: "There were several agencies that were notified of that fire and one was certainly the arson squad from Suffolk County which has a great deal of concern and suspect that this was a product of arson. They will be-- they-- I've talked to Mark Kwasna who is a former chief of the Jamesport Fire Department and Dave (inaudible) who is an assistant fire chief there. The arson squad will, in fact, have a determination sometime in the next 10 days. The EPA was there. I believe the DEC arrived."

Councilman Lull: "The Environmental Protection Agency was there the next morning."

Sophie Franzone: "That's important, yes."

Supervisor Stark: "And the DEC arrived, our Town Highway Department was called there to block up drainages so that none of this went into, you know, drainage holes which put it into the ground quicker. You are absolutely correct. There was a lot of water used; that was an old wood structure; it was formerly a lumberyard and it was like a matchbox. But it was of great suspect -- extremely suspect it was an arson cause."

Sophie Franzone: "Yes, but that does not concern me. The cause of the fire is of minor concern to me-- "

Supervisor Stark: "Well, I think it has to concern us as a community that if people are going around setting the fires, buildings whether it be an old lumberyard or whether it be a house or whether it be-- that does become a concern to all of us."

Sophie Franzone: "Yes, but ultimately what is being stored or the residue of-- "

Supervisor Stark: "To the best of my knowledge, there was nothing being stored in that particular building because Lebanon had sold the premises and had moved out and now are up on Sound Avenue at their present location up there. There may have been some residue of some chemicals or fertilizer left in that building. I was never inside of it. I didn't have permission to go inside of it and look."

Sophie Franzone: "There are metal structures still standing on the premises and some people who helped douse the fire sort of mentioned it's a good thing that the fire was not erupting in these semi-safe buildings because we would have had a blowup there that would have shaken all of Riverhead. Now, this is again hearsay. I would not, you know, I'm wise enough to realize that-- "

Supervisor Stark: "One of the things that you are going to find. We had called for a public hearing on unsafe buildings some time ago. We were asked by Lebanon to back off because they were going to be selling the property. We withdrew for a short period of time. I have the present owner of the property who will be visiting Town Hall tomorrow who will sit with the Town Attorney, the Building Department, and the Fire-- Assistant Fire Chief from Jamesport. We're going to tonight off the floor to a resolution calling for a public hearing, but the gentleman is coming and we are going to see-- we are going to show him our inspections which have dated several times. We are going to ask for permission to get inside where we might have the EPA with us or those who have the qualifications to inspect residue. So that is happening tomorrow morning at 11:30."

Sophie Franzone: "Oh, that's excellent. But our concern for

the safety of residents should supersede the man's permission or the lack thereof."

Supervisor Stark: "Absolutely and that's what we're basically going to tell him tomorrow that we are proceeding with the public hearing. This is-- the bureaucratic way I have to do it-- not I, but the Board according to law and we will be starting that process tonight by passing this resolution. That public hearing will be on October 7th which will be our meeting in Jamesport which will make it easier for the residents of Jamesport to come and state their concerns and if he has the courage he'll probably show up himself. I doubt if he will."

Sophie Franzone: "He'll send a lawyer."

Supervisor Stark: "He'll probably send a lawyer. We are starting that process again tonight."

Sophie Franzone: "Okay. Well, thank you for your time."

Supervisor Stark: "You are quite welcome. Thank you for coming. Yes, ma'am, way in the back. Bill, you've got to relax for a while. I'll get you. Let some of these other people."

Dorothy Pennell: "First I would like-- my name is Dorothy Pennell and I, too, am from Jamesport and I'm delighted that our neighbor did-- said and did all that you did. There are some questions that I would like to ask a couple of prime importance to me and to the residents of the community. I'm not only a resident there, and have been for 37 years, and I'm also representing the Jamesport Campground Association which back up the properties-- the properties back up to the Lebanon Chemical Co. which is what we still call it. I realize Mr. Simone owns it now but one of my questions, and the big one that I have been extremely concerned with and I would appreciate an answer from you gentlemen or from the Supervisor."

Last year on September 3rd, Sharon Klos was the Building Permits Coordinator, filed a violation against Lebanon Chemical Co. for this very reason and if I may, I'd like to read it.

Sharon Klos, Riverhead Building-- I won't go through the whole

thing-- Inspector of Repair in Riverhead. Duly sworn, etc. Visited this Lebanon Chemical Corporation which at that time was still owned by the Lebanon Chemical Co., and I believe Mr. Stark, you're familiar with that area because if I recall you had worked there. Yes."

Supervisor Stark: "Yes."

Dorothy Pennell: "This violation of the Chapter 54 for the Riverhead Town Code entitled Unsafe Buildings and Collapsed Structures Law, and there's a copy of that. In that the Defendant allowed and permitted a building structure located on the described premises and there's a copy-- I have the deed, etc., to remain in an unsafe and dangerous condition as evidenced by the statement of particulars attached. This complaint is based on personal knowledge and information and belief. The source of said information and grounds of said belief being the attached copy of the deed and/or assessor's records in the Town of Riverhead, and this is dated September 5th, 1996, at which time I'm assuming that the Lebanon Chemical Co. offices heard it or read it and it was received by them. And there are several-- I shouldn't say that, because they are important.

But two questions that I would like to ask of the Board and the Counsel. One is why was that not answered or adhered to because in a follow up on that, it is-- this is again completing the violation. It is hereby ordered that the building or structure be made safe and secure or be removed. The securing of the building or structure or the application for a demolition permit for the removal of the building or the structure shall commence within 10 days after the receipt of this. And from the date of service of this notice and the securing of the demolition of the building or structures shall be completed within 30 days. Now, a bit ago, Mr. Stark you mentioned that Lebanon asked you to hold off because they were-- "

Supervisor Stark: "Well, I'm going to let the Town Attorney answer that one because I was not in on the-- "

Dorothy Pennell: "I would like to know."

Supervisor Stark: "Sure."

Dorothy Pennell: "Thank you."

Supervisor Stark: "No problem at all."

Robert Kozakiewicz: "I'm stepping in a little late so maybe if I could ask you just back track a little bit."

Supervisor Stark: "She is referring to-- "

Robert Kozakiewicz: "I know, Lebanon Chemical."

Supervisor Stark: "She is referring to a citation Sharon Klos issued to Lebanon last September 3rd I believe."

Dorothy Pennell: "That's correct. Yes."

Supervisor Stark: "I don't know whether we had had our public hearing yet for unsafe buildings or-- "

Dorothy Pennell: "Excuse me. Did you say you don't know whether you've had a public hearing on this?"

Supervisor Stark: "At that particular time. In order for us to demolish any structure in the town that we declare unsafe, you have to go to a public hearing and have that viewed and aired in the public and then once that is complete, then we can go out and, in fact, tear it down and the cost thereof be put on the tax bill and return our cost when they pay their taxes the next year."

Dorothy Pennell: "But in this it states very clearly as I just read to you, that the-- "

Supervisor Stark: "That's what I'm asking. I don't know whether this was after the public hearing or prior to the public hearing."

Dorothy Pennell: "But then wouldn't a violation such as this -- I'm complete naive about this-- so-- "

Supervisor Stark: "Sometimes I am, too, that's why we hired him. We have to go to public hearing."

Dorothy Pennell: "But would it not in my estimation from what I would think would be a logical business approach to it, if a violation were not corrected within the certain period of time that was allowed for to be attended to, how could, again this is a legal question, how could that property be sold if there's a violation hanging over it?"

Robert Kozakiewicz: "Well, I'm not going to address the question of how it could be sold. I'm sure the parties were made aware of the violation. The purchaser, I assume, was aware of it. With respect to why the structure was not condemned within the 30 days, I'll take the blame. I'll be honest with you. I'm at fault here. I got a call from counsel from Lebanon Building Corporation who stated to me we have a viable contract for the sale of his premises. Would you ask the Board to consider holding off demolition of the structures or a decision on whether the structures should be demolished. And quite frankly, as the Board has pointed out, the noticing of the property is the first step in the process. The second step would be a public hearing to hear all interested parties on whether the structure should be demolished or, in turn, whether it should be secured by a shoring up of the openings and whether that would be satisfactory.

Counsel for Lebanon did, in fact, consummate a sale, if my recollection is right October 19th, 1996, the premises were sold. I received word at that point from the attorney for the purchaser. He stated that he has intentions for the property and could he take a good look at the property to determine its worthwhile nature before the Town exercise its option. I don't know what else to say. That's what happened."

Dorothy Pennell: "Well, I mean somebody-- "

Supervisor Stark: "As of tonight we are restarting that process."

Dorothy Pennell: "In what capacity? How are you-- what are your plans?"

Supervisor Stark: "We're calling for a public hearing to be held on October 7th at the Jamesport Community Center which will consider the demolition of the buildings owned by (inaudible)

LLC, pursuant to Chapter 54 of the Code of the Town of Riverhead entitled Unsafe Buildings and Collapsed Structures."

