

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, June 21, 1994, at 2:00 p.m.

Present:

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

Also Present:

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

Absent:

Joseph F. Janoski,	Supervisor
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Deputy Supervisor Stark called the meeting to order at 2:00 p.m. and the Pledge of Allegiance was recited.

Deputy Supervisor Stark: "Is there a motion to approve the minutes of the Regular Town Board meeting of June 7th?"

Councilwoman Gilliam: "So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

REPORTS:

Building Department	Monthly report for May, 1994, total fees collected was \$8,932.75
Receiver of Taxes	Statement of total collections

County of Suffolk

Receiver of Taxes

of 1993/94 was \$44,159,326.87

Report of collections for May of 1994. Total collections were \$242,182.60

Riverhead Dept.

Sewer District

Discharge monitoring report for the month of May of '94

APPLICATIONS:

Site Plan

The Fashion Bug for a facade alteration removing the door and fill with block knee wall and glass

Site Plan

For the Knoll's Fox Hill, formerly the Bluff's, II, filed an amended elevation plan

Site Plan

Digger O'Dell's for a facade renovation

Site Plan

For Eastern Harley Davidson, Warsaw Drive at Route 58, Riverhead for construction of a new 10,000 square

Site Plan

Peconic River Yacht Basin for a facade alteration 469 East Main Street, Riverhead

CORRESPONDENCE:

Letitia Anderson

In favor of amendment reducing the restriction upon resale from 15 to 10 years regarding Resolution #349 Public Notice to amend the covenants and restrictions of the Subdivision entitled "Silver Linings"

County of Suffolk

Notice of enactment: Amended Zoning Ordinance Sections 100-13 and 230 (F), Town of Southold, Local Law No. 10-1994

Riverhead Central School District

The Board of Education passed a resolution in favor of Okeanos Ocean Research Foundation Inc.

Pat Frankenback

Sending us her letter to Judge Bernard Heller regarding Riverhead Trolley Corp. She would like the Riverhead Town Board to support this issue.

Relay Communications Center

Points to problems not corrected in the parking lot next to Carlucci's Cleaners on Griffing Avenue and to Griffing Hardware on Main Street

U.S. Army Corp.

Received an application from Moriches Inlet Marine, d/b/a Moriches Boat and Motor to construct a bulkhead in an unnamed basin off West Cove, Moriches Bay. Location - Village of East Moriches, Town of Brookhaven

John A. Gaven

Advise Town Board that the Century Council will be cosponsoring along with the National Commission Against Drunk Driving and the National Highway Traffic Safety Association, a one-day hearing addressing Young Drivers/Legal Drinkers, June 23, 1994

Deputy Supervisor Stark: "Thank you, Town Clerk,"



Deputy Supervisor Stark: "The hour of 2:10 has not arrived yet. Is there anybody that would like to address the Board on any subject? Henry? He had his up first, George."

Henry Pfeiffer: "Henry Pfeiffer, Wading River. I just wanted to know whether you have received any notice that there are sums of money -- I think something like \$60,000 available for two vehicles that may be used together with the insurance, so forth, to transport people across Town lines. It's available at the Suffolk County Office for the Aging, and it's a matter of two vehicles-- or money for two vehicles being available and 10 Towns can apply for it. And you would be in competition for it."

I would suggest that if we have not received such a notice here, that we might call Pat Lanetta (phonetic) who is the Administrator of the Department of Health at 853-3616 and find out what the particulars are.

Over the years, every Town in the County has had this problem where somebody, for instance out here, Southold, might want to travel to Stony Brook Hospital. They can't get any Town vehicle to take them across there and they've got to try to depend either on an individual or to pay for a cab or something like that. And in some cases, this has proved to be very, very expensive. So what I'm saying is that the Town might want to look into this. I don't know whether Rick Hanley might have gotten this or Judy Dahl might have gotten it."

Deputy Supervisor Stark: "We certainly could do that and I see Jack is in the back. If he can get a hold of Judy, we will look into that for you, Henry."

Is there anybody else wishing to-- George?"

George Schmelzer: "My name is George-- Oh, you said it anyhow."

Deputy Supervisor Stark: "George."

George Schmelzer: "Schmelzer"

Deputy Supervisor Stark: "From?"

George Schmelzer: "Calverton."

Deputy Supervisor Stark: "Okay. Thank you."

George Schmelzer: "Not Virginia. New York. There's another Calverton in Virginia. I attended the meeting last night at Riley Avenue School, I guess the Hamlet people, about Grumman, what to do with Grumman. And later on, Bobby Goodale came-- is this thing working?"

Councilman Prusinowski: "Yes, it is."

George Schmelzer: "And Ofrias, so the people there, they want something compatible. But they don't seem to be compatible themselves. So, I'm fully disgusted with the people. They don't want anything but grass, (inaudible) lights on. They want farming as long as the farmers don't start their tractors early or spray or irrigate. So I think it might be bad for Riverhead Town to take over that airport. Let the FFA have it, develop it as a cargo port. Any private building that's put up in there by any (inaudible).

