

## SPECIAL BOARD MEETING

JUNE 10, 1994  
11:00 AM

**PRESENT:** Supervisor-Joseph Janoski  
Deputy Supervisor-James Stark  
Councilman-Victor Prusinowski  
Councilman-Frank Creighton  
Councilwoman-Harriet Gilliam

Town Clerk-Barbara Grattan  
Town Attorney-Robert F. Kozakiewicz

The Special Board Meeting was called to order by Supervisor Janoski at 11:00 am

**RESOLUTION #434 - APPROVES THE APPROPRIATION AND PAYMENT OF FUNDS FOR THE PREPARATION OF A PLAN FOR THE FORMATION OF PECONIC COUNTY**

Supervisor Janoski: "I don't know what the number is on this resolution."

Deputy Supervisor Stark: "You got a number?"

Barbara Grattan: "No I don't. I can't remember what it is."

Supervisor Janoski: "Is there a motion on that resolution?"

Deputy Sup. Stark: offered the resolution which was seconded by Councilman Prusinowski.

Councilman Creighton: "Discussion please. I don't see a budget transfer in here to identify where the money is coming from. I understand that there were some private people who were interested in contributing to this, but I guess that hasn't materialized."

Councilman Prusinowski: "I would only know what I saw in the paper. It was my understanding that we were going to take this out of the appropriated fund balance."

Councilman Creighton: "That's what I heard and I hate to see it dip into that if we don't have to. Joe, do you have some funds in the Supervisor's office that haven't been expended?"

Deputy Sup. Stark: "We've been dipping into the fund balance for quite a while Mr. Creighton, and I have to say that this is not worth coming out of the fund balance and I think that is a little hypocritical."

Councilman Prusinowski: "Didn't we do something the other night for the Task Force?"

Jack Hansen: "Yes, for \$500.00."

Councilman Prusinowski: "Do you have that number so I can (inaudible)"

Councilman Creighton: "Where's that?"

Councilman Prusinowski: "Do we have enough in litigation?"

Jack Hansen: "Yes."

Councilman Creighton: "Do we have to do a resolution to the do a Budget Transfer?"

Councilman Prusinowski: "Budget transfer right now so I can get those numbers, so we can do another resolution."

Jack Hansen: (inaudible)

Councilman Prusinowski: "Okay. So why don't you give me those numbers and we'll do up a quick resolution here so we can reform the budget so the bill can be paid."

Jack Hansen: (Inaudible)

Councilman Prusinowski: "No. The account number."

Deputy Sup. Stark: "He wants an account number to set up a resolution to transfer the funds out of litigation and establish a fund balance to..."

Jack Hansen: "Do you want to create a separate account complying with this?"

Deputy Sup. Stark: "No. He wants to transfer money somewhere in order to pay this bill."

Councilman Prusinowski: "Right. I want to take it out of litigation."

Jack Hansen: "You can bill directly out of litigation."

Councilman Prusinowski: "Right. So then we won't have..."

Jack Hansen: "So then you don't have to do a transfer. You can (inaudible) Litigations, Appraisals and Recordings. That's the name of the account."

Councilman Prusinowski: "Okay."

Deputy Sup. Stark: "Any questions (inaudible)."

Councilman Prusinowski: "And what is it? Litigations, Appraisals..."

Jack Hansen: "Litigations, Appraisals and Recordings."

Councilman Prusinowski: "So then I guess we have to amend this resolution saying..."

Supervisor Janoski: "Saying that we don't have to do a transfer."

Jack Hansen: "No, we don't have to do a transfer."

Supervisor Janoski: "If you want to amend it to indicate where the money is coming from, that's fine."

Councilman Prusinowski: "And we'll charge..."

Councilman Creighton: "Just say amount out of litigation."

Councilman Prusinowski: "Right, and for the 11,000 dollars to be charged against Litigations, Appraisals, and Recordings. I make that motion to amend."

Deputy Sup. Stark: "Second."

Supervisor Janoski: "Motion to amend is moved and seconded."

The Vote:

Councilwoman Gilliam: "No. It's neither a litigation, appraisal, or a recording."