Dorothy Pennell: "Now, the building that went on fire or that is now a bunch of ashes and the debris is all over-- I meant to bring a bag of it here to show you guys. But anyway that is going to be-- that building is destroyed completely, it looked like a war zone, it still looks like a war zone-- however, my prime concern being a neighbor that I can reach out and touch the whole world there, my concern is what precisely and how rapidly is the corrugated building that stands there, is going to be either demolished or taken care of in a safe, secure way.

I represent-- I'm President of the Jamesport Campground Assoc. -- I'm speaking for them this evening because several of them couldn't come and a lot are summer people, but I am a year round resident and I'm there practically by myself all year round."

Councilman Prusinowski: "Ma'am, if I could just-- "

Dorothy Pennell: "And Mark you know because you've been in there."

Councilman Prusinowski: "The sale went through. They came to the Town Board; they said please hold off, we're going to come in with a plan. I read his comments in the News-Review two weeks ago when the Riverhead Party had their press conference there. Quite frankly, as far as I'm concerned, I want to take that building down, attach his tax bill. I'm going to make him clean up the ashes and we're going to attach his tax bill. The guy said that if we didn't cooperate with him, we gave him a break. He goes back to the newspaper and says we're not-- we are supposed to pick up his debris. The Town of Riverhead does not-- we pay for our own garbage disposal. It's not the taxpayers' responsibility to clean up his property and put it on our tax bill. It's going to go on his tax bill. And the fact is his comments in the paper were way out of line and I as one Town Board member am appalled-- his attorney called us after the sale. He was going to come in with a site plan; he was going to clean up the property; he was going to do something nice there. Now I've heard everything from playgrounds to campgrounds or whatever. I know that the property was used as a fertilizer plant, I think the Jamesport Fire Department did a tremendous job in contain-

ing the fire and putting it out but as one Town Board member, he's not going to get any mercy from particular vote because when people ask you on good faith to do something for them and I prefer to have it the private enterprise way, let him work out his own problems, secure the-- oh, by the way, the Building Department, I checked the files, did require, I think Lebanon or one of the property owners to secure the building and then he said well, you know, it's trouble for him to secure the buildings because blah, blah, blah.

So Jim is going to start the process tomorrow. They are going to get in there and take a look at the-- seek permission-- take a -- go in there, get done, and we're going to start this process tonight and as far as I'm concerned, I am going to go all the way this time because-- "

Dorothy Pennell: "It's got to be done all the way because the responsibility is totally on the shoulders of your gentlemen sitting there. Because nothing has happened and this is a year."

Councilman Prusinowski: "Yes, but, ma'am. Right. I accept that responsibility. You're right. We had a judgment call there. The fact of the matter is he said in the paper well, the Town didn't offer to take the debris at no charge to the landfill. The fact is as of last January, we don't have a landfill anymore. We pay for our own garbage disposal; that was never even put on the table to us. The last thing I heard, he was supposed to come in with a site plan; he was going to develop the property, private enterprise, which, by the way, you have to have site plan review, clean up the property and then I read in the paper, oh, the Town was not co-operating. Well, we're starting it tonight. We are going to finish it. And, also, as far as the ashes, we have another ordinance about cleaning up the debris and garbage and we'll enforce that, too."

Dorothy Pennell: "All right. You know, there are-- "

Councilman Lull: "That's not going to be until after the arson squad-- "

Councilman Prusinowski: "Well, after the arson squad-- after the arson investigation."

Dorothy Pennell: "First things first. That's got to be taken

care of."

Councilman Lull: "Excuse me, Dorothy. Bob, Dorothy wants a best case scenario. Give it to her."

Robert Kozakiewicz: "As far as when we can take down those structures?"

Dorothy Pennell: "Yes."

Robert Kozakiewicz: "Structure I should say. We'll have a public hearing on October 2nd-- 6th-- 7th."

Dorothy Pennell: "At Jamesport?"

Robert Kozakiewicz: "We should be able, if there's no adverse comment and things go well, if this Board sees fit, take a resolution off the floor which resolution would authorize the Town to secure or demolish those structures. I'm expecting that the cost here is going to be considerable. We may need to bid the project so maybe another 30 days hence."

Dorothy Pennell: "I understand the magnitude of something like that because I live there, I walk around it and I reported break-ins to the police where the kids have gone in. The thing that I'm concerned with is I'm sure these ladies and we have a fairly good representation from the hamlet of Jamesport here this evening, that with the chemical residue, I mean I have not been in there; I don't want to go in there, but I pass by and there is a residue. It had to be as well you know, Mr. Stark, that what will happen and how will that be completed. I realize you've got to get to the DEC and they've got to test it and everything. But why was that not approached earlier on, much earlier on prior to Lebanon's you know trying to get rid of this property? I-- there was a comment that Mr. Bishop made, well, I have a fax that someone sent to me to give to you which I will present to the Town Board when I read it after I read it, but there are so many things-- and the kids go down there, they smoke and they drink, you know, you don't know how many nickles I get out of those cans that they leave and run, if they can run, and the thing is that's what I'm afraid of. And I'm sure that everyone here who lives in that hamlet is concerned about it because Mark knows, he-- my grandson was in the fire department

there and the fire people knew. Incidentally, I want to digress one moment.

You should be, and I'm sure you are gentlemen, extremely proud of that Jamesport and Riverhead Fire Departments."

Supervisor Stark: "Well, it's certainly proved that they have the capabilities to handle that fire."

Dorothy Pennell: "The coordination-- "

Supervisor Stark: "Which was questioned politically maybe a week, 10 days before."

Dorothy Pennell: "Well, I could not see anybody questioning the ability, the cooperation-- "

Supervisor Stark: "Absolutely not."

Dorothy Pennell: "-- the dedication, the speed with which those men worked, and they busted their chops."

Supervisor Stark: "Well, we had Wading River there, too. They have to be commended."

Dorothy Pennell: "I know. And Mattituck and Southold, oh no, I've got-- "

Supervisor Stark: "As far away as East Marion."

Dorothy Pennell: "I know each one of them, they were terrific and I plan on letting people know. But I would like to just-- "

Supervisor Stark: "Wading River has got some nice equipment."

Dorothy Pennell: "One day we'll have that."

Supervisor Stark: "I hope so. All right, we're starting the process tonight. I can only assure you-- I don't have all of the answers for you right now. We are having a meeting with the Town Attorney and the Building Department to go through the procedure tomorrow. The Fire Department is coming. They have certain requests

that they want. Those will be started to be implemented tomorrow."

Councilman Lull: "And I believe the Environmental Protection Agency will be making a report probably to the South Jamesport Fire Department."

Supervisor Stark: "Jamesport Fire Department."

Dorothy Pennell: "There is one other-- one question and then I do have to read this letter because it was faxed over. When this violation was submitted to the Lebanon Company, they-- and I'm just doing some reading, the building or structures located on the premises described as structurally unsafe, structurally dangerous, inadequate maintenance, dilapidation, obsolescence, abandonment, and the building was vandalized. Now, there is no indication on these sheets of any recognition of the presence, the high presence of chemicals there. Now, why would that have not been included in this?"

Supervisor Stark: "If you're talking about chemical residue, I don't think that Sharon Klos in the Building Department has that expertise to establish chemical residue. Two, she probably inspected those buildings from the exterior rather than the inside."

Dorothy Pennell: "But, who would make an estimate like that or evaluate a situation like that?"

Supervisor Stark: "I would imagine the Environmental Protection Agency or the Suffolk County Board of Health or the DEC."

Dorothy Pennell: "We do not have a fire marshal?"

Supervisor Stark: "We have a-- not by title but we have fire marshals who are certified fire marshal people."

Dorothy Pennell: "With full training?"

Supervisor Stark: "Yes, ma'am. We have five of them."

Dorothy Pennell: "Then would not it have behooved somebody to have them go out there?"

Councilman Prusinowski: "Ma'am, you're talking about a soil analysis of the content-- "

Dorothy Pennell: "No, no, no."

Councilman Prusinowski: "No. Wait a minute. If she did not see the stored materials there our building inspectors and Eddie Kukla who used to be our fire marshal was not qualified to do a soil analysis. What you're talking about, which is to take samples and to find out what type of chemicals were stored in that building. Also, I'm going to do a little research. I want to know. They had a closing and I want to know if Mr. Simone had financing because most properties cannot be sold today without a phase II environmental report done for the bank. For example, Hazeltine Corporation on Route 58 is now pumping out freon that's in the ground, a chemical, and they're having trouble selling the property because you cannot get a mortgage from a bank if the phase II report comes out bad, that means that they have to clean up the property. So that's something that could have been done; I don't know."

Dorothy Pennell: "But wouldn't that had to be done by the previous owner?"

Councilman Prusinowski: "Absolutely. Also, the clean-up law says that the polluter pays no matter what. Because right now we're having the DEC chase the Sunoco gas stations out of business for the (inaudible) that's in Pulaski Street or heading down towards Pulaski Street from Route 58. The clean-up law says the original polluter pays for the clean-up. If that property has to be cleaned up, the Lebanon Corporation is responsible or their previous successors or previous owners. Whoever did the pollution has to do the paying."

