

1/1/1995minutes

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead, held in the Town Hall, Howell Avenue, Riverhead, New York, on Tuesday, August 1, 1995, at 7:00 p.m.

Present:

James Stark,	Deputy Supervisor and Councilman
Victor Prusinowski,	Councilman
Frank Creighton,	Councilman
Harriet Gilliam,	Councilwoman

Also Present:

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

Deputy Supervisor Stark called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Deputy Supervisor Stark: "If the Board would join me down front-- ladies and gentlemen, tonight is National Night Out and I would ask Sgt. Boden who handles this for our Police Department maybe to give me a brief description about what it's all about."

Richard Boden: "First of all, I'd like to thank the Town Board for their support of the crime prevention unit that we can do something like National Night Out every year. This is the 11th annual National Night Out and tonight what we ask all the people in the Town of Riverhead to do is from 8:00 to 10:00 at night, turn on your outside lights and go outside and enjoy your neighbors in some kind of gathering."

We have 12 organized block parties tonight that we're going to go to. And it's just to signify that we're not afraid to be outside, although we're not, and that we're going to take the streets back from the bad guys, and that type of thing. So this is our 11th annual one; it's become bigger and bigger every year and we really would like to thank the Board for their support for it. And we have some tee shirts that we are going to give to the Board members that are official 1995 National Night Out tee shirts. So each one of you can have one of those."

Deputy Supervisor Stark: "Extra large?"

Richard Boden: "Extra large."

Deputy Supervisor Stark: "Thank you very much.

Every year the Town Board does the proclamation where-- I'll read

WHEREAS, the national association of Town Watch is sponsoring the annual edition of an important nationwide crime and drug prevention event on August 1, 1995, called National Night Out; and

WHEREAS, National Night Out provides a unique opportunity for the town of Riverhead to join forces with thousands of other communities across the country in promoting cooperative police, community crime and drug prevention efforts; and

WHEREAS, the Juvenile Aid Bureau plays a vital role in assisting the Riverhead Police Department through joint crime prevention efforts in the Town of Riverhead in supporting National Night Out locally; and

WHEREAS, it is essential that all citizens in the Town of Riverhead be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime and drug use in the Town of Riverhead; and

WHEREAS, neighborhood awareness, community unity, police community cooperation are the important themes of National Night Out.

NOW, THEREFORE, I, JAMES R. STARK, as Deputy Supervisor of the town of Riverhead do hereby proclaim August 1 National Night Out Day in the Town of Riverhead."

Richard Boden: "Thank you."

Deputy Supervisor Stark: "National Night Out, lights are on.

Every year along with this program, the police department do water contests and do you want to announce-- "

Richard Boden: "Sure. We have to give a big thanks to Bob Dunagan

from Schwinn Electric. He's been our biggest supporter in National Night Out as long as I've been involved in it which is the 11 years that it's been in existence. We couldn't do this without him and the prizes that are going to go to the winners of the poster contest have been supplied by Mr. Dunagan of Schwinn Electric. So, we really appreciate his efforts and his support for the community. It's a big asset, I have to tell you that.

The poster contest winners are two age groups from age six to nine, and age nine to 12, and all these children belong to the summer recreation program at the Jamesport Community Center. And we try to do a crime prevention theme and the winning posters are sitting outside Town Hall if you would like to take a look at it. I hope all the winners are present. We're going to call your names out and you can come up.

In the six-- okay-- in the six to nine age group, the third prize winner is Tim Curry. The second place winner in age six to nine is Samantha Stevens. And the first place winner is Melissa Griffin.

The second age group was the nine to 12 year olds, and the third place winner for that is Meghan Hoeg. The second place winner is Jackie Weimell. Jackie is on vacation so we will have to catch up with her with her prize. And the first place winner tonight in the nine to 12 age group is Kelly Lojko."

Deputy Supervisor Stark: "Okay, Sgt. Boden, good luck to you in your travels around Town tonight. Chief, I don't know whether you are going out with him. Are you staying with us?"

Chief Grattan: "I think I'll go with him."

Deputy Supervisor Stark: "Okay."

Councilman Prusinowski: "You're not staying for the meeting, Chief?"

Deputy Supervisor Stark: "Good luck tonight. Thank you very much, Bob. We appreciate it. Also, tonight before we get into the regular meeting, I would ask the Labor Management Committee, all those who are present, if they would come up. Tonight we will award the Employee of the Quarter. Here they come. Who would like to do the

...ors? You can explain what happens."

Diane Koroleski: "Hi everyone. Four times a year, the Labor Management picks an Employee of the Quarter who has exhibited tremendous service to the Town of Riverhead. The second quarter for 1995 we have selected Judy (inaudible)."

Madeline Sendlewski: "Judy, allow me to read to you this proclamation."

WHEREAS, it is both fitting and proper that the Town of Riverhead recognize the outstanding service of its employees; and

WHEREAS, in order to provide a mechanism to recognize these employees and the recommendation of the Labor Management Committee, the Employee of the Quarter program has been established; and

WHEREAS, Judy (inaudible) has dedicated herself to the service of the service of this government and its senior citizens through the nutrition center and the programs instituted by that office for our senior citizens; and

WHEREAS, her service, courtesy and attitude has exemplified the highest ideal in the expression of public duty.

NOW, THEREFORE, I, JAMES R. STARK, as Deputy Supervisor of the Town of Riverhead, do hereby proclaim August 1, 1995, as Judy (inaudible) Day.

In recognition of her being named Employee of the Quarter, and I call upon my fellow citizens to join with me in recognizing her service to the Town of Riverhead.

Congratulations, Judy, and I would also like to say that your staff members are here and they asked if they could come down and present you with a gift. And congratulations. Additionally Judy will receive a \$100 savings bond and dinner for two, which is forthcoming. Please they come. Ann."

Ann Clinton: "We would like to present these flowers to you for going up with us."

Judy: "Thank you all. I really appreciate this. It's quite an honor. But it couldn't be done without all of you."

Deputy Supervisor Stark: "Let the record show that the hour of 7:16 has arrived. I will recess the Regular Town Board Meeting without objection and will call to order the Community Development Agency."

Recess

Meeting reconvened: 7:16 p.m.

Deputy Supervisor Stark: "Let the record that the hour of 7:16 has arrived and I call back into order the regular Town Board Meeting August 1."

Is there a motion to approve the minutes of the Regular Town Board Meeting of July 18?"

Councilwoman Gilliam: "So moved."

Councilman Creighton: "And seconded."

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

Councilwoman Gilliam: "Aye."

Deputy Supervisor Stark: "Aye. Opposed. One absent. Madam Clerk, would you read the Reports, please?"

REPORTS:

Riverhead Sewer District Discharge monitoring report for June of 1995

Open Bid Report For homogenized milk which was opened on 7/31/95 at 11:00. One bid was received

Food supplies, opened on 7/31 at 11:05, Landmark Food Corp.

Meat and Poultry Products opened

the same day at 11:10. Two bids were received

Tax Receiver

Monthly report of July of 1995, total amount collected was \$219,077.99

Town Clerk's Monthly Report

For \$7,615.22

APPLICATIONS:

Aquebogue Farms, Inc.

Request to have hayrides on farm located at south side of Route 25, Aquebogue

American Cancer Society

Request to hold a fireworks display at Camp DeWolf, Northside Road, Wading River, on Friday, 8/25, at 9:30 p.m.

CORRESPONDENCE:

Arthur W. Sanders

Requesting the Town Board to address issues listed in his letter regarding the construction of a Senior Citizens Housing Development at the Mill Pond Commons Site. (He requests the Town Clerk to read his letter)

Barbara Grattan: "What does the Town Board wish? Do you want me to read this letter? It's three pages long."

Councilwoman Gilliam: "I would ask you honor the request of Mr. Sanders."

Barbara Grattan: "Okay."

It's dated July 28, 1995, to the Members of the Town Board, to the Town Clerk, Richard Hanley, Andrea Lohneiss, regarding Mill Pond Commons.

Gentlemen and Ladies:

Thank you for the opportunity afforded me to participate in your July 20, 1995, meeting with representatives from Catholic Charities and the Archdiocese of Rockville Centre to discuss their request to construct a Senior Citizen Housing Development at the Mill Pond Commons site.

Present at the meeting were:

Deputy Supervisor James R. Stark
 Councilman Victor J. Prusinowski
 Councilman Frank W. Creighton
 Councilwoman Harriet A. Gilliam

Richard Hanley, Planning Director
 Andrea Lohneiss, Community Development Director

The Archdiocese and Catholic Charities were represented by:

Reverend Monsignor John D. Gilmartin
 Daniel T. McGowan, Executive Director
 George F. Rice, Attorney at Law

At this meeting, the Diocese represented that it has taken steps to acquire property on Elton Avenue, Riverhead for the construction of one-bedroom units of Senior Citizen rental housing, as the exclusive use, on approximately 21 acres of land. The Diocese further represented that the eligible population must be 62 years of age or older.

On Monday, July 24, 1995, Councilwoman Gilliam and I visited the St. Joseph's Village Senior Citizen Housing Development in Selden which is under the auspices of Catholic Charities.

The facility consists of attached, two story buildings, with four units in each building. We took a tour of the grounds and also viewed the social hall where there are two sitting rooms, a laundry and management offices. We did find that the buildings appear to be constructed out of basic wood, which would not add to the property values of neighboring private homes.

grounds appear to be in good order. However, there was some noted repair of the fence which forms a border to neighboring private es. It was neither built well nor high enough to ensure the vacy of the neighboring residents. In fact, one part of the fence several slats missing.

In my conversation with an area resident, I was informed that it been reported that youngsters had traversed the facility to con- gate and gain access to neighboring private properties and committed dalism. This is very distrubing since there is no security gate or urity patrol to prevent instruders from entering onto the premises from there gaining access to neighboring private properties.

In light of the concerns raised at the July 20th, 1995, meeting h the Diocese and as a result of the site visit to St. Joseph's, following conditions must be addressed:

1. The Town must have written assurance that the property will designated only for use as a Senior Citizen Housing Development, sisting of a total of 125 one-bedroom units on 21 acres of land.
2. There must be written assurances that the seven acres of land will remain undeveloped in perpetuity.
3. The site plan requirements must indicate that this proposal ws a buffer zone of a sizeable distance from existing private idential property lines. During the preliminary discussions with three representatives from Catholic Charities, I was told that re would be a buffer zone at least the size of a football field n existing houses.
4. The site plan requirements must call for the placement of king and garbage disposal in a location which is distant and not ble from the rear of neighboring private properties.
5. There must be strong fencing of adequate height and density ensure the privacy of neighboring private residential properties.
6. There must be written assurance that there will be a 24 hour urity patrol of the development.
7. Catholic Charities must identify what, if any, use will be

ade of existing models on the site.

8. There must be a contact person who is available on a 24 hour basis, in the event that a problem arises and requires immediate attention. At the St. Joseph's development, there is a resident manager on site. However, he is not required to be available 24 hours a day, seven days a week.

