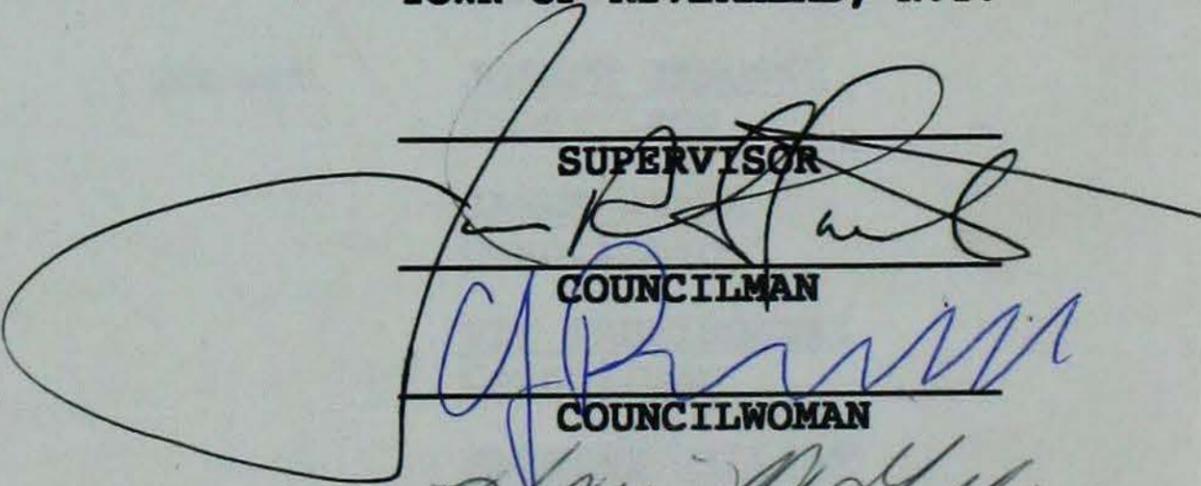


WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the Undersigned, being all members of the Town Board of Town of Riverhead, Suffolk County and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York, at 5:00 P.M. on the 8th day of September 1994, and do consent to the holding of such meeting for the purpose of:

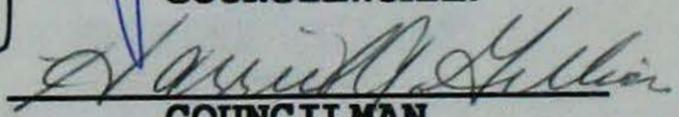
1. APPOINTS LABORER TO THE REFUSE AND GARBAGE DEPT.
2. APPOINTS RECREATION AIDE TO THE RIVERHEAD RECREATION DEPARTMENT.
3. A RESOLUTION CONFIRMING THE INTENTION OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PROVIDE, OR TO CAUSE TO BE PROVIDED, PARKING FACILITIES FOR VISITORS TO THE OKEANOS AQUARIUM OF LONG ISLAND.
4. APPROVES SITE PLAN OF PRIORITY NURSERY & GARDEN CENTER.

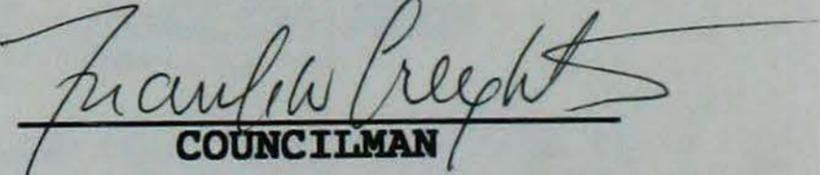
DATED:

TOWN BOARD MEMBERS,  
TOWN OF RIVERHEAD, N.Y.

 \_\_\_\_\_  
 SUPERVISOR

 \_\_\_\_\_  
 COUNCILMAN

 \_\_\_\_\_  
 COUNCILWOMAN


 \_\_\_\_\_  
 COUNCILMAN


 \_\_\_\_\_  
 COUNCILMAN

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The Special Board Meeting was called to order by Deputy Supervisor Stark at 5:30 p.m.

**Present:** Deputy Supervisor-James Stark  
 Councilman-Victor Prusinowski  
 Councilman-Francis Creighton  
 Councilwoman-Harriet Gilliam

Town Clerk-Barbara Grattan  
 Town Attorney-Robert Kozakiewicz

**Absent:** Supervisor-Joseph Janoski

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

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1. APPOINTS LABORER TO THE REFUSE AND GARBAGE DEPARTMENT.
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4. APPROVES SITE PLAN OF PRIORITY NURSERY & GARDEN CENTER.