Dorothy Pennell: "Well, that's why-- I mean I'm very naive as you can see, but I can't understand that if that's the situation, why not-- was that considered before Lebanon was able to sell it or offered-- well, it's been for sale for a long time. In fact, someone I know they (inaudible) asked he said he would sell it to this person for \$100,000. He paid \$5,000 plus back taxes. Big deal."

Councilman Prusinowski: "Well they offered the Town of Riverhead-- we turned it down. The property."

Dorothy Pennell: "You didn't want it? Wow, what an opportunity you would have had."

Councilman Lull: "It would be interesting to see what bank-- "

Supervisor Stark: "Would you like to enter that into the record, please?"

Dorothy Pennell: "Yes."

Councilman Prusinowski: "So it isn't a mortgage then if it's only \$5,000."

Supervisor Stark: "That's absolutely correct."

Dorothy Pennell: "This letter-- a fax of the letter, is from -- is to Mr. James Stark and members of the Town Board, Riverhead Town Hall, Riverhead, New York. And it's from a Dr. Barbara Kimmel who has a summer home on Kimmel Lane in Jamesport. And her home -- her year round residence is in Westlake Village, California.

After 12 years of raising the issue of safety and the former Lebanon Chemical property to the Town Board my worse nightmare came to pass. Fire in the old fertilizer factory! Last Thursday night the hamlet of Jamesport experienced a massively destructive fire. At this time I want to thank the Town of Riverhead for its unabashedly, shamefully and I believe criminal negligence with regard to this property.

Twelve years have past since first I advised the Town Board of the insidious danger to our community lurking within the confines of the Lebanon Chemical Company buildings. Fire, explosion, death and destruction remain my constant neighbor to the north and to the west. One building may be destroyed; the larger and the more dangerous one remains. This corrugated metal building has the nitrates embedded in the floors, walls, rafters and roof. You can smell it and when it rains the odor is more pungent since it is running down Kimmel Lane to the bay and to local water wells.

Twelve years and only one violation dated September 5, 1996, has been issued on this property. The violation stated the property was to be made safe and secure or demolished to commence within 10

days and to be completed in 30 days. What happened gentlemen? Where was the Town Board? Why was this property allowed to be sold with a violation of unsafe and hazardous conditions existing? The Board members were very much aware of how severely damaged and environmentally unsound this property is; they refused to accept a donation of the property from Lebanon Chemical Corporation. The Town did not want to pay for the massive cleanup. After asking my husband if he would consider purchasing the property, Mr. Bishop at that time who was the owner, the CEO of Lebanon Chemical, asked her husband if he would consider purchasing the property. Mr. Bishop, the former owner, stated upon his non-interest, "We'll probably have to give it away, nobody will buy it." This is just about what happened. It was sold for \$5,000 and payment of back taxes. Evidently, Lebanon Chemical intended to abandon the property for non-payment of taxes.

The Town Board has known for this for twelve years. It is public record. The HazMet team on Long Island gave me those records. The Jamesport Fire Department knew of the impending disaster. As recently as this summer, the Supervisor advised me that the present owner was aware of environmental hazards connected with this property and the threats they pose. Elected officials take an oath to maintain the safety of its citizens. The Board knew of the dangers and allowed it to exist all these years. They shirk their responsibility to the citizenry; this is their job. I would give them failing grades.

Last year, I again requested the Town Board look into the Lebanon Chemical property in Jamesport. Why is it this issue has been allowed to fester and be ignored all these years! What advantage is it to this Town Board? Why haven't we citizens in Jamesport been better protected from such a hazard in our community? Is this not why we have this elected Board? The first last Thursday in Jamesport was predicted. The citizens of our hamlet have been seeking assistance for years and have gotten token responses. Perhaps we need a reduction in taxes or recall of the Town Board. Twelve years is a long time to be ignored and dismissed. Sincerely,
Barbara L. Kimmel. PhD."

Supervisor Stark: "Thank you. And would you give that to the Town Clerk. It will make it much easier.

Dorothy Parnell: "So, hopefully, we will get an answer and I'm

sure we will being that it's been brought out. And I will and I'm sure all of my co-neighbors here will be attending the October 7th meeting in Jamesport. And we'll hear wonderful things that you're going-- even if you guys get out there and shovel."

Supervisor Stark: "Thank you. Maybe you'll help me."

Dorothy Parnell: "Lots of luck."

Supervisor Stark: "Lots of luck. We're going to take a 10 minute break and we'll be back at 10 minutes to 9."

Recess

Meeting reopened: 8:50 p.m.

Charles Cetas: "Charles Cetas, Vice-President of the North Fork Environmental Council, I also live in the Town of Riverhead. We're here tonight about the Maidstone Landing condominium project. The North Fork Environmental Council is greatly concerned about the land clearing and excavating activities-- "

Supervisor Stark: "Charlie, if you could just hold on for one second, please. Jack, I need Town Attorney, I need Rick here please. They might as well hear this. Thank you, Rick. Now, I need the Town Attorney. You can stand back there, I just want you to listen. We found Bobby? Rick, stick your head in Bobby's office, please. Did you get a hold of Bobby? Go ahead."

Charles Cetas: "The North Fork Environmental Council is greatly concerned about the land clearing and excavating activities that have occurred at the Maidstone Landing site adjacent to the east side of Riverhead Town's Iron Pier public beach. The wooded bluff overlooking Luce Landing Pond has been totally destroyed except for a narrow strip (approximately 25 feet wide) of trees facing Long Island Sound. Basically, all that is left of the bluff is excavated sand which is washing down the steep slope into the Luce Landing Pond westlands through a snow fence.

Undergrowth vegetation and countless tress have been removed even up to the edge of the bluff overlooking the Sound causing erosion. Tracks of heavy construction equipment have also been ob-

served up to the bluff edge. Many of the trees removed from Maidstone's site were reportedly well over 100 years old, some over 150 years old. It also appears that a large area of the wetlands on the east side of the pond has been completely stripped of all vegetation and has been partially filled by bulldozing sand down from the bluff. The woods and wetlands of the Maidstone site is a nesting area for many species of birds, including scarlet tanagers and other Neotropical species, and is known to be a significant site of pre-historic artifacts.

The NFEC believes that what has happened at the Maidstone site is not only a crime against nature but also an offense against the people of Riverhead and the State of New York. The NFEC believes numerous violations have occurred during the land clearing and excavating activities at Maidstone.

Maidstone has violated Chapter 12 (Coastal Erosion Hazard Areas) of the Riverhead Town Code and Part 505 (Coastal Erosion Management Regulations) of the New York Code of Rules and Regulations in that activities prohibited on bluff and beach areas have allegedly been conducted, particularly those described in various sections of Chapter 12, without a Coastal Erosion Hazard Area permit from the Riverhead Planning Board. The Planning Board, as administrator of Chapter 12, has issued a stop work order to Maidstone on or about August 12, 1997.

The New York Department of Environmental Conservation (DEC) has cited Maidstone for violating Article 24 (Freshwater Wetlands Act) and Article 25 (Tidal Wetlands Act) of the New York Environmental Conservation Law. Maidstone has not complied with several conditions of the DEC permit granted to Maidstone on December 11, 1996. The DEC advised Maidstone to cease operation on August 21, 1997.

The NFEC believes that Maidstone has violated chapter 107 (Wetlands, Floodplains, Drainage) of the Riverhead Town Code by clearing and filling part of the Luce Landing Pond wetlands, prohibited acts as described in 107-4(A)(B). Such activities "...are permissible only if done pursuant to terms and conditions of a permit approved by the Town Board..."(107-5(A). As stated in 107.7 (A), "The Conservation Advisory Council shall review all completed permit applications and provide a written report decision to the Town Board and the applicant...". The NFEC believes no such permit

has been granted by the Town Board and the Conservation Advisory Council to Maidstone.

On July 23, 1997, the Riverhead Code Enforcement Officer cited Maidstone for excavating without a permit. The NFEC believes that the land clearing and excavating which has occurred at the Maidstone site does not meet the standards set forth in Chapter 108 (Zoning) Article XXVI (Site Plan Review) of the Riverhead Town Code. Article XXVI states in the physical compatibility condition for approval, "The rural character and open space environment of the Town shall be fostered by preserving, whenever possible, significant built and natural features of the site. Extensive clearing and grading shall be avoided...Wetlands, slopes in excess of fifteen (15%) and...other such areas as shall be so deemed, shall be non-buildable." 108-133 (A). In Chapter 108 the word "shall" is defined as "mandatory" 108-4(B). Maidstone has completely cleared and excavated a heavily wooded steep slope into a wetland protected by a scenic and conservation easement dedicated to the Town of Riverhead. Based on this alone, the Town Board resolution #215, adopted March 3, 1996, which approved Maidstone's site plan should be rescinded.

Maidstone does not have a condominium map approved by the Riverhead Planning Board and the Suffolk County Planning Commission as required by Chapter 108 (Zoning) Article XXIX (Condominium Maps). Maidstone therefore does not have final site development approval.