9. If there is a social hall, it should not be rented to non-residents for social functions, as is the case at St. Joseph's where the social room can be rented out for use up to 12:00 midnight.

10. If there is to be BINGO held on the site, it should not be open to the public, as is the case at St. Joseph's.

11. The Town should also secure a copy of a resident's manual to determine what are the responsibilities and obligations of management and residents at the development.

12. There should be an effort to minimize vehicular traffic since Howell Avenue and Elton Street are already experiencing increased traffic.

13. A final concern is the determination of need for Riverhead residents. From information provided by John Wesley Village, of the current 28 persons on a waiting list, only 9 are Riverhead residents. How many residents of this project will come from Riverhead? We have learned that St. Joseph's residents come from all over the country.

As you can see from these comments, much thought and time has been given to an examination of the proposal. In the past, the Mill Pond Commons project has evoked considerable concern from the community, evidenced by the petition signed by 293 Riverhead residents to reject a previous Mill Pond Commons proposal. (Reference is made to the minutes of the February, 1989 Town Board meeting and a copy of the attached petition).

Since I have been receiving many inquiries from area residents regarding the status of Mill Pond Commons, I am requesting your written response to the concerns which I have raised, so that I may share them with the residents of Howell Avenue and sundry Riverhead areas.

Your prompt reply will be sincerely appreciated.

Sincerely,

Arthur W. Sanders,
Howell Avenue Resident

Deputy Supervisor Stark: "Thank you."

Barbara Grattan: "No. There's more Correspondence."

Deputy Supervisor Stark: "Will you continue with Correspondence."

CORRESPONDENCE (Cont'd.)

Victoria Vourakis

Requesting the Town Board to rescind or amend Resolution No. 498 which sets Police Department fees

Donna Zaweski

Requesting maternity leave from September 1, 1995, to January 3, 1996

Two Letters

Opposed to Back Alley Cycles and Recreation opening a repair shop in the Old Wading River Post Office building

Petition

signed by 84 people in favor of Back Alley Cycles

North Fork
Environmental
Council

Opposing the move by the Town Board members, Creighton, Gilliam, Prusinowski, to create a "town zoning administrator" position

Performing Animal
Welfare Society

writing regarding the use of elephants at the Clyde Beatty-Cole Brothers circus

Timothy Hill

thanking the Town Board for

Children's Ranch	agreeing to lease to the Ranch the lights for their basketball Court
Hon. George E. Pataki, Governor	Acknowledging receipt of a copy of Res. No. 502 adopted 7/18/95
Chesterfield Assoc.	Requesting to submit a detailed proposal for the use of creosote over CCA for the reconstruction of bulkhead facilities along the Peconic River
Town of Southold	Notification of two local laws
Town of Southampton	Resolutions of local laws adopted
County of Suffolk	Notification of the enactment of local law No. 16 in relation to certificate of determination

Deputy Supervisor Stark: "Thank you. There are no scheduled Public Hearings for the evening. I would now recognize anybody who would like to speak to the Town Board on any given subject. Yes."

Frank Maccaro: "Am I okay with this?"

Deputy Supervisor Stark: "Yes. Just try to speak in that as far as possible. The other mike will pick you up. Don't worry about that one. That one is very sensitive."

Frank Maccaro: "My name is Frank Maccaro. I am the owner of the Peconic River Post Office and I wasn't able to be present at the 7/18 meeting. I was out of Town. But I would like to address some of the comments made and just set the record straight so that we all have a very clear understanding of what these comments were, what we intend to do in terms of reassuring that some of their concerns are taken care of."

I'd like to start-- I made just basically a real simple list and I'll address them one by one and then I'd like to also talk about work force and community diversity because I think this is an issue."

Deputy Supervisor Stark: "Five minutes."

Frank Maccaro: "I'll be done in five minutes."

Deputy Supervisor Stark: "Thank you, sir."

Frank Maccaro: "Uh-- "

Deputy Supervisor Stark: "I don't know whether your wish list is getting longer."

Frank Maccaro: "No, it wasn't."

Deputy Supervisor Stark: "Okay."

Frank Maccaro: "From now. One woman on Creek Road had a concern about road testing a bike. We would never road test a bike on Creek Road. There's loads of sand and it would be hazardous to any biker and it's just a common sense issue."

One individual had made a comment that the cycles wouldn't have mufflers. It's a state law that every Harley Davidson that leaves any shop on Long Island or anywhere else has to have mufflers. Anyone who violates that has nothing to do with us. Bikes do have mufflers.

One woman was concerned about the fact that her 35 year old grand-son wanted to go down to the duck ponds to bring his kids and he did 15 years ago, we're not precluding him from doing that or stopping him from doing that.

Another woman talked about the property value being diminished by a small repair shop in Wading River. I'd like to remind this Town and that for the last five years, you've had two open-- vacant buildings there. It's been laden with garbage, vandalism, profanity, graffiti, and there are empty stores. And I'd like to also remind you five years you haven't had one Public Hearing, one set of petitions from anyone in the Hamlet of Wading River asking for that to be cleaned up. We have-- eliminate 60 yards of garbage which contain rat infestations, human waste, garbage from all walks of life and people have literally dumped there. Vandalism has been abundant. We're stopping that. Actually, we actually caught a couple of people who broke windows in the area and that was the night before Duck Pond

day.

There was a question, and this I'd like to be very clear on, Jim, my wife gave you several petitions, I think, there are in excess of 100 signatures on those petitions."

Deputy Supervisor Stark: "She turned them over to the Town Clerk."

Frank Maccaro: "Okay."

Deputy Supervisor Stark: "Made them part of the record."

Frank Maccaro: "We believe there were 50 letters written on our behalf and one gentleman had made a comment in reference to the integrity of the petitions and basically what he said was we sent out mailing lists, that we solicited biker organizations to write in. We did neither. Yes, we do have a mailing list in excess of 2,000. The integrity of the list is very good. If we sent out a mailer, we get two or three returns. We did not do that. The way the petitions were signed was that they were put in local stores, local vendors asked us to put them in. They believe that our rights were violated and the fact that we weren't able to or having a lot of opposition in opening this building, and they openly took our petitions.

Some of the signatures, yes, weren't Wading River people but on the other hand, we didn't full time have someone go around to residents and put illegal stuff in their mailboxes. We didn't go out and call on the people individually. They were bona fide petitions. They were signed with the intentions of preserving the rights of not only bikers but small business people.

One gentleman had made a statement in reference to the fact that there can't be a motorcycle repair shop and an upscale restaurant in the same vicinity. I strongly object to that. I sat down with the current owner the weekend after I purchased the building. I asked him if there were any concerns that he had. I was willing to address them. He expressed one concern and I thought we came up with a mutually agreeable solution to it. I've also called up residents that same weekend, asked for their concerns. We've literally done everything possible to address any concern that either store owners or Wading River residents had.

I reviewed the videotape of the 7/18 meeting very carefully. I've been vice-president of sales for a Fortune 500 company for the last 15 years. I'm very well versed in work force and community diversity, and I can tell you it was said very clearly by one of the biker organizations that were present at that meeting, and basically, after reviewing the tape, it was very clear to me and very clear to most people there, we got apologies from a lot of people that had not only signed the petition but had moved against Back Alley Cycles opening up there, and if I could just summarize the comments was that we don't mind if you are bikers, we don't mind if you wear leathers or you wear beards or if you have tattoos, but we don't want you in Landing River. And we won't put up with that. This is not an issue any more of a small repair shop. This is a human rights issue. This is a violation of state, federal and local law.

This is-- if it's allowed to let go any further, it's class A discrimination. We have very right to open there. We intend to. We've had a duly executed application in since May 1st of this year and we still have it. We've overcome every roadblock thanks to Robert last week. Finally he acknowledged and no one else in the Town Hall was willing to acknowledge that that building operated as a duly licensed federal building as a post office for 30 years until we got a letter from Robert, thank you. That's the first bit of cooperation that we've gotten so far in almost three and a half months.

We believe that we have the right to open there. We will open there. And we ask this Town Board to go beyond the fact that the small repair shop. We're dealing with the discrimination against bikers and when we read the petition of the local people we agree. They have a piece of peace. But it's our piece of peace. But it's everybody's piece of peace. Everyone in that town has a right to go down there and have a cup of coffee whether you wear leathers, whether you have a beard, whether you ride a motorcycle or ride a bicycle. It doesn't matter. Everyone has a right.

We ask this Town Board to consider this and as George said in his speech, we want the ducks quacking and they will be quacking. Thank you."

Deputy Supervisor Stark: "Thank you, Frank. Is there anybody else who would like to-- Kenny?"

Ken Zilnicki: "My name is Ken Zilnicki and I would just like to

Deputy Supervisor Stark: "Kenny, if you would just take that one -- kind of tilt it up to you. That's the PA system. Thank you."

Ken Zilnicki: "I would just like to express my opinions on the permit that Ed Tuccio is going for on Roanoke Avenue."

Just reading in the paper, and I have the papers here, being born and raised in Riverhead and a farmer most of my life, my parents are still there, it's really kind of pressing and almost getting to the point of disgusting the way the quotes that are coming out in the paper, you know, what Mr. Tuccio is trying to do. We've had farm stands on the farm. We've have had come to the Town Hall to find out what we can do, what we can't do. And I would just like to know, you know, why are they starting to change now because someone like Mr. Tuccio wants to do something different.

From what I can understand, he wants to put up a two story retail building. All right. And we were always told that the application, the sale or retail of home grown or homemade products, mainly raised-- produced on the premises. And if anybody can tell me what is raised or grown on Mr. Tuccio's farm, I would be gladly to listen. I just, you know, I'm in totally disbelief that the Town Board members could try and interpret the law, you know, the way we've interpreted for quite a few years now. And, you know, I own some property right next to-- with my father right next to Mr. Tuccio and I don't think I would like a retail store on Roanoke Avenue. I don't believe it's zoned that way and if someone can change my mind, I would be, you know, gladly to see if it could change my mind.

Mr. Tuccio's attorney claims that his client is entitled as a farmer to sell his wares. All right. Is he a farmer? I mean I was born and raised as farmer and I can tell you Mr. Tuccio is not a farmer. He's a realtor as it says so in the paper. And what are his wares? I mean he has a few buffalo and in the natural settings are very nice. But is he, you know, how do you take that point. You know. Does he bring in everything from China and Taiwan and sell it in a retail store on Roanoke Avenue? If he wants to open up a retail store on 58 where it's zoned that way, that's fine, so be it. But I just cannot believe that the law can be twisted or even listened to be twisted in such a manner that, you know, for the way we've been told for quite a few years now, and I would just like to have someone explain it to me, being a local farmer, how, you know, what are your

ideas?"