Councilman Creighton: "No. It should come out of the Supervisor's budget. We have excess funds in there."

Stark, yes, Prusinowski, yes, Janoski, yes.

The resolution to amend was thereupon declared duly adopted.

Supervisor Janoski: "Any more further discussion?"

Councilwoman Gilliam: There is a question in the audience.

Supervisor Janoski: "Well, this is an unusual, but ask the question George."

George Schmelzer: "Why is this discussed today and not Tuesday? You must have known if (inaudible) you can't put it in the paper the same day it gets published. Why?"

Supervisor Janoski: "Because there is a split of opinion on the board. There is a split of opinion on the board and my presence is necessary."

George Schmelzer: "You couldn't come Tuesday?"

Supervisor Janoski: "You're right George."

George Schmelzer: "But you could come today."

Supervisor Janoski: "Well, we'll have a long discussion about that someday if you'd like. Is that your question?"

George Schmelzer: "That was the first part. How come you're here today even when you're sick?"

Supervisor Janoski: "I'm calling the role on this question."

George Schmelzer: "I've got another question."

Supervisor Janoski: "George, you're out of order."

George Schmelzer: "I'm not out of order. You're out of order."

Supervisor Janoski: "George, we are having a meeting here."

George Schmelzer: "Don't call me out of order. You've been out of order for a couple of days yourself."

#### The Vote:

Councilwoman Gilliam: "I'm voting no because I've talked to various people in the town and while there may be some concern about doing a study of Peconic County, I did not get a sense that it would be appropriate to spend the tax payers money to do so. I think if it's a question or concern about the Supervisor saving face in terms of the other towns, that we should be more concerned about saving tax payers dollars rather than saving face and there have been studies done in the past about this and if they're private entities or academic institutions who wish to study this, I think it can be handled that way rather than using tax payers money that could be used for other much needed purposes in the town, so I vote no."

Councilman Creighton: "I have expressed my judgement which is very similar to what Harriet has expressed, on this in the past; however, and I was hopeful that the private individual who said to someone that they would pay for this would come forward and do it and that we could find funding outside the tax payers' pocket to do this study, which, apparently, has been done several times before years ago. So, while I do not feel that this will produce much more than a recommendation to do further studies, I

realize that the Supervisor has made a commitment to the other supervisors and I have not received any expressions of concern from the public of Riverhead about spending this money. Therefore, in deference to the Supervisor will vote yes on this resolution."

Councilman Stark: "Yes."

Councilman Prusinowski: "There was a study done in '81 and although I am sceptical of the tax benefits, (inaudible) after reading the RFP, which was very well put together by the way, some of my specific concerns will be specifically addressed in the study so I think it is worth the \$11,000 dollars, so I vote yes."

Supervisor Janoski: "Yes."

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Mr. Stark, I turn the meeting back over to you."

Deputy Supervisor Stark: "Thank you Mr. Supervisor."

Supervisor Janoski: "See you George."

NOTE: AT THIS TIME, THE SUPERVISOR EXCUSED HIMSELF FROM THE MEETING.

Deputy Sup. Stark: "What are these other resolutions?"

Barbara Grattan: "Excuse me."

Deputy Sup. Stark: "What are these other resolutions?"

Barbara Grattan: "These have got the wrong date on them, Jim."

Deputy Sup. Stark: "Okay."

Barbara Grattan: "It says June 25th and it's supposed to be June 24th. I was looking at a May calendar."

Councilman Creighton: "You're right George, this could have taken place Tuesday night."

Barbara Grattan: "June 25th is on a Saturday."

Councilman Creighton: "Without Joe."

Deputy Supervisor Stark: "Jack. We have a P.A.L. Budget adjustment here."

Jack Hansen: "The P.A.L. wants to start a softball, baseball program for kids 13 to 17, somewhere in that neighborhood. They believe that donations, registrations (inaudible)."

Deputy Sup. Stark: "You got numbers for use so we can put numbers on these resolutions?"

Barbara Grattan: "I'll give you numbers, give me just a minute."

Deputy Sup. Stark: "Just get the last number and then we'll number them."