The NFEC believes Maidstone has violated findings, conditions and requirements set forth in the Town Board resolution #472, adopted August 5, 1986, which approved the special permit applied for by Kimbrooke Enterprises, Inc. (aka Seawatch Landing) and allowed the construction of 90 condominium units on Business A (Resort Business) zoned land now referred to as the Maidstone site. Finding #3 of that resolution states "Based upon a review of the Environmental Impact Statement and an analysis of the physical features of the 55 acre site, it is apparent that there are approximately 32 buildable acres. This calculation accounts for heavily wooded land, bluffs, steep slopes, wetlands, lands under water and buffer zones;" Finding #5 states, "...the site plan must provide for a 100 foot buffer from the pond/wetland and buffer area as a minimum set back;" Finding #6 states, "The clustering of the condominium units will preserve open space;" Condition and requirement #3 states, "Kimbrooke shall make application to the

Riverhead Planning Board for a construction map approval..." Condition and requirement #5 states, "Kimbroke shall submit a site plan which shall minimize the environmental impact during construction and use on those areas designated on the environmental impact statement as sensitive;" Condition and requirement #9 states, "No vehicles shall travel on the bluffs during or after construction;" Condition and requirement #10 states, "The Town Board reserves the jurisdiction to impose the duty upon Kimbrooke to record such covenants running with the land as the Board determines to be necessary during each and every phase of the site plan and condominium access;"

The NFEC believes Maidstone has violated the covenants and restrictions required by Town Board resolution #166 of March 1, 1988, which approved the Kimbrooke/Seatwatch Landing site plan. The NFEC understands that these covenants were filed with the Suffolk County Clerk by Di Canio Planned Development Corp. in January of 1989. Di Canio purchased the site from the president of Kimbrooke Enterprises, Inc. in August of 1988. The NFEC understands that these covenants require that the sensitive areas identified in the Kimbrooke/Seawatch environmental impact statement be left natural and undisturbed. The NFEC understands that these sensitive areas include a minimum 100 foot setback from the bluff edge facing the Sound, the eastern half of Luce Landing Pond which was deeded to the Town of Riverhead for \$10.00, a scenic and conservation easement which was deeded to the Town of Riverhead for all those lands between the clearing line depicted on the unit designation map of Seatwatch Landing and the perimeter boundaries of the site plus five interior areas to be left natural. The covenants also require that an archeological survey be conducted and that clearing, excavating and construction activities must be delayed for a reasonable time in areas of the site found to contain any material of archeological value to allow salvaging of items of historical worth.

The March 15, 1995, report by William (Buddy) Johnson, landscape architect, which Maidstone has submitted as its restoration plan for the bluff area acknowledges a 100 foot vegetative retention buffer. Within this 100 foot buffer, Mr. Johnson only recommended the removal of dead trees, dead tree limbs and vines from healthy trees. He recommended that the understory ground cover between the trees should remain to stabilize soil and control erosion. He

recommended that all work be done by hand and that no construction equipment should be used in it. He did not recommend the wholesale clearing and excavating that has occurred and has already caused erosion within the scenic and conservation easement area that was deeded to the Town by Di Canio. The NFEC believes that the Di Canio covenants and restrictions supercede Maidstone's site plan approval, its land clearing permit, and its DEC permit. The NFEC believes that the current Town Board has brought-- I'm sorry to say this, I really am-- has brought shame on itself for allowing the violation of the Di Canio covenants and restrictions.

The NFEC further believes that the Kimbrooke/Seawatch Landing special permit is not valid for Maidstone. Within the definition of "special permit" in Chapter 108 (Zoning) of the Riverhead Town Code it is stated, "...the Town Board may condition the permit by requiring that the applicant actually begin use and complete construction or use requirements in compliance with the conditions imposed by the Town Board within a time period of from one (1) to three (3) years, decided by the Town Board and set forth in the resolution granting such permit. If the Town Board fails to specify a period, said period shall be one (1) year." 108-3 (Special Permit)(A). Town Board resolution #472 adopted August 5, 1986, which approved the Kimbrook/Seawatch special permit failed to specify such a time period. Maidstone has failed to begin use and complete construction or use requirements of the Kimbrooke/Seawatch special permit within one year of August 5, 1986. The definition of "special permit" further states, "...Any special permit granted, unless performance of the terms and conditions thereof is bonded, shall be personal to the applicant and shall not be assignable or transferable without a resolution of approval by the Town Board." 108-3 (Special Permit)(A)(1). Town Board resolution #472, adopted August 5, 1986, granted a special permit to construct a 95 unit condominium project to Kimbrooke Enterprises, Inc. and did not authorize that special permit to be transferable or assignable to any other entity. Maidstone must not have been bonded to perform the conditions and requirements of the Kimbrooke/Seawatch special permit, since Maidstone has in fact violated several of them.

The NFEC therefore believes that a stop work order should be immediately issued for the entire Maidstone site, that all approvals granted to Maidstone to construct this condominium project should be rescinded; that Maidstone should be required to pay stiff fines

and penalties; that Maidstone should be required to restore the areas of the site it has cleared, excavated or otherwise disturbed to their former natural conditions; and that Maidstone be required to apply for its own special permit, if it still wishes to build a condominium project on this site."

Councilman Prusinowski: "I think all of those points that you made, Charlie, are under consideration by the Town Board. First of all, the Town Board did not condone the developer going up there and violating the section of the resolution that we passed this year. As far as-- "

Charles Cetas: (inaudible)

Councilman Prusinowski: "I mean-- let me just tell you something. I've lived in this town my whole life. If I brought shame upon myself, fine. I'm not going to do anything to hurt this town. Here's a developer who, again, had violated Town law, he's going to pay for it. Okay. You know, I'm getting letters about how we're going to violate the-- that was never the intention up there. As far as those covenants, you're absolutely right. They should be absolutely enforced. The attorney working on the project knew about it; the Planning Department knew about it. I wasn't here in 1988 when they finally passed a resolution, 166, but I was here in 1986, you remember, we had a great painstaking, the guy wanted 166 units there; we did not want that. We had a big discussion about the topography. We want to protect the assault. We want to protect the pond. The family gave us that pond with the covenants that it protected forever, and it is, and it will be, and what the guy did up there is wrong. And he's got to pay for it' he's got to restore it. And so I would say that they're working on that and I know all that's on the table. I wrote down the resolution, some of the resolution dates that you-- and you gave us a copy? Thanks."

Charles Cetas: "Okay. Well, I hope you do the right thing."

Supervisor Stark: "Yes, sir?"

Ed Weigand: "My name is Ed Weigand. I live in Jamesport. I'm a resident on the pond, if you will. My property is on the pond. I'm one of three homes that are on what you call the southwest side. In my mortgage documents, the pond was deeded to the Town of

Riverhead by Saland Development Corp. as a wildlife preserve. Okay."

Supervisor Stark: "Was that Lindy Hallock?"

Ed Wiegand: "Excuse me?"

Supervisor Stark: "Was that Lindy Hallock?"

Ed Wiegand: "It was Luis San Andres and Saland."

Supervisor Stark: "David Saland. They must have bought it-- "

Ed Wiegand: "They got it from Hallock and they deeded it over. Okay. Now, I don't know all these technical terms you're talking about but I've seen a change in that whole area. I'm only a resident for four years. I really like Riverhead. I prefer it over all the other towns out here. And I'm sure you guys are trying to do a good job. However, I had two beautiful swans in that pond for four years now. Since that project started, the mother, with eight cygnets is gone. We've had blue herons and white egrets. They're gone. The ospreys we had over there are gone. Everything is disappearing. Okay. Now, the perception-- I'm going to talk about perception, okay, because I don't want to accuse anyone because I know very little. Okay. A lot of what I do know might be fact and also it could be fiction. The perception is this developer is going to get his way. Okay. That's what every-- "

Supervisor Stark: "Let me assure you right now, this developer has violated permits by either the town, the DEC and what have you."

Ed Wiegand: "That's fine."

Supervisor Stark: "It was brought to our attention. We immediately-- I instructed and notified the Board that I was asking the Town Attorney to put a stop work order on the entire project."

Ed Wiegand: "I understand that, Mr. Stark, okay. But how do we even get to this point? I'm trying to find out as far as I know it was the NFEC was the one who brought it to people's attention. I mean where is the building inspector, whoever watches, oversees these projects? Where was he for three weeks before July when those bulldozers were-- "

Supervisor Stark: "It wouldn't be the building inspector; it would be staff out of the Planning Department-- "

Ed Wiegand: "Who watches the project up there? I had to call Riverhead Town myself to ask them to please talk to the developer to stop the bulldozer from working after 9:00 at night. You see the frustration? When they made the call the next day, they stopped. Now, they work from seven in the morning, or the work the next day from 7:00 in the morning to 8:00 at night. That happens to be the law in Riverhead according to the person I spoke to. Okay. But the perception is that this guy now, he wanted a beautiful view. He got it. Cut the trees down. That excavator-- I went up to talk to him, okay. He's a well known excavator. He's been doing this for years. He doesn't get a job like this-- this is not his first job. He knew all the lines that were laid out. There was stakes all over the place. Okay. So is the developer going to blame it now on the excavator? How did he get into those spots? The developer knows. He promised everybody a good view in the Times and that's what he's going to give them."