Councilman Prusinowski: "The discussion that I had with Ray, and it doesn't just pertain to Mr. Tuccio, there's not a farm stand in this town that conforms with the zone-- the law that's in the books. I'm not in favor of changing that. Okay. The Building Department has none-- "

Ken Zilnicki: "But, excuse me, Vic. We're talking about Mr. Tuccio."

Councilman Prusinowski: "No. I'm talking about-- first of all he doesn't have an application before the Town Board. What he has is a building permit application in front of the Building Department. The only thing that was a discussion was should he go to the Zoning Board of Appeals to get an interpretation like the cider mill did in Laurel, like the poor farmer in Wading River that we literally beat up and persecuted unending to put in \$50,000 worth of improvements into a farm stand to the third applicant who we did the same thing to.

And it all comes down to-- and it's just not Mr. Tuccio. Mr. Tuccio is very wealthy. He is in the housing business in this town. His reputation is controversial to be at least. His wife is a millionaire. She has a horse farm. I know all about Mr. Tuccio.

The fact of the matter is, 10 years ago, our Building Department came into the Town Board and wanted to crack down on all the farm stands in the Town of Riverhead because (a) none of them conform with the building code, the fire code, the site plan requirements. I live in Aquebogue. You have Skelly's (phonetic), you have McKay's. Eighty per cent of the products that they sell are not mainly grown on the farm. But I think they are a valuable asset and I know how much a farm family needs to have farm stands to survive and pay their mortgage and stay in existence.

It comes down to a ridiculous interpretation which says that-- "

Ken Zilnicki: "Am I-- "

Councilman Prusinowski: "Excuse me. That's exactly-- this is nothing, you know, this thing has been twisted out like there's some illegal thing going on. It comes down to this. Should a permit be

given that says that he's-- the Building Department doesn't disagree that he can sell the products off his farm that are mainly grown, this agreement is is he allowed to have a structure and that's why they sent him to the Zoning Board of Appeals. Now we did it in three other cases and the Zoning Board of Appeals has ruled that they are allowed to build a structure. Like the cider mill in Laurel which the majority of his products is not grown on the farm, it's not even close to mainly. And the bottom line was that at one point I wanted to change the law and rewrite it to make it more flexible for the farmers but the Farm Bureau came in and said to me, well, we don't want it to conform with the New York State building codes and I couldn't do that because I'm a state official here.

So, as it turned out, Mr. Tuccio is going to the Zoning Board of Appeals and the Zoning Board of Appeals will make a determination whether or not he's allowed to have the structure there to sell these products."

Ken Zilnicki: "All right, but-- "

Councilman Prusinowski: "The code is very, very vaguely-- the code is very generally written."

Ken Zilnicki: "Right. But-- "

Councilman Prusinowski: "It says mainly grown."

Ken Zilnicki: "Mainly grown."

Councilman Prusinowski: "Right."

Ken Zilnicki: "But can you tell me what he grows on his buffalo ranch?"

Councilman Prusinowski: "Well, he grows buffalo, but I don't know if that's the meat that's going to be sold in there."

Ken Zilnicki: "All right. So how can he have a retail store, and he's quoted saying he wants a retail store. You show me 51% which is mainly grown on the farm and then he has an argument."

Councilman Prusinowski: "Right. Sure. It's a legitimate

question, Kenny, there's no question."

Ken Zilnicki: "I just-- it's just-- the arguments that are coming out, it just seems to me, you know, someone being outside and reading this, it just doesn't seem right. I'm sorry."

Councilman Creighton: "Ken, let me address-- "

Ken Zilnicki: "We, as a family, we've applied-- you know, we've had the farm stand, we've been told by the Building Department to have it, you must have mainly produce that's grown on the farm. And that's what we abided by."

Councilman Creighton: "What might come out of this is that we may end up being forced to either change our code or enforce that rule on all the farm stands which would be a nightmare and I hope that we don't come to that."

Ken Zilnicki: "Yes-- "

Councilman Creighton: "let me answer one point that you made about the Town Board interpreting law. I want to assure you that the memo that was sent to the Building Department was-- I was informed that it was drafted by the Town Attorney and so, and the Town Board is inclined to go along with the interpretation of law by the Town Attorney. In fact, we may have an obligation to do that. So, the nonsense that's floating around Town is a little annoying and I think it has a lot to do with the season that we're in."

This week I was accused of taking a bribe from Mr. Tuccio simply because I initialed that memo which our Town Attorney prepared to go and straighten out an internal problem in this Town Hall has persisted for a long, long time. The idea of creating a zoning officer is an old idea that periodically surfaces here and I hope some day gets done because we certainly need one. There is a big difference between interpreting zoning law and interpreting the state fire and building code which is what the Building Department inspectors are really trained to do. So, that's a very technical in house issue and the stuff that's going on outside is a political issue.

I was also, by the way, it was reported to me, that I was seen around town with Mr. Tuccio, campaigning. Now, it happens that a

friend of mine, a neighbor, has a vehicle, an old antique vehicle that apparently is similar to Mr. Tuccio's. And someone jumped to the conclusion, that I am now politically affiliated with Mr. Tuccio and I was even literally accused of taking a bribe from him because I signed that memo internally.

So this whole issue is really a legal one, okay. It's a question of administration, how this Town Hall is administered, and it's just unfortunate that it's being parlayed into political nonsense simply because-- "

Councilman Prusinowski: "Actually it's unfortunate because-- Frank, if I can interrupt-- it's because of the applicant. If there was another person, if it was your family going through the same thing, I would have signed the memo for you. And I'll tell you why, Kenny, because all I want out of the Building Department-- "

Ken Zilnicki: "But, but-- "

Councilman Prusinowski: "-- is a consistency of interpretation and I believe that we send people to the Zoning Board of Appeals unnecessarily too often in this Town to make interpretation. Southampton, East Hampton, and Southold have zoning administrators. We're not talking about the fire code, the health code, or the building code. In fact, this particular, quote farmstand, which I have to tell you, like the majority of farm stands in this Town do not comply with the Town code as it is written right now.

Joe (inaudible) is wrong in the paper. I go to McKay's all the time and Skelley's, but mainly McKay's, it's on my way home. They don't-- they do not grow iceberg lettuce, they do not raise celery, they don't raise iceberg lettuce. And a lot of the products. And I understand that, okay. But you have to make a living. I know that, too. They grow corn. You grow a lot of stuff that you sell. But that's the exception. And we're in a transformation here.

Now, look, I had a meeting about four months ago with Sharon Kloss there. We had Rick Hanley there. We had an interpretation. And they all came down to this interpretation and I asked Sharon Kloss -- I said if I send you a letter from three Town Board members clarifying this interpretation-- she said yes. That's the reason I signed that memo which was not reported in the paper. The bottom line

is we had a hassle with the Building Department, and I've been here 14 years, since Jimmy got elected we've been trying to have a consistency of interpretation. I haven't changed my consistency. Unfortunately, I probably picked the wrong applicant to make my issues known because of this controversial background. And is he trying to get away with murder? Well, quite honestly, is a farm stand? No. Is the cider mill a farm stand? No. Is the pie making guys, (inaudible) up there a farm stand? Absolutely not. They're a pie manufacturing company. But according to our town code, they are farm stands. So you can't have it both ways and I don't want to change it because you know something, Kenny? It's-- I understand that you have to have these things to make-- to pay the bills."

Ken Zilnicki: "But-- "

Councilman Prusinowski: "And I don't want to go around and clamp down."

Ken Zilnicki: "Vic, one of the things is a lot of these farm stands you're talking about have been here before you and I have been here."

Councilman Prusinowski: "That's right."

Ken Zilnicki: "The grandfather clause comes in."

Councilman Prusinowski: "Right."

Deputy Supervisor Stark: "Pre-existing, non-conforming."

Ken Zilnicki: "Right."

Councilman Prusinowski: "But not the cider mill."

Ken Zilnicki: "What's that?"

Councilman Prusinowski: "Not the cider mill."

Ken Zilnicki: "Okay, I don't know the situation. My other point is that what happens when you-- if you decide to appoint a zoning board administrator and the Town Board doesn't agree with him? I mean do you fire him and get someone else? My point is, I don't agree with

everything Ray has done, because I've dealt with Ray several times."

Councilman Prusinowski: "Right."

Ken Zilnicki: "But you have to have somebody to make a decision. If I didn't like it, I went to the Zoning Board of Appeals and I was denied. My point is, why take something, you know, destroy you guys, get bad attitudes, you know, and go in through the back door and try to get something done."

Councilman Prusinowski: "Well, you know something? I've been here a long time, Ken. I've got to tell you something. We don't tell the Building Department how to run the Town. On the contrary, we get a hell of a lot of complaints about the Building Department from businesses and stuff and, you know, to be fair about it, they do pretty much what they want to do back there. This is one of the few times-- by the way, I was here when the Supervisor, let's take-- I can't remember who was that applicant? The, what? I remember the applicant in Wading River or Calverton with the other farm stand, and we had-- this is before some of the other Board members were here, and we had the Building Department, and we had the book on the table and it was strictly a matter of interpretation. And we made this guy do 50,000 worth of unnecessary, I believe, improvements because they have an interpretation.

See. Their interpretation of it is all the farm stands should have the parking that's required, the fire code, the building codes, and if you did that, none of you can afford to be in business today. And I don't want to do that. Okay. Now, did I make a mistake in signing the memo to the Building Department? I have a disagreement with the Building Department. Did I choose the wrong applicant maybe because of the controversy surrounding his business enterprises in the Town? You are probably right. Because I've heard a lot of derogatory remarks the last two weeks, too. Are they millionaires? Absolutely. Are they trying to get away with murder? Probably. But in this particular case, in this particular-- I'll be honest with you. In this particular case, I think the Building Department is being, again, the glass is half empty instead of the glass is half full. And that's not the way I feel."

Ken Zilnicki: "Why doesn't Mr.-- "

Councilman Prusinowski: "And I probably picked the wrong issue."

Ken Zilnicki: "Why doesn't Mr. Tuccio go right to the ZBA?"

Councilman Prusinowski: "He is going to the ZBA."

Ken Zilnicki: "You know-- "

Councilman Prusinowski: "He is going to the ZBA."

Ken Zilnicki: "And my point is I don't know if you people made the law."

Councilman Prusinowski: "Well, the Town Board made-- this is a town ordinance. The Town Board made this law."

Ken Zilnicki: "Right."

Councilman Prusinowski: "The Town Board can change this law."

Ken Zilnicki: "Right. But did this Town Board make the law?"

Councilman Prusinowski: "No. This was about 30 years ago."

Ken Zilnicki: "Okay. So your interpretation might be different than the original-- "

Councilman Prusinowski: "There's no question about it. You're absolutely right."

Ken Zilnicki: "Okay. So, what I'm saying, Mr. Wiwczar is entitled as his department to make that interpretation."

Councilman Prusinowski: "Absolutely. Right."

Ken Zilnicki: "All right. But what I'm saying is, why doesn't Mr. Tuccio just go straight to the ZBA instead of all this, you know, nonsense in the paper."