And they claim they were temporary to avoid taxes. So what they gave us in lieu of taxes was really nothing, just in a round about way. If the buildings were taxed we might have got more, so, we'll forget about that. Now that's-- you can't say it's water over the dam, but it's water under the gate. So I-- if that ever gets that they put it-- made up to a HUD area for homeless people, build housing, we'll have a (inaudible) with our school taxes. So maybe the Town ought to push for the FAA to take it over.

The County might want it-- well look at what the County did with the Suffolk airfield. The State might want it or a combination of several towns and it was said last night, the Town controls with zoning and planning. Well, sure it will get messed up if it depends on zoning and planning. We've had zoning and planning here for 35 years in this area here, look at it now. What a mess. So, you should think it over what we should do and push for it.

What the opinion of the people around is nothing could ever get done there because they don't want anything. Only want something nice and pure and beautiful. I got a letter the other day from National Park Association. We got to save Yellowstone, Great Smokey Mountain. So I wrote them back, Great Smokey Mountains was named that because it always smoke there. And before people got civilized it was Smokey and

about two years ago, some bright guy in Yellowstone said we have to have renewed nature. So they left the damn thing burn. It was all burned out there but it got out of control. So, I don't know what your pleasure is or your thought is on the Grumman Airfield. What do you think?"

Deputy Supervisor Stark: "I really don't think that this Board has developed a strong opinion one way-- this is why we have an economic task force, this is why we have Hamlet studies, and when all this is gathered together I'm sure that the Board will make a decision one way or the other."

George Schmelzer: "Between the railroad track and the south end of the runway it's almost 2,000 feet, maybe 1,800 feet, so if it needed to be extended, it could be. But you would have to use part of Brookhaven Town. That would go over the river. And there's plenty of room on the southwest runway to go to Wading River Road, if need be. And maybe the Town should try to get control of the land outside the fence. Whoever controls the airport have a right to extend the runways. We could really have some good big business there. Say we had a couple of dozen big buildings, warehouses, privately owned. Not owned by any authority, but owned privately. The land was leased, that could be (inaudible) taxable. And I think we should think about it."

But we got all these people in Calverton don't want anything. They want something compatible but not compatible themselves. That's the big problem."

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

George Schmelzer: "And also I figure you're stewing over this Judge Belford's place. A former mortgage on there, when it goes for tax sale, the tax (inaudible), the former mortgage is out. I don't understand what's going on."

Councilman Prusinowski: "They changed the law."

George Schmelzer: "When?"

Councilman Prusinowski: "The liens have to be satisfied. Even at the County tax sale or commercial property."

George Schmelzer: "Commercial property? Supposing the mortgage is more than the land is worth. What then?"

Councilman Prusinowski: "Then you don't buy it."

George Schmelzer: "Something sounds screwy here."

Deputy Supervisor Stark: "I've got to get to a Public Hearing, George. You are certainly welcome to come up again."

George Schmelzer: "Okay, thank you."

Deputy Supervisor Stark: "Thank you."

Public Hearing Opened: 2:14 p.m.

Deputy Supervisor Stark: "Let the record show that the hour of 2:14 has arrived. Would the Clerk read the notice of Public Hearing."

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 2:10 p.m. on Tuesday, June 21, 1994, to hear all interested persons who wish to be heard regarding an amendment to Chapter 52, Section 52-6 of the Riverhead Town Code."

Deputy Supervisor Stark: "Bobby?"

Robert Kozakiewicz: "The Hearing tonight addresses changes to Chapter 52 Section 52-6 of the Riverhead Town Code. The purpose of the change is to address new homes being constructed and mainly to avoid a problem with new homes being constructed in such a manner that there would be a flooding problem. It's going to require some additional considerations to be looked into, most importantly, finished floor elevations and grading on the site to avoid a problem with water entering into a residence."

And this deals with new construction, not construction where someone is adding onto an existing home. It will require one additional step. It's something that we hope will aid a new home buyer who is going to buy in the Town of Riverhead, and avoid a problem down the

road with flooding. That's the purpose of this particular revision."

Deputy Supervisor Stark: "Thank you, Bobby. Rick, do you have anything you would like to add to that?"

Rick Hanely: "Nothing. Bob did fairly well with his-- (inaudible)."

Deputy Supervisor Stark: "Is there anybody who would like to make any comment on this particular Public Hearing? Did you have your hand up Bill? I recognize you first because George has already been up and then I'll go to George."

William Kasperovich: "George Schmelzer is a hard man to follow because in his own inimitable way, he always makes a point well taken."

Deputy Supervisor Stark: "I'm sure you are up to the task, Bill."

William Kasperovich: "Not really. I'd rather be sitting in the backyard with some iced tea, enjoying life, instead of coming here to be critical and I know Mr. Prusinowski for the last 15 years has objected to my criticism, but I think of it as constructive criticism.