Councilman Prusinowski: "Well, he probably won't get anything because if we rescind all his permits and his resolutions, he'll have to start from the beginning. He'll also have to pay mitigation and he's going to have to restore the land. Now, we've done this before. We had another incident up there on Northville dock by the tank where a guy did the same thing and he had to restore the property. Okay. And Mr. Pike was his-- who used to be on the Town Board with me-- was his attorney, and he had to restore the property; he paid a fine. This is-- that-- this project has been in the works since 1984. It's had a long series of process, you know, the-- went bankrupt, it was sold, it was resold, that's why the Board put these covenants on the property. And these covenants are going to be enforced. We also have a Coastal Zone Management Plan in the town, the east end has, we're the ones adopted it and we have 100 foot setbacks on the bluffs. He's not going to get his way; he violated the law; he violated the resolution, and he's going to pay for it."

Ed Wiegand: "Okay. Well, I'll tell you, I would like to see in the end it if really happens. Because how did he get to this spot to begin with?"

Councilman Prusinowski: "Because he just went out and broke

the law."

Ed Wiegand: "Yes, but he was there for three weeks. Who was watching him?"

Councilman Prusinowski: "All right. And that's our responsibility. Fine. You are right."

Ed Wiegand: "It disturbs me."

Councilman Prusinowski: "That's why people when they call and they brought it to our attention we sent the inspectors right up there and we stopped the job."

Ed Wiegand: "And I really appreciate that."

Councilman Prusinowski: "Well, we had to. That's our-- that's not appreciated because the guy violated the Town code and he's going to pay for it."

Ed Wiegand: "What I don't appreciate is he got to where he got. Three weeks before-- "

Councilman Prusinowski: "Well, I don't appreciate it either. He's going to pay for it."

Ed Wiegand: "Who's responsible-- "

Councilman Prusinowski: "We are."

Ed Wiegand: "Okay. What does that mean when you are responsible? Like you said before, the attorney said I'm responsible for Lebanon. What happens to the attorney for being responsible? What happens?"

Robert Kozakiewicz: "Sir, I'm going into private practice next year."

Ed Wiegand: "I mean everybody laughs at a joke."

Councilman Prusinowski: "It's not a joke."

Ed Wiegand: "Let me finish. God forbid a fireman would have

died at Lebanon. I don't know much about Lebanon. God forbid a fireman would have died or somebody else would have been hurt seriously, all right, it wouldn't be such a big joke."

Councilman Prusinowski: "It's not a joke. I didn't say it was a joke."

Supervisor Stark: "God forbid a fireman died in any fire in any portion of the Town, whether it be in a residential or a commercial, farmer's barns or what have you. I think that's a poor analogy."

Ed Wiegand: "Okay, maybe it's a poor analogy."

Supervisor Stark: "They put their lives on the level every day, 24 hours a day."

Ed Wiegand: "I'm not talking about firemen, Mr. Stark."

Supervisor Stark: "What you asked about, how did this gentleman get three weeks into this project?"

Ed Wiegand: "Yes, okay."

Supervisor Stark: "I don't have that answer for you right now. But when it was brought to my attention, I said directly to the Town Attorney, a stop work order right now. That is the entire project. That's the only answer I can give you-- Charlie, you just sit and be quiet. You will not be coming out of the audience--"

Ed Wiegand: "Let me ask you another question because there was something about a restoration plan. What does all that mean, restoration? Are you going to put back 200 year old trees that are 150 foot high-- 100 foot high?"

Supervisor Stark: "No. You're not going to. You know that. It doesn't take a rocket scientist to figure that one out."

Ed Wiegand: "I know that. So what he is going to put back is 18 and 20 footers and he's still got a beautiful view."

Councilman Prusinowski: "If he's allowed to-- you know, I have

to tell you. As far as I'm concerned, there's a lot to this now. The covenants were filed with the County Clerk, they should have been made part of the recent resolution. And the fact of the matter is many times and I've been here 16 years, developers think they can get away with things. You get people that they go out and commit murders and things like that. The jails are full of that. The thing is that this guy if he thinks he's got-- and I've only met the gentleman once at a work session. I don't know-- I knew the Di Canio's better than I knew these guys of the Seawatch, he's not going to get away with it because it is a reflection on us who sit up here and I've lived in this Town my whole life and I don't like it. I was appalled by it and I'm glad we stopped the job and he's going to have to pay for it. And I'm sorry he tore down those trees and believe me when we took the pond we wanted it preserved. And we've had five years of doing nothing down at the beach because we are concerned about protecting the pond, the DEC doesn't want us to fix Iron Pier this way. In the meantime, we've got a lousy beach there that we're trying to fix because we have to take all these considerations in there.

And that pond is preserved forever in the covenants."

Ed Wiegand: "I know. I just want to make one last comment. The wildlife left."

Councilman Prusinowski: "I understand that and they were probably disturbed by the noise and stuff and, hopefully, we can rectify that."

Barbara Grattan: "Ed, Ed. Could I have your last name again?"

Ed Wiegand: "Wiegand. W-I-E-G-A-N-D."

Supervisor Stark: "Thank you, Mr. Wiegand. Rolph."

Rolph Kestling: "Rolph Kestling, Wading River. While I was sitting here and listening to the speakers and all that, I just had a thought that came to me. I want to backtrack about a year or so, maybe a little bit more, and I believe Steve was up here and asked whatever happened to a lot of these big plans, this is going up, this is going up, and nothing ever materializes. And I believe Mr. Stark, in your own words, you said, well, a lot of people they file

site plans, they get the approval, and then they sell the property."

Supervisor Stark: "They try to flip the property. The original developer did go bankrupt though."

Rolph Kestling: "Well, I'm not talking about a specific case. Why can't it be the guy gets a site plan, and then he sells his property, flips his property, whatever you want to call it, the site plan is finished. Finished, that's all. New guy owns it, new site plan. Solve a lot of problems."

Supervisor Stark: "I believe the permit process goes with the land. The site plan if it's not acted on, excuse me, within a certain period of time, then that becomes null and void."

Rolph Kestling: "Well, I mean with this park and ride bit, here and there, and all these things, they promise you the world, nothing happens and before you know it, you turn around and like we have on that golf course up by us in Wading River, the same thing, and I spoke-- I stood up here once and I said there was something going on because I read in the papers some big golf organization was buying up a lot of properties for golf courses. And like I said that time, something isn't kosher and believe me-- "

Supervisor Stark: "Well, that particular golf course is in litigation-- "

Rolph Kestling: "Well, whatever, what I'm-- "

Supervisor Stark: "One only has to go back and speak to Lou Passantino back there and he'll tell you exactly where that was."

Rolph Kestling: "Well, what I'm driving is-- "

Supervisor Stark: "I believe that golf course will start construction here momentarily."

Rolph Kestling: "There's something flawed someplace in the whole process. And I think the Town Board better straighten up and fly right."

Supervisor Stark: "Thank you. Anybody else like to make

comment to the Town Board at this particular-- yes, ma'am?"

Vera Gardner: "It is about the Maidstone. My name is Vera Gardner and I live right on the corner of Pier Avenue and Sound Shore Road and it is about Maidstone. The thing that bothers me is the DEC was down there with their trucks at the beach, day after day. And they did nothing."

Supervisor Stark: "Absolutely correct. And they issued the permits."

Vera Gardner: "And I can't understand how they allowed this to go on. Were you aware that they were there?"

Supervisor Stark: "Yes, I was."

Vera Gardner: "And you assumed they knew what they were doing?"

Supervisor Stark: "Absolutely."

Vera Gardner: "And have you made any inquiries as to why they were there and did absolutely nothing?"

Supervisor Stark: "I think that is in the process right now."

Vera Gardner: "It is?"

Supervisor Stark: "Yes."

Vera Gardner: "Okay. I'm glad to hear that. It's absolutely atrocious what has gone on and I did take a whole series of photographs and another thing that bothers me, if those houses were allowed to be built up there, the bluffs, since I have lived here which is 11 years, we have lost 50 feet of the bluffs and now those trees have been removed. Those bluffs are going to fall even more so. So I think it should be a big concern about just how far those house are going to be built."

Supervisor Stark: "There is a tremendous amount of negotiation going on right now. Explanations, reasons why, where and when, and certainly the DEC is being held accountable for their presence and lack of stopping the job when they saw it."

Councilman Prusinowski: "Mrs. Gardner, when the Board was first considering this back in '85 or '84, there was a big concern about the bluffs and the stabilization. And at that time we were also considering the coastal zone management and original-- the original line was going to be more than 100 feet. And quite frankly, a lot of property owners up there, the single family homeowners all objected to that because they thought they would have to move their houses back. But you are an eyewitness of the mother nature."

Vera Gardner: "Right."