Councilman Prusinowski: "And you're probably right. It should have been done that way."

Councilman Creighton: "The interesting thing is that Mr. Wiwczar wasn't involved in this. It was the other inspector, Sharon Kloss, that was handling the case. Up until it hit the papers."

Ken Zilnicki: "Right."

Councilwoman Gilliam: "Mr. Zilnicki, as the third Town Board member who signed that letter, I feel compelled to speak. I think it's inappropriate to say that a mistake or even try to characterize the actions of the Board members in the context of who the applicant is. I think any applicant who seeks the relief, if the Town Board is of the opinion based upon the opinion from the Planning Director and the Town Attorney with respect to a particular application, it doesn't matter who the applicant is. And the reason why I signed the letter which has never been reported in the papers, although I said it on numerous occasions, is that there's really a void in the Town code with respect to what office, what person, who decides when an appropriate use is a permitted use, an accessory use, and unfortunately the Building Department has taken it upon itself on many occasions to make that determination as to whether or not something is an accessory use or a permitted use, and really the purview of the Building Department's authority lies in looking at whether a proposal for a structure complies with Town building codes, fire and safety requirements and things of that nature.

And it's because of the void in the code which I have recently thought to address by giving the Board some suggested language in terms of code amendment dealing with use permits. It's because of that void that there is a gray area in terms of the scope of the Building Department's authority.

And I think with regard to this application, that the Building Department exceeded its authority in terms of determining whether the proposal in this case is an accessory use, whether it should be referred to the ZBA. Those are planning issues that should be either referred to. We had a recommendation from the Planning Director and the Town Attorney with respect to that. So those were my reasons in joining the other two Board members in signing this letter."

Councilman Prusinowski: "I agree with what Harriet said, but I want to say one thing. It was a different-- Ken, it would have been handled differently. I've lived here my whole life and I just want to

only differ with her in this point. I don't regret signing the letter but, again, I've gotten a lot of flack over it, not because of the merits of what-- of the indication, but of the surrounding issues of the applicant and that's just the facts and that's the truth and if anybody wants to disagree with me they can. But that's just the way-- I know that's the facts."

Ken Zilnicki: "My point is, the way the paper is reading is that maybe you had had problems but just because someone disagrees, he is the head of his department, all right. If Bob disagreed with you, do you want to fire him and make another position?"

Councilman Prusinowski: "Nobody is being-- "

Ken Zilnicki: "But that's another point."

Councilman Prusinowski: "Yes. But nobody is being fired here. I mean we have here-- "

Ken Zilnicki: "All he had to do was go to the ZBA. If the ZBA says fine, so be it. That's fine."

Councilman Prusinowski: "Yes. Well, he is going to the ZBA. I spoke to his attorney who happens to be sitting right out here now and suggested that he go to the ZBA and-- but, you know, it's just-- look, let me put it to you this way. It's something that has come up before. This is not new. This has come up before about the farm stands. Only thing, it has never made the papers. This is not new with the Building Department.

And I've been here 14-- I'm telling you it has because especially in the summertime when we get phone calls from residents say, there's no parking, I can't get by Sound Avenue, we try to drive by Aquebogue. This is nothing new. We've got these complaints for years. But it's political suicide. I'm not running this year-- "

Ken Zilnicki: "I agree."

Councilman Prusinowski: "Everybody-- it's political suicide to get up here and say we've got to clamp down on the farm stands. You are not going to have a normal person running for political office say that in the Town of Riverhead. So that's why nothing has been

said and nothing has ever been done. But it's always been talked about behind closed doors."

Ken Zilnicki: "Well all I know is that-- I know we've had farm stands. We've gone to the Building Department. They told us what to do."

Councilman Prusinowski: "Right."

Ken Zilnicki: "We did it. And I just sort of resent this that he just goes around and wants to do something different, and not going about it the right way."

Councilman Prusinowski: "The only difference is, Kenny, that unfortunately, the-- and I'll say it, they've got a lot more money. They want to do a big building with parking and everything which a lot of farmers can't afford. And you're right. And maybe Kane (phonetic) didn't read well in the papers and you're entitled to feel that way and I don't disagree with that and it was concerning me too because I was hearing the concerns of the people around town. People thought that he was getting away with murder. And we certainly don't want to give that impression."

Ken Zilnicki: "Well, I-- "

Councilman Prusinowski: "We want to be fair with everybody."

Ken Zilnicki: "It wasn't a point of money. Can you picture just because he puts up a two story retail store, does that entitle my father to put up a two story retail store because he has tractors he can sell tractor parts?"

Councilman Prusinowski: "I understand what you're saying."

Ken Zilnicki: "You know, take the law the way it was meant."

Councilman Prusinowski: "The planning issue. Right. The intention of the law, right."

Ken Zilnicki: "The intention of the law."

Deputy Supervisor Stark: "Kenny, before you go. Really the

purpose of the ZBA is a quasi-judicial board that's there for the purpose of giving relief when needed and making determinations. That's their job. And if at any time the department head of either the Planning Board or the Building Department deem that this is questionable, he has every right to send that applicant to the Zoning Board of Appeals for it to make a determination.

Vic talked about the farm stand up in Calverton. Actually it's almost Wading River."

Councilman Prusinowski: "Wading River."

Deputy Supervisor Stark: "Hulse Landing Road and Sound Avenue. I think inadvertently you forgot to say that during the Hamlet-- Wading River Hamlet Study, there was an overlay zone put on this particular farm which threw him into another category and if I'm not wrong, Business B? Residential A, which made any farm structure he had there for the purpose of selling farm products a commercial building, which takes on a whole new zoning and state building code (inaudible).

In most instances, and I think Vic can verify this, when overlay zones were laid over existing zones, pre-existing uses were grandfathered. A perfect example is John Anderson (phonetic) down in Westport. They threw a rural country business overlay zone over it so that when he went in to put his pool in he couldn't have a deck around because it was an accessory use. So we changed that. And I think that's the process here. And that's one of the reasons why I can't sign this. Because, frankly, my own personal feeling, and I told the Board as I left the work session that day, I think we're getting into an area that's very dangerous. That if we don't like what our departments do, we order them to do it, even though their interpretation doesn't agree with ours.

That is why the ZBA is there. Is to make those determinations. And that is why I'm glad to hear that Mr. Tuccio, so evidently you haven't been hanging around with him because you are not pronouncing his name correctly."

Councilman Creighton: "Are you the one who told that story?"

Deputy Supervisor Stark: "Tuccio is not his name. Tuccio. That's

here their (inaudible) should go. Now, Mr. Wiwczar has, in fact, been making these determinations since the departure of Jim DeLucca. and Bob Sang (phonetic). Now previous Boards could have changed that at the time if they wanted to, but elected not to.

Zoning officer scares me because it would really be at the whim of a majority-- a political majority. If you don't like the zoning code as it is, then change it through the process of public hearing. Change it to meet what we think as a Board representing the elected public. I mean the public. As their elected officials. What we feel we're gaining from them. And really I happen to agree with you. If you're going to have a herd of buffalo there and you're going to sell mainly 51% or more, then I would think he's going to have a (inaudible) plant. He's going to have to have a cool room. He's going to have to deal with the Board of Health in order to make shoes or ties or belts or what have you, he's going to have to slaughter buffalo.

Now I know he has buffalo burger parties which most farmers do to raise steers and what have you and slaughter their own. But that's at the public sale. Once you start to get into public sale, you are now dealing with the EPA, the DEC, the Board of Health, the Department of Labor, as we well know in the farming industry.

So I would not sign that. I'm glad to hear that that is going to be ZBA for a determination. And I think that's the proper process."

Ken Zilnicki: "I just wish that the Town Board not open up Pandora's Box with this. Be very cautious and like I says, let the law stay the way it's supposed to be stayed so the farmer can sell his product, which he can't sell in the market, or you know, to the summer people that are coming out to make the few extra dollars and not to be, you know, just someone else who wants to put up a building."

Councilman Prusinowski: "Well, I agree with you, Kenny, and I'm glad for that and that's why I never pursued it after originally I was going-- we talked about amending the law because then it got too complicated because then they wanted to regulate the structures. And then they wanted to go out and enforce it and I thought it was too rigorous. And although the town code as it is now is ambiguous, and open to wide interpretation, I didn't pursue it because I said let sleeping dogs lie. And in this particular case, the applicant will go to the ZBA and that will be the final determination."

On another matter, I just want to go back again for the record, Jimmy. You know, when we first got elected here in 1990, one of the first things we wanted to do was have a consistency in interpretation of the-- with the Building Department, and I have that in my file. When Joe was Supervisor, we'd been talking about that for a long time. This is nothing new and quite frankly I'm a little disappointed in hearing you saying that because-- "

Deputy Supervisor Stark: "No, no, no. What we started out to do was to merge the Planning Department, Engineering, and Building, to have one main department head."

Councilman Prusinowski: "Right. To have a consistency-- "

Deputy Supervisor Stark: "That was not a zoning officer. So don't be disappointed if your memory doesn't serve you correct."

Councilman Prusinowski: "Okay. So, now you're running for Supervisor, I can't-- okay, fine. The bottom line is we want a consistency-- "

Deputy Supervisor Stark: "I don't need a smartass remark."

Councilman Prusinowski: "Oh, I'm, not being a smart aleck. We want a consistency of interpretation. Okay."

Deputy Supervisor Stark: "I never said that I was against consistency in interpretation. This gentleman happens to have the floor and I'd like you to let him finish."

Councilman Prusinowski: "Okay. Well, that's the point is that I've been here a long time with Building Department problems and when you have a problem in the Building Department, you can run to the Town Board members and say what are you going to do about it. And quite frankly we've done very little about it for 14 years. They pretty much had free rein. Nobody tells them how to do their job. In fact, when it turned out, I had a good discussion. Ray says I'm not going to do it, I'm going to send him to the Zoning Board of Appeals. That was the end of it with me. Okay."

Ken Zilnicki: "But, excuse me, Vic. But is it their job? I mean, let-- if that's their job, let them do their job. If you don't

like it, change it, but how many times are you going to change it? If you don't like the next thing that you appoint, you just keep changing it?"

Councilman Prusinowski: "Well, what we are talking about only is town codes. We're not talking about building codes and state codes, fire codes, handicap codes, anything like that. And it's basically something you brought up. Is this a proper use for a parcel in agricultural A. In other words, maybe we should be-- have a restriction and say it shouldn't be retail stores. Okay."

Ken Zilnicki: "Right. My interpretation is no."

Councilman Prusinowski: "Right. And it's really vague the way it's in there because if you go out and see how some of the farm stands are operating now, they are really operating way beyond that particular way it's written in the code. And that's-- I happen to agree with you on that, but you know, it's a tough question. So that's proper planning for a public hearing, you have a public hearing and you put new language for the town code and everybody can get up and decide, hey, no it should be this. That's how a community should do it. And you bring up a good point."