Dated:

TOWN BOARD MEMBERS  
 TOWN OF RIVERHEAD, N.Y.

**Absent**

JOSEPH JANOSKI  
 Supervisor

JAMES STARK  
 Councilman

VIC PRUSINOWSKI  
 Councilman

HARRIET GILLIAM  
 Councilwoman

FRANK CREIGHTON  
 Councilman

Deputy Supervisor Stark- "Let the record show that the time of 5:30 has arrived for the purpose of addressing four resolutions and a

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waiver of notice has been signed by the four present councilpeople and we have Resolution No. 642 which inadvertently was overlooked the other night, if the board would so permit that the resolution appointing the laborer to the garbage.

**RES. NO. 642 APPOINTS LABORER TO THE REFUSE AND GARBAGE DEPARTMENT**

COUNCILMAN PRUSINOWSKI offered the resolution which was seconded by COUNCILWOMAN GILLIAM.

The vote, Gilliam, yes, Creighton, yes, Prusinowski, yes, and Stark, yes.

The resolution was declared duly adopted.

Deputy Supervisor Stark- "Also, inadvertently overlooking the part-time or temporary or what do you call it for the recreation department, appoints a recreation aide, Karen Gadzinski.

**RES. NO. 643 APPOINTS RECREATION AIDE TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN CREIGHTON offered the resolution, which was seconded by COUNCILMAN PRUSINOWSKI.

The vote, Gilliam, yes, Creighton, yes, Prusinowski, yes, and Stark, yes.

The resolution was declared adopted.

Deputy Supervisor Stark- "All right, why don't we again we'll make this 644, this approves the site plan of Priority Nursery & Garden Center which was supposed to have been presented in our packet Tuesday night, but because Rick was busy doing a lot of other things, he's finally done it, it's the one we approved at the Work Session and is there a motion to approve.

**RES. NO. 644 APPROVES SITE PLAN OF PRIORITY NURSERY & GARDEN CENTER**

COUNCILMAN PRUSINOWSKI offered the resolution, which was seconded by COUNCILMAN CREIGHTON.

Councilwoman Gilliam- "I have a question on the resolution. Is the language in here about giving the assurances that the build-out will only be used for nursery purposes? I know we talked about that,

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if they ever build-out (inaudible) . . . I would like to offer an amendment . . ."

Deputy Supervisor Stark- "Do you want to make it Condition No. 22?"

Councilwoman Gilliam- ". . . that in consideration of the site plan approval the owner, their successors or assigns hereby agrees and covenants that any future build-out of this development will be of a use consistent with the use for which the site plan was approved that being a nursery and garden center use.

Peter Danowski- I guess my only comment is that (inaudible)

Councilman Prusinowski- "and amend the site plan

Peter Danowski- "Right, so the covenant in perpetuity that will have to do with anything other than a nursery and garden center (inaudible) covenant that will not use this for anything other than a nursery and garden center without coming back to the Town Board for any further approval (inaudible). I have to come back to the Town Board to get any other use other than what's being permitted by the site plan (inaudible)."

Councilwoman Gilliam- "No, I don't guess so, it's just that the representation was made the other day that in the event the business is successful that there would be further build-out development and that it would be of the nursery, garden center use."

Peter Danowski- "I think that part is approved, but what I don't want to do is to say . . ."

Councilwoman Gilliam- "Well, if there was a successor and that person wanted to use it for another use they would come back anyway."

Peter Danowski- "I think you could say then, based upon your wording, 'sorry fella, we've made the prior owner covenant that this property could never be used for any other use besides a nursery and garden center, and you might be able to succeed if your wording was put on the covenant. All I'm saying is I'm agreeing with you, and my client will only have permission from this Town Board to do a nursery and garden center for this site plan whether it's the initial build-out or the later build-out" (inaudible).

Councilwoman Gilliam- "Well, can I offer a compromise then that if there is a covenant put in there for purposes of approving the site plan, the owners, successors and the assigns agree the covenant to not have any other use than that permitted under the site plan in terms of a nursery and garden center and any future use that would not be inconsistent with the Wading River Hamlet Study."

Peter Danowski- That's fine, you could say Zoning Ordinance of the Town of Riverhead, I think. I actually think that's more official than a Study. That's fine."

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Councilwoman Gilliam- "Well, we can put both in."

Peter Danowski- "O.K."

Deputy Supervisor Stark- (inaudible) "would you jot that down" (inaudible).

Councilwoman Gilliam- "O.K."