Councilman Prusinowski: "Since we've got more than one resolution, the Riverhead Townscape people are trying to resolve a situation where their attorney is concerned that they're not covered by director's insurance with the town. Apparently there was a resolution passed in the seventies, we're having a hard time finding it, so I would like to, after we are done with these resolutions, to call from the floor a resolution, that would authorize the Town Attorney and the Town Accountant to add them to a director's policy. I have the specific names here if nobody objects. Frank... speech, this Townscape thing. Did you hear what I said? No? Okay. Riverhead Townscape..."

Barbara Grattan: "That's the next number."

Councilman Prusinowski: "in the seventies, the director was covered by our General Director's Liability coverage. They can't seem to..."

Barbara Grattan: "Resolution 434."

Deputy Sup, Stark: "434."

Councilman Prusinowski: "find the resolution Marsha Heffner, their attorney, is concerned, they want some documentation from the board, because they've got some concerns on the way and the (inaudible) and I just want to redo another from the floor that authorizes Jack and the Town Attorney to get them on the Director's insurance so that they're covered, because they're starting the concerts tonight and they're very concerned about it so..."

RESOLUTIONS #435, 436, 437, 438 - AUTHORIZES THE  
RATIFICATION OF RESOLUTION  
383, 384, 392, 393 AS  
AMENDED

Deputy Sup. Stark: "Alright. We have, I'm sorry. For your own information the Resolution Number for the Peconic is 434, if you want to write that down. The authorization and ratification of resolution 383, same on 384, same on 392, same on 393, is there anybody that would like to move them as a whole?"

Councilman Creighton offered the Resolution #435, #436, #437 and #438 which was seconded by Councilman Prusinowski.

The Vote: Gilliam, yes, Creighton, yes, Prusinowski, yes, Stark, yes. 4 yes.

Barbara Grattan: "These resolutions are adopted."

#### RESOLUTION #439 - P.A.L. BUDGET ADJUSTMENT

DEPUTY SUP. STARK: "Is there a motion to move?"

Councilman Prusinowski offered the resolution which was seconded by Councilman Gilliam.

The Vote: Gilliam, yes, Creighton, yes, Prusinowski, yes, Stark, yes. 4 yes.

The resolution was thereupon declared duly adopted.

Councilman Prusinowski: "Alright, I would like to move, oh, sorry, sorry..."

Deputy Sup. Stark: "Coming to you. Mr. Prusinowski, do you have a motion you would like to, a resolution you would like to move off the floor?"

Councilman Prusinowski: "Yes. Resolution 440 which would authorize the Deputy Supervisor, Town Attorney and the Town Accountant to take whatever steps are necessary to place the directors of the Riverhead Townscape, Inc. which I have attached to this resolution to our General Liability Director's Insurance Policy. So moved."

Deputy Sup. Stark: "Seconded. Moved and seconded."

Councilwoman Gilliam: "Question."

Deputy Sup. Stark: "Discussion?"

Councilwoman Gilliam: "Is there an additional cost to this?"

Jack Hansen: "Yeah, there'll be an additional cost."

Councilman Prusinowski: "Yeah, there will be an additional cost."

Councilwoman Gilliam: "Of what?"

Jack Hansen: "For the record, I haven't gotten it quoted yet."

Councilwoman Gilliam: "Do you have a ball park range."

Jack Hansen: "I couldn't begin to tell you what the price is. I called Gallagher and it's not covered under our policy. They're not employees, so therefore, I have an application on my desk."

Unknown: (inaudible)

Councilman Prusinowski: "Well we've always covered. I know in the seventies I, we had passed a resolution..."

Jack Hansen: "You had past a resolution, and I haven't been able to locate it yet, and it indemnified employees involved in groups and in 1989, I believe, you also past a resolution codifying that, but you only codified it with town employees involved. So, we're trying to find that first resolution."

Barbara Grattan: "Jack, we went back all the way to 1986 and we could not find anything."

Jack Hansen: "Okay. I remember it and I remember, they had, this was when Rob Pike was on the board, because we had done Police negotiations because they had asked for it to be codified and the Town Board complied with that request, but prior to that I think they were named in that resolution, the first resolution, if we ever find it."