Councilman Prusinowski: "And that's why when the-- we cut the project down they wanted like 190 units there or some outrageous amount down to 95 and we came up with all those covenants as Charlie has read to protect that property, to give the developer a fair use of the property, you know, so he can develop it, but also protect the environmental features of that. And apparently this developer was reckless and did not care about that and, quite frankly, you're right because if those bluffs are not stabilized, people-- I don't care how much they pay, \$200,000, \$300,000, \$400,000, their houses are going to go right into the sound in about 20 years."

Vera Gardner: "Absolutely."

Councilman Prusinowski: "I mean we're aware of that and that is where-- that is why when all the covenants and restrictions were filed on there, that was taken into consideration. These things were not approved and say oh, yeah, let them build whatever they want and right, look, the Town of Riverhead, we waited two years to get a permit for a bulkhead on downtown Riverhead. You know what we are going through in Iron Pier there. And, you know, sometimes the DEC is a very, very strange organization. You know, they'll dump all over us and we're trying to do the right thing all the time and then stuff like this, I just can't figure it out myself."

Vera Gardner: "I understand. Okay, thank you."

Supervisor Stark: "Thank you very much. Is there anybody else who would like to address the Town Board? Larry?"

Larry Oxman: "Good evening. Larry Oxman. I work at Riverhead

Real Estate on Main Street. I just want to follow up with some words after Barry's comments on the petitions that were put out throughout the town, they were actually in several stores. Number one, Barry had said aggressive. Actually, this is done through the BID; we're all volunteers unlike a major developer who has a lot of resources, we don't. We're talking time out from our own business to try and get a point across to the Board and I thought in such short time, which was really a little over a week, we were able to get 800 signatures. And these are verifiable signatures. It's not a poll that was conducted over the phone. It's people that sign their name and their address. The vast majority are Riverhead residents.

And really, again, unlike a recent poll that was conducted, it is just saying two things. It's not saying that we want economic development to lower taxes; it's not saying that we want a gigantic complex that contains many components, some of which are attractive, some of which may not, but in order to get that point across we say yes, I'm in favor of the overall project. It says clearly that-- it's asking the Town Board not to approve any applications for a multiplex theater outside of the downtown, the urban renewal area of Riverhead and, secondly, that the Town Board change the zoning so multiplex theaters are only permitted in the downtown so that would be the mechanism of trying to get this done.

Some observations. I was at Tanger on Saturday. Went up to see what kind of business they were doing. And their sidewalks were uncomfortably crowded. There were people speaking Japanese, French, Spanish, it was really quite fascinating. Downtown was empty. The same developer was-- had-- was talking about having a multiplex in his development. I really don't think that that's necessary."

Supervisor Stark: "He has withdrawn any idea on application."

Larry Oxman: "But-- "

Supervisor Stark: "And it certainly explains that there's something inside the stores that people want to buy."

Larry Oxman: "Absolutely and but it's really-- it's the developer was following a concept that's happening throughout the United States and that's to have self-contained centers and that's

why you have quite a few developers that are vying for the same multiplex.

Please don't get annoyed that I'm standing up here meeting after meeting again basically saying the same thing. It may be a little different now. There are a lot of people that are voicing their support.

I guess what also concerns me in relation to a link that was proposed for the Suffolk Theatre that I hope, you know, I just remember there was a link that was promised from Tanger also to help the downtown and the trolley-- the transportation link and they tried it and they said it didn't work or it couldn't work or it was creating a hardship. So really-- "

Supervisor Stark: "It wasn't profitable."

Larry Oxman: "It wasn't profitable. But it really shouldn't matter whether it was profitable or not, that was part of the package that was planned-- "

Supervisor Stark: "Well, to-- I would certainly ask you to conference with Bill Talmage who went out and purchased these trolleys to really tell you that you can't run trolleys on love and affection."

Larry Oxman: "No, you can't."

Supervisor Stark: "You've got to have some real turnover and one of the problems is that coming downtown, with exception of some retail outlets and some restaurant areas and what have you, people are not finding what they would want to buy in a lot of the stores downtown. I mean I can go right down Main Street and I can tell you who's successful and who isn't simply because they have something inside that people want to buy. And you know that as well as I do."

Larry Oxman: "I would agree but, you know, I think-- "

Supervisor Stark: "I don't know that a multiplex or whatever economic generator we could create downtown is going to create a difference other than to feed those particular entities of business

that are down there that are already successful because they have something inside that people want to buy that the other stores have certainly got to recognize this and maybe change their ways and their products and their means of merchandising and marketing."

Larry Oxman: "But right now it's the Town-- downtown is in a downward spiral. There are other communities-- I think the easiest one to look at-- "

Supervisor Stark: "I would tend to disagree with you respectfully on that. I think the downtown is starting to move forward and move in an upward spiral. And-- "

Larry Oxman: "Well, I mean, two businesses have left."

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

Larry Oxman: "I know, but-- "

Councilman Wittmeier: "Excuse me. I would like to add something here. Excuse me. Larry, yesterday I spent about six hours in Greenport and I ran into quite a few Riverhead people there. And they all whacked me with a question, why can't we do this in Riverhead? They also-- a couple of them shared with me the fact that Greenport was further down than Riverhead is at present. And I want to tell you, it was difficult moving around in Greenport yesterday because there were so many people on the sidewalk. Now most of those people came through Riverhead to get there. And I'm telling you. I've never seen so many antique stores, so many galleries, so many little shops that people come in here in work sessions and talk to us about but yet nobody is doing it in Riverhead. Now town government can't do that."

Larry Oxman: "No, but-- "

Councilman Wittmeier: "Okay. I mean we talked about it. We've asked people. The Supervisor says change products. We could all probably name the successful businesses on Main Street, but they've adjusted to the times. There are many people on Main Street that have not adjusted to the times. And until they adjust, things aren't going to change."

Larry Oxman: "But what do you do about the empty stores I mean because there are some very large empty stores and when you talk about Greenport, Greenport has a fabulous waterfront and Claudio's and you put in a lot of money to the waterfront. The wind symphony was just absolutely wonderful to see all those people congregated down at the waterfront and I hope that that's part of the cultural activities that you're trying to plan for the downtown. And a movie theater is exactly one of those cultural activities. A movie theater does not have to be next to a Home Depot as example; it does not have to be next to a large supermarket. It really, again, and we go back to East Hampton, I think that's the easiest example to look to. East Hampton. There was an article in Dan's Papers this past weekend that movie theater fuels the downtown. And if we put that same-- "

Supervisor Stark: "For a minimum of at least three to four months a year-- three months a year. I challenge you to go over there in the heavy winter months and find the activity on Main Street in East Hampton or Westhampton or even Southampton. Riverhead is becoming a 12 month operation, a generation of demographics."

Larry Oxman: "Yes. But at the same time you're trying to create a cultural hub."

Supervisor Stark: "I was in Patchogue as recently as 10 days ago-- a week, 10 days ago, and you could shoot a shotgun in four directions. I came through the Town of Riverhead during the course of today, looking for a parking spot because I had to go to the big guys store to pick up a prescription. I couldn't find a parking spot. If I knew he was going to come down here tonight, I would have asked him to bring it with him. But, now those cars are not parked there, you know, what do they just park there and go somewhere else? Are they out shopping? They're doing something. Are they in the stores who in effect have a product inside that the people want to buy? Or are they just moseying around. I saw a lot of people going into West Marine. I saw a lot of people going into Swezeys. I saw a lot of people going into the Good Earth Grocery. I saw a lot of people going into the Riverhead Grill, etc., etc."

Larry Oxman: "I would urge you to think of this in the same capacity that you're thinking of-- "

Supervisor Stark: "And I would have loved to get in and get a haircut today but that was loaded with kids I guess getting their back to school haircuts. I'm going to have to wait a few days on that."

Larry Oxman: "The aquarium concept is designed to be a tourist generator."

Supervisor Stark: "Absolutely."

Larry Oxman: "And the multiplex should be looked at in the exact same fashion and for some reason it-- "

Supervisor Stark: "As a matter of fact tonight we will pass a resolution going out for a request for proposal on the site down there for the aquarium."

Larry Oxman: "But I just don't see why this is not being considered in the same fashion and where you can point to community after community in the United States where a multiplex has done very well. You know, I don't want to-- I am not coming here and saying that Harvey Shapiro's proposal is the one that you should embrace. Harvey Shapiro's proposal has to stand on its own. But the fact is that now his is the second proposal that's been made for a downtown location. Steven Tanger was not the first outlet developer to come to Riverhead and if you-- just as you directed outlet development to take place at the terminus of the LIE, if you direct movie theater development to take place downtown, that's where the developers are going to come.

Talking to United Artists as an example. United Artists-- "

Supervisor Stark: "Well, let me just correct you. I mean we're going to sit here; I'm not criticizing or anything else. Mr. Tanger did come to the Town of Riverhead with that particular land. We put the overlay over it after he brought the land to us. We didn't tell him he had to go right there. So that's kind of an inaccurate statement. Maybe it's before your arrival in the Town of Riverhead."

Larry Oxman: "This is-- I'm repeating what Bill Talmage has said at other times, that he personally was dealing with other

developers. He showed I think the article in the New York Times which was spoke about at that hearing."