Ken Zilnicki: "All right. I thank everybody for their time."

Deputy Supervisor Stark: "Thank you, Kenny. Is there anybody else in the audience? Steve, I'll get you in a minute. We're going to take a break on that subject. A little breather."

Steve Haizlip: "Is this thing on? Well, whether it is or not, I talk loud enough. I guess they could hear me. Steve Haizlip of Silverton. This here about reading-- don't believe what you hear and half of what you read in the paper. In the one paper that's locally, about an escrow account, it goes on to say that they want 9.2 billion to make LIPA work. And then it keeps on going down and suddenly Suffolk County says, well, we can't afford the 9.2 million to guarantee the bonds and the silent partner. So as you are talking about Ken there speaking and the way that sometimes some of this stuff comes out in the paper, it does get you a little bit alarmed and excited because it's a matter of interpretation."

Now, I'm going to go back briefly to the meeting over at Wading

river. The (inaudible). Everybody interprets it to suit their own intermediate needs and they'll stand around the table and they'll argue over it, what it means, what it says, each different one. Now as I said we had a maintenance (inaudible). He solved each and every problem and then it was rewritten if it had to be and it was presented, but until then it went on like it was. But he could override it and write an order in there and sign it.

Well, we got this Town Attorney here who is supposed to have a reputation of being a pretty good man. So when these squabbles come up that's his job. Let that law be but let him look at it and interpret it and if it has to be amended, then go to work and amend it. And if it has to be left alone like it is, sign it off, initial it, but leave it be there. And the next guy that read it, hey, that's been looked at already.

I guess last Wednesday, the notion must have struck all you ladies and gentlemen to have a work session on Wednesday. I didn't know from nothing. So I come down here on Thursday. I wanted to participate. I walked in, Barbara was passing by. Hi you, Steve. Hi you, Barbara. I said where she's going (inaudible) set down at the desk. Gosh, I come in here sit down, I'm waiting and waiting. Nobody showing up. So then I see one little young lady come by, I says, hey, when are they going to start the work session? Oh, that was yesterday. Holy mackerel. I says, I guess the notion struck them they didn't want to come in on Thursday, something had to be done. You know, so, I-- presumably the press knew about it. I don't know how the press knows about it when the public doesn't know about it. And if there is any change made, I didn't get anything-- I don't get that earlier until 4:00 in the afternoon. So, I don't know-- "

Councilman Prusinowski: "Work sessions are not official meetings required by law. We notify the press as a courtesy because of the open meetings act. There were scheduling problems for Thursday. We just moved it up one day, which is very rare. Most of our work sessions are on Thursday."

Steve Haizlip: "Well, one time I talked to the Town Coordinator on the phone and Monique when she was Deputy, and they're always scheduled on Thursday before the Tuesday meeting."

Councilman Prusinowski: "I know, Steve, but you know, we all have

schedules and sometimes things change and once every four years maybe we change it to Wednesday. You know, it's not like there's a big plot going. And there have been times when we've had it on Mondays, you know. It's-- the Town Board work sessions are scheduled so the Town Board members can formulate the agenda and do official business prior to the official meeting on Tuesday nights. So-- "

Steve Haizlip: "Okay. I understand."

Councilman Prusinowski: "You know, sometimes we change it."

Steve Haizlip: "Yeah, I understand. And like attorney LaFreniere (phonetic) one time said just when I was hot and wanted to get going."

Councilman Prusinowski: "Oh. You come to the next one."

Steve Haizlip: "Right. So, it was-- so I didn't get that one in."

Now, at the last Town Board meeting I knew there was something I wanted to bring up, and like I said I couldn't understand my scribble. On Resolution 482, in order to make this Peconic County study that they are working with, I think the outfit is out of Pennsylvania, why do they need a \$5,000 more. It seems like all we do get stuck with additional money all the time when something is being studied, feasibility studied, or looked into. They just hit you for more money and that's more taxes. What is their reason for the \$5,000 more for the Peconic County study? They got \$10,000 the initial time. But it was in a Resolution from this Town so somebody ought to know."

Deputy Supervisor Stark: "We passed that Resolution at the last meeting, did we not?"

Steve Haizlip: "I'm sorry, Jim. I don't know because Henry and I left a little early that night."

Councilman Prusinowski: "It was hot."

Steve Haizlip: "So maybe you did-- "

Deputy Supervisor Stark: "We passed it there. They are continuing finalizing the study. It was the determination of this Board that

they would like to see that study totally completed into a final draft so that the electorate of the five eastern towns could make an intelligent decision as to whether they really want to go ahead with Economic County or not."

Councilman Creighton: "Steve, every study has a recommendation for it for further study. It's a way of academics to make a living."

Steve Haizlip: "Oh, so that's some kind of wording that's put in here that creates a loophole so then if they need a little more--"

Councilman Creighton: "There's always a need for more studies."

Deputy Supervisor Stark: "It probably always shortchanges the first part of the study anyway so we can get a second part, and that sounds more realistic than anything else."

Steve Haizlip: "Yeah."

Deputy Supervisor Stark: "As to the reporting of the local news in their accuracy, I see them all paying distinct attention tonight, so they're going to take heed to your saying."

Steve Haizlip: "This is out of Suffolk Life, where is the reporter from Suffolk Life? I want him to analyze this. Boy, this is a big bill for 9.2 billion down to 9.2 million."

On the letter that the North Fork Council wrote about getting a zoning administrator, as far as I'm concerned, I agree we don't have to have it. All we have to have is a good attorney. And this attorney and if he can't do it, get some help. And seek advice of another counsel. It's cheaper to do that than to hire some guy in for \$50,000."

Councilman Prusinowski: "First of all, I want to say one thing. Nobody in-- that particular zoning administrator was not to hire an additional person. It was to designate either the Town Attorney or the Planning Board director as a zoning administrator as prescribed by the Town law which was enacted in 1978 I believe by Allen Smith-- '76. It's not to hire additional personnel. It's not to cost the taxpayers more. It was just so that when Alice wants to put a deck on her house and Ray has a disagreement on whether or not she should go

to the Zoning Board of Appeals, we have a habit of sending everybody to the Zoning Board of Appeals.

I've got to tell you something. I've listened to a lot of fantasy around here in the last six weeks. This is fantasyland. I've heard nothing but bitching and moaning from Town Board members about the Planning Department 14 years. And now all of a sudden everybody is running for office, they're heroes. The bottom line is this is something that has been going on for a long time. The Town Board are elected officials. We're answerable to you. Not Ray Wiwczar. I'm answerable to you every election. I vote to make the law through public hearings and public input. That's the way it works.

We're not talking about the fire code. Not the building code. Not the health code. Not the handicap requirements. We're talking about Town ordinances. Whether or not a deck should be 40 feet from a back yard is a Town law. It's not a state law. I've got a Building Inspector in there who is confusing state law with Town law. Okay. And she's driving a lot of people in Town crazy. And the bottom line is I've heard nothing but fantasy coming out of this Town Hall for the last six weeks and I'm a little upset about it."

Steve Haizlip: "Well, that's their job."

Councilman Prusinowski: "And I've heard in the back room for five years about the Building Department this, the Building Department this. We've got to straighten them out. All this does is something similar to what we're-- that Southampton, Southold and East Hampton do. They designate a person in the building to interpret the Town code so that maybe people don't have to go to the Zoning Board of Appeals."

I don't care if we do it or not. This is something I hear all the time complaining about. And it's not we're hiring additional personnel. We are not taking over the Building Department. We're not trying to help them run the town. We're not trying to do something to help the welfare of the town. Come on, we wouldn't sign something like that. It's more politics than it is reality and I think we should just fess up to it. And the bottom line is, Steve, we're not trying to do something here that's illegal, that's wrong, that's special interest anything like that. We're trying to have a consistency of interpretation so when somebody walks into this building and they want to

to a deck on their house, they're not sent the runaround that we send people around here. Or an applicant like Richie Israel, who waits nine weeks. Even Eddie. He sent the application in there since January of this thing. Okay. So, you know. Let's don't take the-- it's a very popular thing. We're trying to do something for the special interest. That's not the case at all. Okay."

Steve Haizlip: "I understand your-- "

Councilman Prusinowski: "And anybody who has to deal with the Building Department-- "

Steve Haizlip: "Vic, I understand, I'm not argumentative. I'm-- "

Councilman Prusinowski: "I'm just trying to clear it up because to make a point, I just want to clarify it."

Steve Haizlip: "All right. I understand."

Councilman Prusinowski: "I've read so much stuff in the paper the last couple of weeks, it's unbelievable. It's like I'm in Disneyland, in Fantasyland or something."

Steve Haizlip: "Now, when laws are written-- "

Councilman Prusinowski: "And I've got to say, the Building Department, for the most part, does a good job because they are under a lot of pressure and they have to enforce the codes. Okay. But just a couple of these quirky things when it comes to the town code. Now, I'm talking about the building code, the fire code, the health code."

Steve Haizlip: "No, but-- "

Deputy Supervisor Stark: "Do you have anything else, Steve?"

Steve Haizlip: "Well, Jim, I don't know why you should rush me-- "

Deputy Supervisor Stark: "No, I'm not rushing you."

Steve Haizlip: "-- when Mr. Ken, you know-- "

Deputy Supervisor Stark: "I'm not rushing you at all. I'm just saying, do you have any other topics that you would like to discuss?"

Steve Haizlip: "Yes, all right. On-- just one more thing. On Resolution No. 512, is that going to be a public hearing? Because it says special permit and site plan. Is the law or the zoning or the ordinance-- as Vic addresses to has to be a public hearing?"

Councilman Creighton: "Special permit should require a public hearing."

Deputy Supervisor Stark: "Yes. A special permit does require a public hearing."

Steve Haizlip: "All right. That's all I wanted to know. Thank you very much."

Deputy Supervisor Stark: "Thank you, Steve. Appreciate it. Yes, Frank, I've got to go around a complete circle first."

Mary Gardner: "I'm going to be so fast you are not even going to know about it. My name is Mary Gardner. I live on Creek Road in Redding River. And first of all, I'd like to thank Councilman Masinowski and Ken Testa who have been unbelievably cooperative with us. I represent a group of concerned citizens about our famous or famous creek and the dredging of said creek and Lilco's position and I'm sure it's been creeked and dredged to death.

But we have a new organization and I was very involved with it and I asked the Town Board to do two things. To please help us with a permanent solution so we don't have the situation we have this summer. We're dealing with it but not happily. And that it be an economically and environmentally sound decision and I spoke with Bruce (phonetic) from the Conservancy this week and I've asked him to please represent us in watchdogging as it were, that the saltmarsh and all the marine life and the bird life be protected.

But I want to particularly thank Vic and Ken because they've been very, very forthcoming with me personally. I didn't know them before two or three weeks ago and we've been playing telephone tag and they've been so responsive. I live primarily in North Hempstead and I must tell you, I would never get this kind of cooperation from my local

officials, so I appreciate it."