Councilwoman Gilliam: "In light of Jack's comments, I move to table this until we at least know what we're committing to in terms of dollar figures."

Councilman Prusinowski: "Well, the concerts are starting tonight and unless we just pass a resolution that extends..."

Councilman Creighton: "There is an alternative."

Councilman Prusinowski: "That extends general liability or something."

Councilman Creighton: "There is an alternative to authorize it on a self insurance basis until we get a premium established."

Jack Hansen: "As we had done in that first resolution."

Councilman Creighton: "It's a cap that we have been without for five years anyway that we're paying the premiums for."

Jack Hansen: "So you can have it just under the self insurance part of it."

Councilman Prusinowski: "So we'll authorize that."

Councilwoman Gilliam: "I won't withdraw my motion to table."

Councilman Prusinowski: "So that will be, the resolution then will be to authorize the town to... say it again Frank."

Councilman Creighton: "To extend the..."

Deputy Sup. Stark: "It would be indemnifying out of the self insurance fund."

Councilman Prusinowski: "For individuals that are on this piece of paper."

Councilman Creighton: "Until such time as we can get it incorporated under the cap program."

Councilman Prusinowski: "Okay."

Jack Hansen: "We'll do, okay, that solves everything."

Deputy Sup. Stark: "Moved and seconded. Call the role please. Any other discussion?"

The Vote: Gilliam, yes, Creighton, yes, Prusinowski, yes, Stark, yes. 4 yes.

The resolution was thereupon declared duly adopted.

#### RESOLUTION #441 - ACCEPTS PROPERTIES FROM SUFFOLK COUNTY

Councilman Creighton: "I've been informed that we've been working on satisfying the county with information so that they can pass a resolution in the legislature to transfer the properties that Judge Bellford's Inn and the adjacent properties to the Town of Riverhead. They're prepared, as I understand, in the legislature, to waive the back taxes on it, providing the Town of Riverhead agrees to cover the... to satisfy whatever outstanding mortgage obligations exist, which, of course, would be negotiated by the Town with each mortgage holder to the extent there is residual mortgages. Best research on that indicates that this obligation would not exceed \$100,000 and it will probably be substantially less. I'm informed that they need something from us, by Monday, in order for this not to drop out

of the committee system and be put on the back burner or not considered this year. Therefore, I would move that the Town Board authorize a resolution which essentially says that the Town is prepared if the County waives back taxes, to accept responsibility for satisfaction of the existing or outstanding mortgages up to an amount not to exceed \$100,000 dollars and that the staff be directed to send that resolution to the county today. So moved."

Councilwoman Gilliam: "Seconded."

Deputy Supervisor Stark: "Are you going to bond that?"

Councilman Creighton: "Pardon me?"

Deputy Sup. Stark: "Are you going to bond the money you going to spend?"

Councilman Creighton: "If we have to. We can't do it now because we don't know the amount involved."

Deputy Sup. Stark: "Not much different then the last resolution is it? Have you got anything on that yet Bobby?"

Robert Kozakiewicz: "There are three mortgages."

Councilman Creighton: "Except for the return for the Town. They would be much more substantial and it's much more visible to get that mess taken care of up on Osborne Ave."

Deputy Sup. Stark: "Have you got any more information on your research on it?"

Robert Kozakiewicz: "There are three mortgage holders, two of them I have been unable to locate by the records (inaudible), the third however, I have spoken to the son of the mortgage holder, who has power of attorney, and based on our conversation, the principle sum on that mortgage was \$59,000. It has not been paid since 1991, so there is additional interest, however he has indicated that he, based upon the fact that he has heard from somebody, people who negotiated to possibly waive that interest, some or all of it."

Deputy Sup. Stark: "What is the total amount of the interest?"

Robert Kozakiewicz: "With respect to the mortgage?"

Deputy Sup. Stark: "To the \$59,000."

Robert Kozakiewicz: "14."

Deputy Sup. Stark: "So 73?"

Robert Kozakiewicz: "73 right."