COUNCILWOMAN GILLIAM offered the resolution to be amended, and COUNCILMAN PRUSINOWSKI seconded the amendment.

Deputy Supervisor Stark- "Any discussion on the amendment? Call the roll on Resolution."

Councilman Creighton- "We gotta vote on the amendment."

Deputy Supervisor Stark- "As amended."

Town Clerk Grattan- "As amended." (inaudible). O.K., this is on the amendment, correct?

The vote on the amendment, Gilliam, yes, Creighton, yes, Prusinowski, yes, Deputy Supervisor Stark, yes.

Deputy Supervisor Stark- Now, would you call the roll on the resolution, as amended."

Councilman Creighton- "You are absolutely correct." (inaudible)

The vote on the Resolution as amended, Gilliam, yes, Creighton, yes, Prusinowski, yes, Stark, yes.

Peter Danowski- "Thank you. I had also mentioned to Rick Hanley the other afternoon before the Town Board meeting that I happened to spin through the Resolutions at 4:30 and I pointed out on Latham the (inaudible) you had on the other night to approve the special permit . . ."

Deputy Supervisor Stark- "Peter, you have been very successful here today . . . Good night."

Peter Danowski- ". . . What I'm saying is . . ."

Deputy Supervisor Stark- "Good night."

Peter Danowski- ". . . the word 'site plan' wasn't added to the Resolution and so Rick agreed that it should have included the word 'site plan', so I don't have a site plan approval for Latham."

Councilman Prusinowski- "So you want us to amend the resolution?"



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Town Clerk Grattan- ". . . No, this Resolution is wrong, the numbers, these guys are wrong . . ."

Deputy Supervisor Stark- ". . . We'll rendezvous in a little while . . ."

Town Clerk Grattan- "I don't know the number. (inaudible)"

RES. NO. 645      A RESOLUTION CONFIRMING THE INTENTION OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PROVIDE OR TO CAUSE TO BE PROVIDED, PARKING FACILITIES FOR VISITORS TO THE OKEANOS AQUARIUM OF LONG ISLAND

(DISCUSSION FOLLOWED ON ABOVE RESOLUTION)

COUNCILMAN CREIGHTON offered the resolution, which was seconded by COUNCILWOMAN GILLIAM.

Deputy Supervisor Stark- "Alright we have Resolution No. 645, which was gone over by bond counsel which simply states that we are reaffirming our commitment to establishing 600 parking spaces for the purpose of Okeanos when they are open by May 1, 1997, which allows us a period of time now to examine existing parking, ground level parking, parking garage, which gives us some options rather than just going ahead with the garage. Any discussion on the Resolution?"

Councilwoman Gilliam- "Yeah, Section 1 of the . . ."

Deputy Supervisor Stark- "Jack, you want to come over here please."

Councilwoman Gilliam- ". . . Maybe it's just a matter of construction, not parking construction (inaudible)"

Deputy Supervisor Stark- "Where are you in that paragraph?"

Councilwoman Gilliam- "Towards the end of the paragraph . . ."

Deputy Supervisor Stark- "The construction of a new on-grade parking facility for the construction of a new at grade . . ."

Councilwoman Gilliam- "Right."

Deputy Supervisor Stark- "Deriving such parkings for private enterprises, providing such parking is by a public authority or by a public benefit corporation or any combination thereof. I guess he's trying to cover (both Stark and Gilliam talking at the same time)."

Councilwoman Gilliam- "Right, but my question is the phrase "or any combination thereof" refers to the financing or funding mechanism or does it also refer to the various options as to the type of facility or type of parking lot."

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Jack Hansen- "I believe it's a combination of all parking facilities . . ."

Councilman Prusinowski- "Yeah, it's encompassing for everything, so he's just trying to just capture every possible scenario we can come up with, so that it can't be misinterpreted . . ."

Jack Hansen- "And he can't add anything more."

Councilman Prusinowski- "Right."

Councilwoman Gilliam- "I would think just to make it a little clearer, there should be an "or" in there after . . . after "stretching of at new grade parking facilities or the construction of new above-grade parking facilities. . ."

Jack Hansen- "Oh, I see, putting a couple of words in there."

Councilwoman Gilliam- "Yeah, to make sure."

Deputy Supervisor Stark- "Right here, 'or the construction of'"  
(inaudible)

Councilwoman Gilliam- "Right . . . no . . . yeah, I'm sorry that's the one, yeah, stick "or" in there, please."

Councilman Prusinowski- "We don't have to have an amendment for that . . ."