Deputy Supervisor Stark: "Thank you very much. Yes, anybody else?
Scheinberg?"

Shep Scheinberg: "Good evening. My name is Shep Scheinberg. The reason I'm here tonight was merely to hear the resolution relative to the Tanger Factory Outlet Center and the acceptance of their FEIS. However, I would like to clarify certain things for the Town Board. There's been a lot of rumor, innuendo and falsehood that I'd like to clear-- clarify for you. I think it will make your job much easier if I would clarify for you what the Tuccio application is about and what the problem was."

Deputy Supervisor Stark: "Who is the applicant?"

Shep Scheinberg: "The applicant is Mrs. Muma (phonetic) who is Ed Tuccio's mother-in-law who happens to own a 10 acre piece of land that adjoins Ed's "buffalo farm". It just so happens that Ed also grows corn, he grows tomatoes, he grows other vegetables. So there are other things that he grows. But that has absolutely nothing to do with the application."

Let me advise you that the application was for the construction of an accessory agricultural building for the sale at retail of home grown product. Now, that is how it is stated in the ordinance. The Building Department denied the application. That's when all the problems occurred because all they said was application denied. Go to the Zoning Board of Appeals.

I then wrote to the Zoning Administrator and said, please advise me why you have denied it. What is the ground for the denial? So that I know from what to appeal. We had an exchange of letters. I never did get a direct answer until last week when Sharon Kloss called me and said Ray directed that I speak to you. She said I was scared to death to call you. I said why are you afraid to talk to me? We've always had a wonderful relationship. I said-- she went in to some ground about discussion of weight loads and things of this sort. I said, Sharon just tell me why is it denied? It finally came out that the denial was based upon that Department's interpretation that an accessory building, you cannot build an accessory building or have an accessory use unless you have a primary use building. Since the only

building on that property is a residence, there is no primary agricultural building. That's what this whole thing is about.

So I said now I understand what you're talking about. I don't agree with you because the ordinance-- the way that I read the ordinance you don't need to have a primary agricultural building in order to have a farm stand. You have a farm stand. But I understand now. I have no problem with that department. I think Ray's doing a great job. I think Sharon is doing a great job. I just need to know how to speak English. That's all. So based upon that, I have absolutely no problem-- "

Deputy Supervisor Stark: "Well, lawyers have been-- "

Shep Scheinberg: "Well, lawyers are-- "

Deputy Supervisor Stark: "They are noted for that category, too. They don't speak too much English either."

Shep Scheinberg: "All right. But we have wasted two to three months because they could not articulate what I just articulated to you and, of course, we will go to the Zoning Board of Appeals because we now know what to appeal from. That takes care of Ed Tuccio."

Deputy Supervisor Stark: "It could have been done back in February, couldn't it?"

Shep Scheinberg: "Of course it could of. If they had only told you why they denied it. Okay. I also want to report to you-- "

Deputy Supervisor Stark: "But you agree that the Zoning Board of Appeals is a quasi-judicial board that does make determinations and interpretations on local codes?"

Shep Scheinberg: "Absolutely. That's where we have to go-- "

Deputy Supervisor Stark: "-- and does give variances and relief?"

Shep Scheinberg: "Absolutely."

Deputy Supervisor Stark: "And that's their purpose?"

Shep Scheinberg: "Absolutely."

Deputy Supervisor Stark: "That's their sole purpose?"

Shep Scheinberg: "Absolutely."

Councilman Creighton: "Are you seeking a variance or an inter-
etation?"

Shep Scheinberg: "Seeking a variance. No. We're seeking a
riance."

Councilman Creighton: "That's what I thought."

Shep Scheinberg: "It's a variance. So I have absolutely no
blem with it. I now know what I have to do and tomorrow I'm going
prepare the application, submit it, and on we go. That's all. Okay.

I also want to report to you that the Riverhead Trolley Company
its first trolley has been delivered to Riverhead. It's sitting
"

Deputy Supervisor Stark: "It must have been a long ride back for
ly. Where did he have to go? Wisconsin?"

Shep Scheinberg: "Osh Kosh. As a matter of fact, Bill, he came
like a day or two ago and he flew back to Osh Kosh this morning
pick up the second trolley. We will have both trolleys here within
ably another day and we are hopeful that we will be up and operating
thin the month of August. As we had promised you, sometime ago, and
we go. Thank you very much."

Deputy Supervisor Stark: "Thank you. Anybody else? Yes, Bill."

William Kasperovich: "William Kasperovich from Wading River.
at item I want to mention if anybody stayed towards the end of the
we Board meeting in Wading River after most of the cars from the
thing lot left, and heard the roar, not just noise but roar, of about
dozen bikes leaving the parking lot, would have a pretty good idea
what the people in Wading River are afraid of. And for a man to
t up here and say he's going to control what people will do on
mic roads you can't listen to anything further that he says. And I

look for the Town Board to object to this in that there are various grounds on which denial of this shop can be made. The particular outfit is being forced out of their current location because they have a dentist on one side, three stores down they have a doctor's office, they have a ballet school for children, and when these fellows leave the shop you know they are leaving. Enough said on that.

I must reinforce Steve's objection to having unannounced work sessions. If the Town Board thinks that they are so good in hoodwinking the public that they don't indirectly or secretively vote on the Resolutions, then they think very little of their constituents. Everything is cut and dried before the Town Board meets to vote on the resolutions. And Mr. Prusinowski-- "

Councilman Prusinowski: "Yes."

William Kasperovich: "You said that you conduct official business at the work session."

Councilman Prusinowski: "That's correct."

William Kasperovich: "All right."

Councilman Prusinowski: "And we inform the press."

William Kasperovich: "You cannot keep the public out of official business meetings."

Councilman Prusinowski: "We didn't. We don't keep the public-- we didn't keep the public-- "

William Kasperovich: "Unless they are supposed to be in executive session."

Councilman Prusinowski: "We didn't keep the public out. We informed the press. We just changed the day. That's all."

William Kasperovich: "The press is not informing the public."

Councilman Prusinowski: "Oh, they're not? Well, that's up to--
that's between you and the press."

William Kasperovich: "Do you ever put anything up on the-- in
the lobby of the building here to show that it's going to be so that
people who come into the building know?"

Councilman Prusinowski: "I can be really mean and nasty now in
this political season and tell you why the work session was changed,
but I'm not going to do that."

William Kasperovich: "I'm not particularly concerned with that
work session."

Councilman Prusinowski: "I'm going to tell you something now."

William Kasperovich: "Now, don't-- "

Councilman Prusinowski: "You're way off base."

William Kasperovich: "I'm off base."

Councilman Prusinowski: "Sure you are."

William Kasperovich: "All right."

Councilman Prusinowski: "It's the same baloney I've heard from
for 14 years. Okay. And that fact of the matter is that we had a
scheduling problem, the press was informed, the public was not denied.
It's just a work session to prepare for the Town Board meeting, and I
want to tell you something. Many votes we have up here are not pre-
determined. We have a lot of votes that are-- "

William Kasperovich: "Mr. Chairman, is this man consuming my time
and you are going to cut me off or are you going to declare him out of
order?"

Councilman Prusinowski: "You're right. I'm out of order. I'm
going to hit the men's room. I'll be right back."

William Kasperovich: "Yes. That's where you do your business.
Chairman."

Deputy Supervisor Stark: "Yes, sir?"

William Kasperovich: "I remember very distinctly because it was branded on my forehead by you when you asked me what my attitude was as a possible candidate for the Building Department. And what you told me you expected of people in the Building Department. And now you-- "

Deputy Supervisor Stark: "I think you're talking about somebody else, Bill. You never had any conversations with me."

William Kasperovich: "You never interviewed me for a position for the Building Department?"

Deputy Supervisor Stark: "I was present at the interview and the other people there interviewed you."

William Kasperovich: "Well you were present and you were interviewing."

Deputy Supervisor Stark: "As I was when I was chairman of the Personnel Committee and attendance-- "

William Kasperovich: "All right. So you were interviewing me and you didn't ask me these questions and you did tell me what you-- the Town Board expects of a man."

Deputy Supervisor Stark: "I don't think so. Bill, make your point, please."

William Kasperovich: "That is the point, that political appointees appointed in positions of responsibility and now you people are talking that they are qualified and knowledgeable people. The last word you say is coming from the Board of Appeals. And yet the majority of those people are not qualified to sit on the Board. They are just qualified by the Town Board's say so. And you want the people of the township to accept their conclusion as final. Well, we didn't elect them. You people were elected and you people appointed them. Mrs. Tormey (phonetic) was the chairlady for more than a decade, maybe two decades."

Deputy Supervisor Stark: "Since the inception of zoning."

William Kasperovich: "And we tolerated-- "

Deputy Supervisor Stark: "Which I believe requires that a ZBA board be established by state law. And that the Town Board appoint who they feel are the most qualified people in their community. I think that's what Town Board's have been doing for-- since 1956, '57, that would be the correct area."

William Kasperovich: "Well, since Mr. Janoski was the Supervisor and you were on the Board with him, this was not true. And anybody-- you'd have to put me in a grave to show me otherwise."

Deputy Supervisor Stark: "I certainly wouldn't want to do that, all."

William Kasperovich: "I applied for all the serious and responsible positions other than elected position and not that I object that you didn't want me, but who do you put instead from the very first Building Inspector that replaced Mr. Munsen (phonetic)."

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

William Kasperovich: "And-- I've lived here for a long time and-- "

Deputy Supervisor Stark: "So have I, that's why I say you are going back a long way."

William Kasperovich: "I'm not going before anything that I don't know of personally. But to hear you up there-- "

Deputy Supervisor Stark: "Eddie Munson was the first Building Inspector ever to be in town."

William Kasperovich: "And when he left, Mr. Wiwczar was the only one left."

Deputy Supervisor Stark: "I believe Mr. Wiwczar came to work and worked under Eddie Munson, if my memory serves me correct. Yes. So I've been around a long time. Thirty-one years I believe."

William Kasperovich: "And I assume he learned a little bit."

Deputy Supervisor Stark: "I'm assuming so."

William Kasperovich: "But he came in with no knowledge and no background. So whatever he acquired, he acquired-- "

Deputy Supervisor Stark: "I wasn't around in those days so I can't attest to-- "

William Kasperovich: "Well, I'm not asking you to attest. I'm calling you my knowledge while I live here in the township."

Deputy Supervisor Stark: "Okay."

William Kasperovich: "But your work sessions have really hoodwinked the people in thinking that at the Town Board meeting, you put forth the Resolutions and you act on them. You have already acted on them in the work session and elsewhere and that is so apparent that I wonder why I have to stand up here and say it. Now your-- "

Deputy Supervisor Stark: "That is the purpose of the work session."