Supervisor Stark: "Yes, but they weren't specifically talking about that-- we did not make them go to that specific location."

Larry Oxman: "No, but it was thought of going in that general vicinity."

Supervisor Stark: "Well, that's the properties that Mr. Talmage brought to Mr. Tanger after Mr. Tanger contacted him."

Larry Oxman: "Okay. I guess what I'm trying to say is-- "

Supervisor Stark: "But it's important, Larry. The statement before is somewhat inaccurate."

Larry Oxman: "Well, wasn't the overlay designed for certain areas? It would not be-- "

Supervisor Stark: "The overlay was created and then the area would be brought to us. Actually, we were at that particular time there was another interested party for up in Calverton off of Edwards Avenue."

Larry Oxman: "And what happened?"

Supervisor Stark: "He never came about."

Larry Oxman: "Didn't it have to meet certain criteria? In other words-- "

Supervisor Stark: "It wasn't a question of meeting the criteria as much as it was finding maybe the financing to do it."

Larry Oxman: "Again, talking to United Artists, talking to a developer that works with Sony, they will go where they're directed. I mean that's the whole point of having zoning and planning. That's why you don't have gas stations in the middle of a residential neighborhood. It's simply not appropriate. And here as a part of the urban renewal plan the Arts District that we've all worked very hard on, the amount of money that you guys have

poured into the downtown to help the infrastructure, I think that this is a key element and obviously 800 people plus also agree. So."

Supervisor Stark: "Thank you. Is there anybody else who wants to make comment right now? Lou?"

Lou Passantino: "Lou Passantino, Wading River. I wanted to bring up a question I saw on one of the resolutions that's going to be voted on tonight. And that has to do with a rollup door for West Marine. I just wonder if you could clarify what type of rollup door that is. The front, the back? It's an application."

Supervisor Stark: "Rick, that was on you know where West Marine is?"

Lou Passantino: "Yes, I do."

Supervisor Stark: "The old Shane Marine? I believe they want to be able to back up a truck to a rollup door so they can unload easily into their back storage area."

Lou Passantino: "And Vic just said it's where it is now."

Supervisor Stark: "Yes."

Lou Passantino: "Okay. That was one concern I had tonight."

Supervisor Stark: "Okay. Does that satisfy you?"

Lou Passantino: "Yes. Thank you. The Wading River beach. I asked Ken Testa a little earlier if, you know, what the status is since the last Town Board meeting and he filled me in and I wanted to let you know that I did question and ask him, you know, what the status is. He said there's going to be a meeting with the contractor that did the work-- "

Supervisor Stark: "Are you talking about Hulse Landing?"

Lou Passantino: "Hulse Landing."

Supervisor Stark: "You said Wading River beach."

Lou Passantino: "Okay. Hulse Landing beach. Because one of the concerns I had was there was some steel banding that was in the sand and it was brought to my attention tonight that it was removed. And Ken Testa or yourself did take care of that and I appreciate that. I was out in the Peconic; I wasn't down at my local beach this week and that's somewhat of the reason why I don't always get to see the beach but when I do go down there, I do take notice of work, progress things that are happening-- "

Supervisor Stark: "You brought it to my attention. I sent Johnny Reeve and Kenny Testa up there the next day and I believe Johnny Reeve cleaned it up."

Lou Passantino: "That's what I was told. Okay, and I believe that was the only questions that I had today. Thank you."

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

William Kasperovich: "William Kasperovich from Wading River. To conclude what I was putting forth to you gentlemen, I feel that this resolution giving the Planning Board authority is work that should be done by the Town Board. That's the sum total of my comments on that resolution. The Planning Board is appointed by you people, directed by you people, they are in essence your right and left arm in helping do your job. And here it appears that the tone of the resolution is to give them authority to work on their own. And I say no; they're working for you, not you working for them. All right.

Now, this fire in Jamesport highlights to me our lack of an individual labeled, titled, or what have you as fire marshal. Fire marshals do not just take care of arson. They take care of many other things. We don't have such a person. So we depend on the County. The County looks at Riverhead through colored glasses. Now the fact that a building inspector goes on the site and reviews and makes determinations on structures is one thing but a building inspector cannot erase what the building is used for, what it was used for and what residue was left by previous usages. Now if they are suspicious of anything they can reach for expertise. They can ask for. They can require expertise and here's a case where we just looked at the structure and everybody seems to have known about what

this structure stood on. So be that after the fact. With all these other agencies that are involved that Mr. Stark listed, he may have listed all of them, he may have missed one or two. But I think it behooves the Town Board to get on the backs of all of these agencies involved and demand a copy of their report, what they have to say and how they say it. And this is not asking for anything we are not entitled to. But a private citizen cannot do this. The Town Board can.

When it comes to the water being contaminated in this particular area in close proximity of the fire and what is described as a large volume of water, this should get immediate attention by the Town, the Water Department and the Building Department. The Town should take efforts to reach and show any contamination or any tainting of the water and with that you have the strongest weapon to go to the Health Department and they will get off their seats and do things. But until then, they will only give a superficial check but the responsibility to people having their own wells, they should put the finger on the responsible individual and he pays for them being hooked up to municipal water by any indication of underground water being tainted.

And from what was described here, I think that could be easily be found. And these costs that are big money to people that live there should be paid for by the person who left the potent material which a fire put into the ground. Thank you my friend in the audience."

Supervisor Stark: "I've got some other people, Bill."

William Kasperovich: "Yes. And I admit that I am long winded and I take considerable time but let me add one criticism to the Building Department as it stands. Every place I've been to east of the Mississippi in this country, before we dug one shovel full out of the ground there was a building inspector on site. In this Town he may not show up for weeks and this is the improper function of the Building Department.

Now you heard a man say bulldozer was there three weeks, well the Building Department should have been there prior to that and acted upon that posthaste immediately and effectively and this when it's one little house or one big large condominium project

it doesn't get the immediate first step or square one action that it's needed. Now-- it's not my choice in life to stand up here and spend my evenings with you telling you how your departments do or do not work or what the Town Board should be expected to do. We elected you good people to act for us and when a situation comes up we expect that you act. This tainted water should get immediate attention. This arrangement where the contractors don't come in with the attitude that they do that we can get away with it-- "

Supervisor Stark: "All these processes have started, Bill, let me assure you."

William Kasperovich: "All right."

Supervisor Stark: "All right. I've got to wind you; I've got other people that want to talk."

William Kasperovich: "Okay. And let me say that I don't know how long I can haunt the hallway in front of your office but I do expect that you as the Supervisor delegate your councilman to take on these different tasks that we elected them to do. I come here day after day and find all the councilmen's offices closed. I think the most men I run into is Otto Wittmeier, occasionally Mr. Kwasna, Mr. Lull, Mr. Prusinowski. But when election came, you all said you are going to be full time councilmen. You are going to get on the backs of these things."

Councilman Prusinowski: "I correct you on that. Councilman is a full time position; it's not a full time job. I put a lot of hours in here in the Town Hall, I have for years. I see you all the time in the halls. I don't talk to you that much other than a few times we've talked in the deli about things. Each councilman has duties that they perform on a regular basis. We have a new Town Board coordinator, he's doing a good job, Leroy Barnes. We know our responsibilities and like I said, you're telling people in South Jamesport how the water is contaminated. We're going to test it or somebody is going to have to test it. We don't know that is true. You have people already scared to death. The water was contaminated for 20 years but I've lived there-- we had Temec, okay, and Temec contaminated all of the eastern part of Riverhead because of agricultural production. We are not a cultural community. As far as the tragedy, we made a mistake, we let the guy talk us into

giving him time to come in with a site plan; that's not going to happen again. We are going to tear the thing down; we're going to clean it up. And he's going to pay for it. That's the way it's going to be. And we'll check out the contaminants in there; if they have to be cleaned up, he's going to clean it up and pay for it."

William Kasperovich: "Well, I'm not here to argue with Councilman Prusinowski. I know we have differed many times on many subjects. the same thing happening time and time again which means that the basic concept and arrangement has to change. Thank you."

Supervisor Stark: "Thank you, Bill. Steve. Lori, take care of that."

Steve Haizlip: "Steve Haizlip return second time. One time I mentioned up here about the entrance from Route 25 going into Tanger Mall how it was narrower and sort of like a wagon trail. And I was informed that that's the way that the DEC wanted it. Mr. (inaudible) followed me sometime later and brought up the subject-- did I pronounce your name right sir? And he was informed that's what they wanted. Last night I had to come out to Coastal gas station and I'll be-- I couldn't get across 58, go back west. So I elected to go through Tanger Mall-- "

Supervisor Stark: "The Tanger properties did reapply for the DEC to widen that to two lanes in and two lanes out simply because they were finding traffic congestion problems and they were finding problems during the winter time in defining the road, people were getting stuck alongside the road and they did approve it and I believe Tanger has widened it in accordance with the DEC specs and that's what you saw."