Deputy Sup. Stark: "And there's two other mortgages?"

Robert Kozakiewicz: "Two other. One for 20 and 22,000."

Deputy Sup. Stark: "93 and how much?"

Robert Kozakiewicz: "Let me look again. We had no contact by either one of them."

Deputy Sup. Stark: "Yeah, but you had a 22,000 mortgage, 20,000..."

Robert Kozakiewicz: "Correct."

Deputy Supervisor Stark: "Plus 73 is a 113. Did I add that correctly?"

Robert Kozakiewicz: "Yes."

Deputy Sup. Stark: "Plus any outstanding interest on the other two mortgages."

Robert Kozakiewicz: "Which if there were any would have been paid by (inaudible)."

Deputy Sup. Stark: "You don't know that?"

Robert Kozakiewicz: "I don't know that definitively, but I do know that with respect to the other mortgages paid until 1991, and they were all given around the same time in 81."

Deputy Sup. Stark: "But in fact, you could have liens, of mortgage and interest that could exceed \$130,000. Is that possible?"

Robert Kozakiewicz: "Highly unlikely."

Councilman Creighton: "The commitment the county has asked for is up to \$97,000 dollars and speaking to Mr. Kozakiewicz, he has informed me that if we commit up to \$100,000 to do this, it should cover it, based on his best judgement and legal research. It should."

Deputy Sup. Stark: "Or could, or would."

Councilman Prusinowski: "Let's call the role. I have to get back to work."

Councilman Creighton: "We have an opportunity here to receive that property that's been a blight on the town for years now. If it costs us \$100,000 then it's certainly well worth it. The bond for that would cost a lot less on an annual basis than the money we just committed to the study of Peconic County."

George Schmelzer: "Can I ask a question please?"

Deputy Sup. Stark: "Not at this particular moment George."

George Schmelzer: "Why not?"

Deputy Sup. Stark: "Not at this particular moment because we are on a discussion of a resolution and we have a resolution that has been moved and seconded."

Councilman Prusinowski: "And I called the question."

Councilman Creighton: "May I call role call please?"

The Vote: Gilliam, yes, Creighton, yes, Prusinowski, yes.

Deputy Sup. Stark: "At this particular time I would vote no because there is not definitive or definite amount of liens on this. I do agree that this has been a blight on the Town, but at this particular time I just can't make a commitment all the way. No."

The Vote: 3 yes, 1 no

The resolution was thereupon declared duly adopted.

Councilwoman Gilliam: "Deputy Sup. there was a resolution moved from the floor Tuesday night with respect to taking actions on conditions of Grangeble Park and included in the resolution was language such that, that matter would be discussed today in terms of an update and to what has transpired since Tuesday night's Board meeting. Request that a report be given as to what has happened."

Deputy Sup. Stark: "I met yesterday with the Town Engineer and the firm of Young & Young. We discussed it at quite a length, for about an hour at which then, Howie, and Tom Wolpert and Kenny proceeded to Grangeble Park to start the investigation, their research on it, whatever you want to call it. They probably will be back to me, sometime middle of next week. I told them to be prepared to make a report at the June 20 work session."

Councilman Creighton: "We have a... the Merchant's Association has been asked to assist the Boy Scouts in providing productive projects for them to work towards their eagle scouts badges and it's been suggested that perhaps the construction of the boxes to contain the safety ropes and the lifesaving ropes might be a good project for the scouts and I believe that the Merchants are going to contact you, Harriet, because I think that you worked with the Scouts on this. It was suggested that we have the schools do this as part of a shop project or something like that. Unfortunately, we can't tell the school what to do

because they are a separate Board of Directors and so forth. This might just be a good project for the Eagle Scouts to get something like that done quickly and I believe they will be contacting you do pursue that."

Deputy Sup. Stark: "If there is no other business... "

Councilwoman Gilliam: "One question from Mr. Hill."

Michael Hill: "You said the engineers are supposed to get back to you on June 20th?"

Deputy Sup. Stark: "I told them to be prepared to come back with a preliminary report on June 20th."

Michael Hill: "Would it be possible for them to have couple of answers, like, right now, is that park considered safe according to the Town Code?"