William Kasperovich: "Now, you people-- your attitude towards a resolution that was passed in '72 and not acting on it after my coming before you on four separate occasions indicates to me and anybody else that pays attention just how you use Resolutions. And how important you-- the importance that you place on Resolutions and the quality of the Town Board's unanimous vote on a fully described intent and desires and wants-- I'm losing the word there. Mr. high caliber attorney doesn't tune into this. I would like him to have heard what I have to say here."

But the farm stands is a good example of how the Town should not be run. With all your problems you solve pinch by pinch, can't tell me flyspecks from the pepper because you handle it one item at a time. Instead of covering the principal, the basic concern of the people that live here and function here, just resolve to solve individual little problems. And certainly when a high caliber attorney comes into the scene everybody runs scared. And that is not what I want from officials that run this Town. Needless to say, I'm disappointed in all of you people."

Councilwoman Gilliam: "Mr. Kasperovich. Mr. Kasperovich."

William Kasperovich: "Just one moment. Let me put the record on."

Councilwoman Gilliam: "I just want to clarify something that Councilman Prusinowski said about we-- "

William Kasperovich: "Well, if he's not here I don't think it's in order that you should speak of what-- "

Councilwoman Gilliam: "I'm speaking for myself in terms of the statement that's been made about there being a scheduling conflict with the rescheduling of the work session. I just want to go on the record that I had no scheduling conflict to cause a change in the date."

William Kasperovich: "Well, certainly, every intelligent person knows that there is a priority value in a person's conduct and what they have to do. There are things in people's lives that have to be attended and this is why normally we have an off number of people in the sense of five instead of three or seven. But you've got to live to election time to get back to five (inaudible) there are enough people so that if any one individual has to be elsewhere, business can be as usual. And if two people aren't there you can put off the meeting until a more convenient time."

Deputy Supervisor Stark: "Thank you. Is there anybody else who would like to-- George."

George Schmelzer: "I have a record here of when Brookhaven gave to the Town of Riverhead-- Town of Southold, the land east of the creek. That's because John Rogers-- he was a public charge-- no-- all that rambling you had the last time about the motorcyclists would have been before the Brookhaven Town Board. See the difference. I suggest, maybe you can get together with Tuccio to put all the welfare town near the creek down there and give the land back to Brookhaven. So, this was done in 1709, three years after the birth of Benjamin Franklin; 23 years before the birth of Washington, almost three centuries ago, 284, 286 years ago, pretty soon it will be 300 years. And instead of using the, they used ye. So it's the land east of the creek. I've got a copy here for Bill Kasperovich. He said last time he couldn't find the town line. Once he reads this, he'll never find

the town line. That's why I want to give it to him."

Deputy Supervisor Stark: "Would you like to put that into the record?"

George Schmelzer: "Anything. Whatever you want to. I've got two copies, you want one?"

Deputy Supervisor Stark: "Sure. Why don't you put it into the record and-- "

George Schmelzer: "I'll give you one copy and he can have the other copy."

Deputy Supervisor Stark: "-- Mrs. Grattan will certainly make a copy for Bill Kasperovich."

George Schmelzer: "So-- "

Deputy Supervisor Stark: "If you hand it to the Clerk-- "

George Schmelzer: "Okay. Now, this evening some of you have sounded like statesmen sometimes and sometimes like politicians, both ways, you know. That's why a minute there, you sounded all like statesmen. You would rather be statesmen than politicians? If you are statesmen, you can't get elected though. Only politicians get elected."

Deputy Supervisor Stark: "Thank you, George."

George Schmelzer: "I'll give you one of these here. I'm only half done yet."

Deputy Supervisor Stark: "Anybody else who would like to speak at this particular-- oh, I thought you were done."

George Schmelzer: "I couldn't find that thing. I lent my Brookhaven record book to somebody, can't find it, had to go in to the library. Anyway, I have a deed here, a copy of a deed, where (inaudible) properties and others bought lands south of the river next to me. One name here is Henry Tripp (phonetic) living in Switzerland. Another one, William Houck and Lily Houck (phonetic) living in Mexico City. One of them owns 30% and another one owns 5%. So a few years ago, I

got a call from Washington, D.C. from Bill-- John Cummings (phonetic) an investigative reporter. He said that all foreigners that own land in this country must report their ownership. So he came up here, I (inaudible) he had a stack of names. I showed him the deeds. I said, John, please send me a photocopy of those names. He never did. So several weeks before you fellows did what you did, voted for that, they -- the two executives of this group, I should read their names off here first, (inaudible), real estate corporation, Paul Villard (phonetic), Henry Trit (phonetic), William Houck, Lily Houck, Ernest Houck, (inaudible), Peconic Woods Inc., (inaudible). None of them live in Suffolk County or Nassau. -- live in other countries, the rest of them live in New York City.

So, the two big honchos in that outfit invited me out for dinner several weeks before you voted for that. They said they already made a deal with the County that the County would buy it. So, I don't know if you knew about that or not. You knew about that when you-- "

Deputy Supervisor Stark: "Quarter per cent sales tax."

George Schmelzer: "Huh?"

Deputy Supervisor Stark: "Brookhaven Township buying it through (inaudible) through the quarter per cent sales tax."

George Schmelzer: "What about the sales tax?"

Deputy Supervisor Stark: "Quarter per cent sales tax, such as we have put in to have the old Warner's property bought because he wants to sell it. Brookhaven put in that and we voted, and the County will spend that monies from the quarter per cent sales tax to purchase that land."

George Schmelzer: "Over \$6,000,000."

George Schmelzer: "So the County gets \$2,000,000 a year. If the rate doesn't fund anything and we need \$200,000,000, it will take 100 years to buy all the land and within several years the people who own small pieces they can't afford it, they will let it go for taxes, and the county will steal it for nothing. That's part of their plan, too. I guess you know that, too, don't you? You don't?"

Deputy Supervisor Stark: "George, let's go on."

George Schmelzer: "Really. That's what's going to happen though. So this bunch here I know them, they made their deal with the county beforehand and some of them (inaudible). They come first. The poor little sucker that owns that half an acre and can't afford to pay taxes, he comes last. And if they don't steal it first. And some-- just think what you voted for. You should be ashamed of yourselves. You should be. You want copies of this deed or not?"

Deputy Supervisor Stark: "Sure, I would love it, George."

George Schmelzer: "You would?"

Deputy Supervisor Stark: "Yes, make it part of the record."

George Schmelzer: "Okay. Make another copy for tomorrow to go to the Board meeting of that commission. Okay. I'd say some more, but I won't."

Deputy Supervisor Stark: "Okay. Thank you, George."

George Schmelzer: "I'll give this copy of that gift of the land east of the creek in Wading River, it was from Brookhaven to Southold town in 1709."

Deputy Supervisor Stark: "We're making that part of the record, George."

George Schmelzer: "Okay. Last time Bill Kasperovich said he couldn't find the-- where the border line is. After he reads this, he'll never be able to find it. That's why I'm giving it to him."

Deputy Supervisor Stark: "Got a gift for you, Bill. Anybody else who would like to speak to the Board? All right, Frank. Thank you."

Frank Maccaro: "You didn't tell me because I was the first one to speak I only had five minutes and everyone else had about 20. But I know you had a tough night so I'm not going to get on your case."

Deputy Supervisor Stark: "We won't get (inaudible) on that one."

Frank Maccaro: "Okay. I want you-- I think tonight was a-- "

Deputy Supervisor Stark: "-- I don't even have to allow you to come back-- "

Frank Maccaro: "I understand. I thank you humbly. I'm-- "

Deputy Supervisor Stark: "But (inaudible) to the public, I certainly will."

Frank Maccaro: "Thank you. Actually I'm kind of happy this gentleman came up because it shows you the kind of things and misstatements that are being made that we need to constantly defend ourselves about. For instance, the gentleman had mentioned the noise. I had invited several members, executors, potential vice-president and president of the civic association to come down to the Wading River Post Office, myself, (inaudible) partner would take our motorcycles in, we would depict real world noise and the way it would be and we would ask them for their opinion. Okay. And we would be very amenable to any suggestions that they would have in order to minimize the effect of the perceived noise. And I can also tell you that I was-- I'm down at the Town every Saturday and Sunday and there's a lot of noise there. And there's a lot of trucks there. And during the week there's a lot of noise and nobody complains about that.

And we were at Duck Pond Day and we were speaking to Frank Creighton and his wife and a jeep comes by with a big speaker, there was a heck of a lot of more noise out of that jeep that would ever come out of a Harley Davidson going into a location to the back where it's totally buffered with all the landscape and you can't even see your neighbor from the back.

Now, that's one mistake but here's-- when this individual makes comments like we are getting kicked out of our present location, that's absolute bull. We have several more years on our lease. Dr. Martin and his wife Jeanne are personal friends of ours, our family, our customers patronize their dentistry practice. Dr. Bernard has had my family which is a total of six people in his facility since he's open, we're very close friends with them. They are, in fact, moving to another location because they have outgrown their facility. Period. So these kinds of unfounded, incorrect, moronic statements, what we have to have defended for the last three months.

What we have here, as again as I stated earlier this evening, I have talked to several people that have signed that petition, anti-motorcycle shops, repair shop. They've come to understand what our use is, they've come to understand that we've reduced the septic flow from 150 gallons to a mere 65 gallons a day. The average one family home is 300 gallons. We pose no threat to the environment. We pose no threat to the ducks. We are a clean shop. We have operated in Wading River for four years. Our current landlord loves us. We pay our rent ahead of time. We have none of the things that this gentleman has clearly articulated tonight.

So now let me take a couple more minutes to talk about community and workforce diversity because this is what I had wanted to say and I really didn't have a lot of time. You guys really have a tough job up there. I mean you couldn't pay me to do your job. Period. But I really believe one thing. In the bottom line it doesn't really matter who's up for election now, this year, or two years, or three years from now. What really matters is that the Township of Wading River is going to go through a lot of changes. We are in a global society and I do-- I'm on the road four days a week. I'm in planes four days a week. And you could see it. Just look around. And diversity doesn't mean your race, your color, your ethnic background. What diversity really means-- those are all (inaudible) of it. What diversity really means is different lifestyles, different opinions, different ways of doing things. And that's something that you as our leaders in Riverhead should embrace, because if that's what's going to throw us forward in the ever changing global world that we live in as a society, but more importantly the changes that Riverhead is going through.

And somehow with all of the accusations made at you all today, and I feel for you deeply because I really do believe all of you have your heart in the right places. I've had the opportunity to speak to all of you at length and I believe it to be true, and you have a tough job but I think you need to keep in mind what we aim to do. We need to be fair to our people. We heard about the Building Department. I listened to Shep Scheinberg here talk about his ordeal for three months -- try to get Tuccio's buffalo, whatever that is, which is a non-permitted or we still don't know whether it's a permitted use. Here I have had a duly executed application in for three months now in permitted use, we're reducing the flow from 150 gallons to 65 gallons, we don't hurt the environment. I've addressed every issue ethically.

I've spoken to all of you personally, and it's been three months since I've been granted a building permit.