Steve Haizlip: "Yes. And they're still grading and landscaping and so forth. But taking a word out of George Schmelzer's book, the DEC took the (inaudible) between their ears and they understand it now."

Supervisor Stark: "Absolutely."

Steve Haizlip: "Now-- "

Supervisor Stark: "Item number two."

Steve Haizlip: "Today our blood drive."

Supervisor Stark: "Was it today?"

Steve Haizlip: "Yes, September 2nd."

Supervisor Stark: "How did you do?"

Steve Haizlip: "Fifty-six pints, which I thought was pretty good and Henry and I thanks the Town for the cooperation-- "

Supervisor Stark: "Did you donate blood?"

Steve Haizlip: "I am not allowed to."

Supervisor Stark: "Yes, because you look a little whiter tonight."

Steve Haizlip: "Maybe that's-- now, here's a quickie in a windup. I got word this past week that a man can put up a sign regardless of what he does, what he says he's going to do, and it would be his free speech be violated. I'm going to tell you something, Mr. Pergament used free speech one time to say his prices and his prices weren't reduced, they stayed at the same and Mr. Abrams come in and said you are now fined \$20,000. So the man should be fined for putting up something that he's not doing."

Supervisor Stark: "Thank you, Bill, Steve. Sorry about that, Bill. Anybody else? Charlie? That's it and then we'll go onto the resolutions. Not a book. You've read the book, right?"

Charles Cetas: "Yeah, I read the book. Charles Cetas, North Fork Environmental Council. I live in the Town of Riverhead. I've just got a couple of questions. You said there is definitely a full stop work order on the site-- "

Supervisor Stark: "I believe so."

Charles Cetas: "-- because the confusion-- I went to the Planning Board work session last week and there was some confusion as to whether there was or not."

Robert Kozakiewicz: "It's a stop work order that was posted pursuant to Chapter 12, however, the attorney for the applicant has agreed until we can sort this out he will not enter upon the site. That's so he has not entered the site, at least that's what I'm understanding."

Charles Cetas: "Yes, that's what we observed, too, but I just wanted. So effectively there is a stop work order on the whole site."

Supervisor Stark: "Plus the DEC is becoming heavily involved in something that they should have become involved when they were up there on a daily basis."

Charles Cetas: "Right. And one thing Councilman Prusinowski said that the Town has adopted 100 buffer for the bluffs?"

Supervisor Stark: "No."

Charles Cetas: "I thought it-- "

Councilman Prusinowski: "We adopted a Coastal Zone Management Plan-- "

Robert Kozakiewicz: "Are we talking about Chapter 12?"

Councilman Prusinowski: "Chapter 12. We did that-- "

Robert Kozakiewicz: "I think it defines bluff as the area landward of 25 feet. But there's also an adopted map under Chapter 12 Coastal Erosion Hazard Map which is an official map and part of Chapter 12 which also delineates a line that would be regulated activity and that may be distinct from the 25 foot area."

Councilman Prusinowski: "Right. That's-- I think-- "

Charles Cetas: "So it's 25 foot landward of that. Okay. But you keep saying there's 100 foot."

Councilman Prusinowski: "I'm sorry-- "

Robert Kozakiewicz: "On top of the bluff we're talking about

right?"

Charles Cetas: "Right."

Councilman Prusinowski: "On this particular project-- "

Charles Cetas: "This project, but I wish you would do it for -- put in the code-- but, you know, if you are going to make it as a matter of policy, if you make 100 foot setback on bluffs for this part it should be for all the bluffs."

Councilman Prusinowski: "We adopted those chapters years ago, I don't recall the exact-- "

Charles Cetas: "Yes, I know. But maybe now you should amend-- "

Councilman Prusinowski: "There was a proposal for 100 foot (inaudible) line and I know that a lot of property owner's came and they didn't want that to be adopted. Not develop-- "

Charles Cetas: "Well, if we're going to hold this project to 100 foot, I think all properties should be."

Councilman Prusinowski: "Not projects. Property owners. People that actually live on the bluffs they're worried about-- "

Charles Cetas: "Well, people that are already there-- "

Supervisor Stark: "Thank you, Charlie. Let us take up the resolutions."

Resolution #719

Councilman Prusinowski: "Authorize the Town Clerk to publish and post a notice of change of meeting. This is the meeting we are going to have in Jamesport-- no, 2:00 afternoon meeting. Right. So moved."

Councilman Lull: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #720

Councilman Lull: "Authorizes the Supervisor to execute an agreement with Sprint Spectrum, L.P. for leasing a portion of the property from the Water District. So moved."

Councilman Prusinowski: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #721

Councilman Kwasna: "Authorizes the Supervisor to execute an easement agreement in reference to the Wading River high pressure zone in Riverhead Water District, Wading River. 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 #722

Councilman Wittmeier: "722 declares lead agency and determines significance of action, Clarissa Roesler which is the Corwin House on Lincoln Street, special permit and site plan. 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 #723

Councilman Prusinowski: "Amends site plan of Vineyard Caterers.
So moved."

Councilman Lull: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #724

Councilman Lull: "Approves the site plan of PGC Associates
installation of two rollup doors. So moved."

Councilman Prusinowski: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #725

Councilman Kwasna: "725 amends the site plan of Northeast
Christian Bookstore. So moved."

Councilman Wittmeier: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #726

Councilman Wittmeier: "Releases performance bond of St. John
the Baptist Church. So moved."

Councilman Kwasna: "Seconded."

Supervisor Stark: "Moved and seconded. Any discussion?
This is St. John the Baptist in Wading River. Any further
discussion? All in favor?"

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #727

Councilman Prusinowski: "Amends site plan of Ken Zahler. So
moved."

Councilman Lull: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #728

Councilman Lull: "Authorizes the Town Clerk to publish and
post notice of proposed Local Law to consider replacing the existing
Chapter 101 Vehicle and Traffic of Riverhead Town Code with a new
Chapter 101. So moved."

Councilman Prusinowski: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #729

Councilman Kwasna: "729 approves the site plan of West Marine
for rollup door installation. 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 #730

Councilman Wittmeier: "Refers Oliver Street, Riverhead change
of zone to Planning 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 #731

Councilman Prusinowski: "Rejects bid for Suffolk Theatre
interior renovations. So moved."

Councilman Lull: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried.
Barry, could I see you after the meeting? If you would,
please."

Resolution #732

Councilman Lull: "Authorizes the Town Clerk to publish bid
for steel toe safety shoes and boots. So moved."

Councilman Prusinowski: "Sound like Johnny Carson. Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #733

Councilman Kwasna: "Approves special permit of James Stakey
for commercial greenhouse for agricultural use upon West Lane in
Aquebogue. 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 #734

Councilman Wittmeier: "Appoints account clerk typist in the Accounting Department. It would be Trish Green. 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 #735

Councilman Prusinowski: "Authorizes the establishment of a petty cash account for the dog pound. So moved."

Councilman Lull: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #736

Councilman Lull: "There are several here. 736 is a budget adjustment for the Police Athletic League. 737 is a budget adjustment for the Highway Department. 738 is a budget adoption for the Water District. 739 is a budget adoption for the Water District. 740 is a budget adoption for the Sewer District. 741 is a budget adjustment for the Benjamin Corwin house renovations. 742 is a budget adjustment in the general fund. I move all of them."

Councilman Prusinowski: "I second all of them."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #743

Councilman Prusinowski: "Well, as we previously discussed at length, we are going to authorize the Planning Board to prepare a comprehensive master plan for the Town of Riverhead and send it to the Town-- its recommendations-- "

Supervisor Stark: "Develop the RFP first."

Councilman Prusinowski: "RFP and then when something is developed, that will be sent to the Town Board for our further discussion and public hearing and interaction with the general town public. So moved."

Councilman Lull: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #744

Supervisor Stark: "Is there a motion to pay the bills?"

Councilman Wittmeier: "So moved."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Barbara Grattan: "Who seconded the bills?"

Supervisor Stark: "Otto."

Barbara Grattan: "Who made the motion?"

Supervisor Stark: "Victor."

Barbara Grattan: "Okay."

Supervisor Stark: "Of course, always. What resolution are we on?"

Resolution #745

Supervisor Stark: "745, authorize the attendance of Sewer personnel at courses."

Councilman Prusinowski: "So moved."

Councilman Lull: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #746

Councilman Lull: "746 authorizes the Town Clerk to publish and post public notice to consider demolition of buildings owned by Simarga LLC (phonetic) pursuant to Chapter 54. So moved."

Councilman Prusinowski: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #747

Supervisor Stark: "Adopts the amendment to the retirement incentive."

Councilman Lull: "So moved."

Councilman Prusinowski: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Resolution #748

Councilman Lull: "Authorizes the Town Clerk to publish and post a request for proposal for the development, construction and/operation of an aquarium or similar economic generator. So moved."

Councilman Prusinowski: "Seconded."

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

The Vote (Collective response): "Aye."

Supervisor Stark: "Opposed? Motion carried."

Any other business to be brought? If not, this meeting is adjourned."

Meeting adjourned: 10:00 p.m.

*Barbara Dutton
Town Clerk*