Deputy Sup. Stark: "What was that again Michael?"

Michael Hill: "Would the engineers be prepared at that time to say that, at this time, at this date, right now, is the park safe. Is the structures in the park safe according to the Town Code? The Town, I presume, has certain codes as to structures of the park, the bulkheads, the bridges, the walk ways, anything like that. Would that be correct for me to assume that? That there are Town Codes regulating the structural part of the property?"

Deputy Sup. Stark: "You got me. That would be a good question for the Building Department to answer."

Michael Hill: "That's what I would like as part of the information that the engineers are (inaudible)."

Deputy Sup. Stark: "Well Michael, I have asked the firm of Young & Young, the Town Engineer along with the Town Attorney. I am reacting to the resolution, I am doing exactly what the resolution... They have been down to the park and they will report back to us on June 20th."

Michael Hill: "As for possible construction, right?"

Deputy Sup. Stark: "No."

Robert Kozakiewicz: "Mr. Deputy Supervisor, if I may intervene, the resolution, as I understand it, has asked to look at a certain issue concerning recommendations. The issue that you are looking for I think goes right to the heart of potential litigation and my understanding of what you are trying to ask is something in which I don't think this Board should address."

Michael Hill: "The point I was really getting to is that if, according to the Town Code, the structures of the park are unsafe, then I would recommend that the Board (inaudible)."

Deputy Sup. Stark: "Michael... Michael... I guess you haven't understood me. Michael, I've asked them to go to the park and give us an analyzation of the park according to the resolution and they will and they will report back to us on June 20th at the work session."

Michael Hill: (Inaudible).

Deputy Sup. Stark: "I don't know what they are going to do down there. They may come back with several."

Michael Hill: (Inaudible).

Deputy Sup. Stark: "They've gotten their instructions. George, you have one question before we close here?"

George Schmelzer: "You mentioned the mortgage, land record there. Did the county give that land to tax sale?"

Councilman Prusinowski: "Yes."

George Schmelzer: "Well what mortgage is there to mortgage out? Tax, title comes first."

Councilman Creighton: "There are still liens that have to be settled."

George Schmelzer: "I've never heard of such a thing before. If the mortgage holder didn't pay it himself, he's out."

Deputy Sup. Stark: "No."

George Schmelzer: "Is that some new law?"

Councilman Creighton: "He's secondary. He's not out."

George Schmelzer: "What?"

Councilman Creighton: "He's secondary to the tax liability, but he's not out."

George Schmelzer: "Oh."

Deputy Sup. Stark: "If there's no other discussion..."

Councilwoman Gilliam: "I have one question on this memo I received from you, setting the next work session for..."

Deputy Sup. Stark: "June 20th."

Councilwoman Gilliam: "June 20th, instead of the regular June 16th."

Deputy Sup. Stark: "Yes. There are several conflicts next week and we've moved it up to June 20th."

Councilwoman Gilliam: "Conflicts in terms of what."

Deputy Sup. Stark: "People aren't available, for one reason or another. That does happen."

Councilwoman Gilliam: "Excuse me?"

Deputy Sup. Stark: "That does happen."

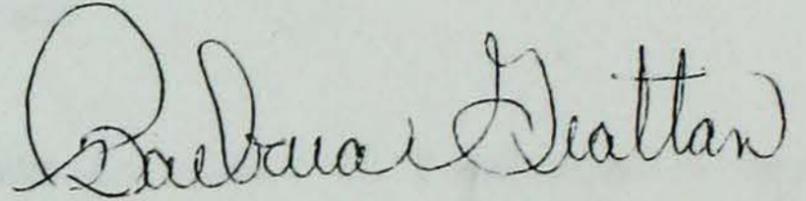
Councilwoman Gilliam: "I didn't know what language you were speaking there."

Deputy Sup. Stark: "English."

Councilwoman Gilliam: "Not the English I know."

Deputy Sup. Stark: "Meeting adjourned." 11:40 am

There being no further business on motion or vote, the meeting adjourned at 11:40 a.m.



Barbara Grattan  
Town Clerk