Now you are going to tell me we got thrown back into the Health Department which I could prove that we didn't have to do. There were people that had use changes in Business C within the timeframe that we had our application in that were not asked to go to the Health Department. We did, we complied, we went to the Health Department and the Health Department asked us for a letter of pre-existing use. I showed you a registered mail, return receipt requested letter dated May 16th, that I've asked this Board to tell me exactly what the pre-existing use was. Last Monday I went to the Building Department and I put an application in for pre-existing use and what I got back a week and two days later was that it was a block building on a piece of land. And when I asked your senior building instructor I would like to know what the pre-existing use was, he wouldn't-- being a member of Wading River, lived in the town, he was unwilling to acknowledge on paper that that post office has been operating and the pre-existing use was, in fact, the post office.

Now, we have to at some point in time be consistent with what we do. I don't really care what the rules are. If you tell me what the rules are, I'll follow them, but don't be inconsistent with me. Don't send me to do something that you're not asking my neighbor to do."

Councilman Prusinowski: "Frank, first of all. Just to follow up what I said before. We, we did not send you-- "

Frank MacCaro: "No, I know-- "

Councilman Prusinowski: "We're responsible for the operation of the Building Department. I'll take that responsibility."

Frank MacCaro: "Hold on. Hold on. What I'm saying-- I'm not accusing you guys of doing it."

Councilman Prusinowski: "I'll take that responsibility. It goes to what I was saying before."

Frank MacCaro: "But what I am saying is that somehow we have to define a code of conduct for the Building Department. I wrote that in a letter to you several months ago, I was willing to help write that

because I have a lot of experience in that area, but somehow we have to get consistency. We can't let everyone have poetic license to do whatever they want and to interpret laws and regulations in the codes as they will. The Building Department goal-- purpose is not to interpret what the zoning is, is strictly to enforce the building codes. And I know I'm going to continue to conform and I'm going to continue to do what you ask me to do, but I can tell you right now. I've been delayed at least two months. It's cost me in excess of \$4,000 or \$5,000 which I still don't mind, and I'm going to continue to do it. I just want you to know as a person sitting up here, we're committed to this project, we're not going to abandon it under any circumstances and possibly when we get to the point where we've got a use permit and we are permitted to walk in there, Matt may decide or I may decide, well, you know what? Maybe we're not going to put a motorcycle shop in here.

But the point is, right now, it's not a motorcycle shop issue. It's not a repair shop issue. It's a rights issue. It's a right for bikers. It's a right for citizens. We are in a permitted use and in order to foster the growth of business and to face the challenges that you people have up there, not only with the small little hamlet of Wading River and a 1500 to 1700 square foot repair shop. You have some major problems. And I think that you need to start putting in your minds, and I'm sure you all do because I really do, as I said before, you all have good hearts and you want to do what's in the best of this town. You face the most tremendous challenge that I have seen because I look at Riverhead right now and I've traveled many, many years to Annapolis and if you look at the geography, some of the conditions that exist in Annapolis 20 years ago, you're facing now. And I've seen the way they overcame it and made it into a beautiful city and I think you could do the same thing. But stick to your values. Don't let professional (inaudible) and chronic cynics and anti-everything people that basically sit up here week after week after week and complain about the littlest things, they are a waste of your time and you need to weed through it, get to the business of growing this Riverhead town in a professional manner. Don't worry about re-election because you know what? You do the right things, the people will be behind you and you will be re-elected. Thank you."

Deputy Supervisor Stark: "Thank you. I'm going to take a recess here for a few minutes. Jack, and Rick if you would come up here. There's a couple of Resolutions that were not in the packet. I'd like

you to discuss with the Board. If the Board doesn't mind for five minutes and then we'll go back and take up the Resolutions."

Recess

Re-opened: 9:00 p.m.

Deputy Supervisor Stark: "Let the record show that it is 9:00. This meeting is back in order. Let us take up the Resolutions."

Resolution #511

Councilman Prusinowski: "Authorize the Town Clerk to publish and post public notice to change location of regular meeting of the Riverhead Town Board. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes. The Resolution is adopted.

Resolution #512

Deputy Supervisor Stark: "Declares lead agency and determines significance of action - Tire Country of Riverhead, special permit site plan. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Deputy Supervisor Stark: "Let the record show that Councilman Creighton voted affirmatively for Resolution #511."

Resolution #513

Councilman Creighton: "This awards a bid for the Madison Street

Sewer extension. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton."

Councilman Creighton: "I should say this is to Watts Excavating Company, Inc. (phonetic)."

The Vote (Cont'd.): Creighton, yes; Prusinowski, yes; Stark, yes. Resolution is adopted.

Resolution #514

Councilwoman Gilliam: "Determination of significance of special permit petition of Felix Szczygiel. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #515

Councilman Prusinowski: "Authorizes the naming of a private road in Jamesport. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #516

Deputy Supervisor Stark: "Amends Resolution #465. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #517

Councilman Creighton: "This declares lead agency and determines significance of action - Riverhead Osborne Realty, for a special permit and site plan for the reestablishment of retail gas station and convenience store. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #518

Councilwoman Gilliam: "Authorizes the naming of a private road off of Pier Avenue, Riverhead, New York to be named Bayberry Lane. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #519

Councilman Prusinowski: "Authorizes Town Clerk to post help wanted ad. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #520

Deputy Supervisor Stark: "Without objection of the Board, I would move Resolutions 520 through 523. We've had some turnover in the Recreation Department. This is fill in. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. Resolutions are adopted.

Resolution #524

Deputy Supervisor Stark: "Approves letter of credit, Soundbreeze Subdivision. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "I'm voting no for the following reasons, that the Resolution incorrectly indicates that there's been a final approval by the Planning Board. It's my understanding that this was a conditional approval of the Planning Board and also that the Resolution represents that the owners have posted financial security, whereas, in fact, we have a couple of letters of credit that are stamped sample and we do not have the actual original final letters of credit, and, thirdly, we just learned tonight that there is a change in ownership with regard to Section 3 and there's been no notification or reflection of that change in ownership with respect to the responsibilities under the letter of credit. So I vote no."

The Vote (Cont'd.): Creighton.

Robert Kozakiewicz: "If I may address the comment. Since I've

taken a lot of heat today anyway, letters of credit were provided to me back in July 19th samples. It was a little too late to put them on for that meeting. I have three letter of credit which, in fact, indicate samples. Two of those show the principal being a Manzi Construction Company (phonetic) or Manzi Construction, Inc. The last is 1994 Soundview Golf, Inc. who is the owner of the property or the developer.

With respect to that letter of credit which is letter of credit #950717, in the amount of \$112,000, that's the letter of credit that's reflected for the road and drainage improvements of Section 3. That I do have a signed letter of credit which was delivered to my office today by Mr. Elliot of Soundview Golf.

There are two signed letter of credits that are still in possession of Suffolk County National Bank. Those reflect the park and recreational fees and the Water District (inaudible) money fees and those are drawn in the order of Manzi Construction who is-- I only know this on hearsay. I don't have any direct knowledge, either contract vendee or the party who has already purchased Section 3 which consists of nine lots and those are in the amounts of \$18,000 and \$22,500 for the park and recreation fees and Water District fees respectively.

So I just-- that's what I believe is the situation with the letter of credits and I just want to make that correction."

Deputy Supervisor Stark: "Thank you."

The Vote (Cont'd.): Creighton.

Councilman Creighton: "I note that both of those letters of credit are accepted subject to conditions and with that explanation, I vote yes."

The Vote (Cont'd.): Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #525

Councilman Creighton: "This approves the temporary sign application for Ken Zahler. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #526

Councilwoman Gilliam: "Forms final environmental impact statement upon the change of zone and special permit petition of Stanley Langer and Associates. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #527

Councilman Prusinowski: "Appoints computer mapping specialist, Stark Heppner. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #528

Deputy Supervisor Stark: "This is a budget adjustment. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #529

Councilman Creighton: "This is a budget adoption for the Howell Avenue/Brook Street project acquisition for a lot. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #530

Councilwoman Gilliam: "Buildings and Grounds capital project budget adjustment. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

Resolution #531

Councilman Prusinowski: "Highway Fund budget adjustment. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski, yes; Stark, yes. The Resolution is adopted.

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

Councilman Creighton: "So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Any discussion? All those in favor?"

The Vote: "Aye."

Deputy Supervisor Stark: "Opposed? Motion carried. What's the next one, 533."

I bring off the floor, approves the special permit off premise sign 889 Harrison Avenue. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Prusinowski?

Councilman Prusinowski: "Normally I wouldn't have an objection to this but as Richie knows, I was very upset when the lot next door was cleared through an interpretation of our Town code, and it's laying there now barren and brown and the deal that he had previously fell through. And I remember casting the deciding vote. I only won the election by 15 votes and I casted the deciding vote on the Taco Bell piece when the Town Board was deadlocked and saved him a lot of money. And I do not appreciate going out on the advice of his attorney and clearing that lot without our explicit permission which, I believe, was proper under the Town code. I vote no."

The Vote (Cont'd.): Stark.

Deputy Supervisor Stark: "This was recommended by the Planning Board? Did I hear you say that this-- Yes."

Resolution #534

Deputy Supervisor Stark: "Amends site plan of Charles R. Hoeg. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "I just have a question on the Resolution. There is a condition that there be a removal of the willow. Is that was that part of the site plan?"

Rick Hanley: "I think it's part of the amendment. There's a schematic problem with the original site plan that requires the removal of that, that three."

Deputy Supervisor Stark: "I believe Brenda at the work session told us that neighbors were in favor of it, too."

Rick Hanley: "Yes."

Councilman Prusinowski: "This guy called me-- at one point they thought it was an historic tree, but it was not. They checked it out. There was some concern that there was some historic significance to the tree, but after they did some research, it's not."

Rick Hanley: "The approval would remove that tree. The amendment."

Councilwoman Gilliam: "I'm going to abstain because I really don't have an indication as to feelings of residents about the removal of the tree."

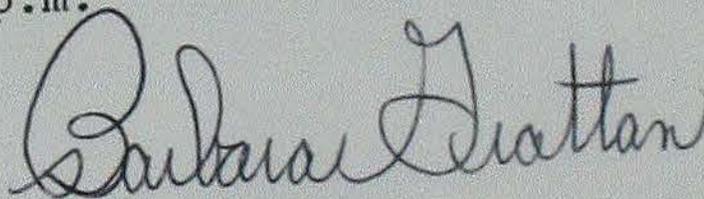
The Vote (Cont'd.): Creighton, yes; Prusinowski, yes; Stark.

Deputy Supervisor Stark: "At the work session, it was brought to attention that the surrounding residents were in favor of the tree being removed as being diseased and what have you. I vote yes."

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

Deputy Supervisor Stark: "Without any objection, I declare this meeting adjourned."

Meeting adourned: 9:12 p.m.



TOWN CLERK