Deputy Supervisor Stark- "No, we'll do this (inaudible). O.K. any other discussion on this?"

Councilwoman Gilliam- "The other thing that I had, I don't know if you want to put any sort of \_\_\_\_\_ order condition in there about after you talk about the various possibilities, language such as - as maybe economically and environmentally feasible . . ."

Deputy Supervisor Stark- "At the end?"

Councilwoman Gilliam- "At the end of the listing of the . . ."

Deputy Supervisor Stark- "or any combination thereof, and what do you want in there after that?"

Councilman Prusinowski- "I don't know if you want that language, that kind of softens the - our intent."

Jack Hansen- "(inaudible) municipal bonds."

Jack Hansen- "Yeah, we gotta sell bonds, because that may look like you may not want to do it if it comes out that it's too expensive. This is what you're saying is (inaudible)"

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Deputy Supervisor Stark- "This resolution is allowing us to fulfill our obligations to the bond prospectus but also giving us a bang-up time to analyze all of the (inaudible) and we are gonna have to have other public hearings on this when we finally make the determination and it could ultimately end up that we're right back to a parking garage, or it may ultimately end up somewhere else, although we will certainly investigate it thoroughly, and that's what it is."

Councilman Prusinowski- "This resolution is going to be attached in the prospectus, right."

Jack Hansen- "We wrote the Resolution last night and presented it this morning with Los Angeles or San Diego, I guess the guy was, today, in New York and here and the whole world, talks to me about, o.k., how do we get (inaudible) from taking a \$5,000,000 structure out of the bond prospectus and putting something in that guarantees parking garage if they can't sell bonds if there's no parking commitment from the Town and that's what this Resolution is attempting to show the bond holder or the investor that yes the Town Board is committed to providing parking."

Deputy Supervisor Stark- "And it's our responsibility after this to research and make a determination . . ."

Jack Hansen- "As to which one it's going to be."

Deputy Supervisor Stark- "Yup"

Jack Hansen- "We're just being committed to doing something."

Deputy Supervisor Stark- "Yup . . . O.K."

Councilman Prusinowski- "Is there a motion - Do you want to say something Barry, I'm sorry?"

Deputy Supervisor Stark- "Yes, Barry, we're on record so if you wouldn't mind just coming up here so we can record it."

Barry Barth- "I wondered if the resolution had a dollar amount not to exceed or . . ."

Councilman Prusinowski- "No."

Barry Barth- "A minimum dollar amount."

Councilman Prusinowski- "No dollar amount."

Deputy Supervisor Stark- "No dollar amounts at all."

Barry Barth- "That's not going to be a critical requirement? (inaudible)."

Jack Hansen- "(inaudible) to have a dollar amount, to have a public meeting and then say we can do it, and that's the reason why there's no dollar amount in there."

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Barry Barth- "O.K."

Councilman Creighton- "We're still gonna have to do a bonding resolution at some point and time."

Deputy Supervisor Stark- "Some point and time, and we're also gonna have to a public hearing."

Councilman Prusinowski- "This is the language that's been approved by all the guys putting together the prospectus. (inaudible)"

Barry Barth- "That's fine, I just"

Councilman Prusinowski- "But they need this in there 'cause they're gonna attach the resolution to a spot in the back of the book (inaudible) right, 'cause there's an actual place in the back of the book where there gonna put this resolution."

Jack Hansen- "It will be in the bond prospectus. The verbiage is going to be in there saying that you are permitted"

Barry Barth- "O.K." (inaudible)

Councilwoman Gilliam- "Also, Jack, is it necessary to indicate that this will be fee parking for purposes of the"

Jack Hansen- "The bond, Paine-Webber is especially concerned in the fact that you have to put in bond prospectus what the parking is going to cost, the fee you come up with."

Councilwoman Gilliam- "No, I mean in terms of this resolution, I don't think it identifies it as being fee parking."

Jack Hansen- "The bond prospectus says it."

Councilwoman Gilliam- "O.K. (inaudible) in support of the bond prospectus with this resolution, or should the resolution identify"

Jack Hansen- "They were very happy with the way that was worded."

Councilwoman Gilliam- "O.K."

THE VOTE, Gilliam, yes, Creighton, yes, Prusinowski, yes, Stark, yes.

Town Clerk Grattan- This resolution's adopted.

Deputy Supervisor Stark- "Any other business brought before this Board before we adjourn? Let the record show we adjourned at 5:50 p.m. (inaudible) Thank you, Barbara, for your (end of tape)."

*Barbara Grattan  
Town Clerk*