You have this, today, another resolution for Chapter 52, which does not include what is to be done and what section of the Chapter is to be amended. However, the addition as published to me is the kind of thing that loses the respect of architects and engineers and developers that come to do anything in the Township. This is an assemblage of generalities, incomplete statements, inadequate definitions, and certainly not something that would be good to the Township. Because any youngster out of law school could tear this thing apart.

Also, objection that the final last word in your Section 1 (i)(6), paragraph 6, leaves the last word to the Town engineer. And last week when I approached Mr. Testa, our Town Engineer, he neither heard anything about it, got any copy of this, or had anything to say about it. And yet here he is going to have the last word.

Storm water in this Township has always been ignored. Now, I don't read anything here to say that the storm water on a person's or company's property is also their property and they just can't push off the liquid or the snow or ice onto another person's property without their acceptance and approval.

How much of storm water should be accommodated by the property owner is not addressed here in this amendment. There is no indication as to the manner of acceptance of storm water off of the property. There are many places that we do not have facilities to accommodate storm water. Our Town Attorney here tells us that this is directed towards new homes and not alterations, and yet in the past year we've had two conditions that have been brought up to the Town Board and to the Town Attorney about alterations that divert all of their water onto another's property, be it private or public.

So what are we trying to accomplish here? If you alter it, you can do anything you well please but if you build a new house, here are instructions. Now, (inaudible) and directions of the surface is covered in detail but in some places we go down to putting a house on a piece of land 50 by 100. We don't have enough distance to even calculate percentage of slope. There's (i)(5) refers to driveway apron, driveway apron at the curb, apron at the garage entrance, apron relation to the finished floor, has no meaning unless this is referenced to whatever is the controlling elevation. If you are down in the hollow, being a foot below the finished floor, isn't going to help anything.

And then you come to paragraph J, the Building Department may approve, disapprove or approve with modification. In other words, they can do it or they can't do it. They don't like the cut of the (inaudible), they could pick out any one of the three and say we don't accept it.

The compliance that might require some technical compilation of information as to the grades, again, leaves this thing up in the air. Because in some areas, two foot intervals are adequate for contouring, other places it's not. In the same sense of talking about that the grade shall pitch away from the house at a slope of 2%, it's practically flat but you can never see this with two foot intervals."

Deputy Supervisor Stark: "Bill, could I ask you to summarize? We have other hands up. I will allow you to come back after that, but could you kind of summarize right now if you would please?"

William Kasperovich: "Well, suppose I just defer to the speakers that wish to say anything here and come back to the microphone? Thank you."

Deputy Supervisor Stark: "There will be a limitation on your second arrival."

Alice Graff: "Alice Graff, Riverhead. My question is, is this amendment geared to any particular area of the Town? Is this amendment specifically being created to a specific area? For specific areas?"

Deputy Supervisor Stark: "No, it's not. And at this time, I will ask Rick Hanley, our Planning Director, to come up and give you more of a description of why we are trying to head in this particular-- "

Alice Graff: "May I just give-- I'll let him and then I'll come back. Okay?"

Deputy Supervisor Stark: "Fine."

Rick Hanley: "Rick Hanley, Planning Director. The purpose of the amendment is to require on a survey that's submitted to the Building Department certain details on the survey which will allow the Building Department to determine that the finished floor elevation of the new residential structure is above a certain elevation, that being the street elevation.

The reason for this change is that we have had a number of applications for building permits that have resulted in buildings that have had storm water problems in cellars and on living areas. And we believe that if we require this kind of a thing on a building permit, we will avoid those in the future.

It is not directed at any particular zoning district or type of residential development. It's directed at all residential development to ensure the general welfare of the community."

Deputy Supervisor Stark: "Alice?"

Alice Graff: "Thank you, Rick. My concern is because I understand there has been some question about doing some major work on Edwards Avenue and I would like to know if that's proceeding and the amount of money that these bonds will be costing the Town. That's what I am concerned about. Thank you."

Deputy Supervisor Stark: "Thank you. George, did you want to say

something?"

George Schmelzer: "I don't know why the Town has to be a baby-sitter for everybody. Everybody can eyeball their own land, can't they? And if you got a new-- if the Town approves a new subdivision, they can see where the hollows are and the hollow should be left for a sump. Now if the Town approves a building permit, (inaudible) they do get flooded, might blame the Town, so keep out. And the builders and the owners should have eyes so does the surveyor, so every citizen nothing but incompetent now? They can't look for themselves? All they have to do is pay taxes. That's the only competency they need.

And if you look at Riley Avenue, it lines up with Canoe Lake Avenue where you have that passageway under 25. Maybe, if you look at the old road (inaudible), maybe Riley Avenue does go through Zayes (phonetic) yard. It's the legal way. I had a file on the Riverhead roads one time. I lent it to Bob Pike, I never got it back. He says he couldn't find it. Said he can't find it yet, I don't know how he's looking for it. Maybe he dropped it overboard on his boat trip. I don't know. But it might be well worth looking into to get that water from the Riley on the right across Zayes yard into that passageway or go right down to Canoe Lake or in the woods somewhere. You wouldn't need to do anything more. Hello?"

Deputy Supervisor Stark: "Are you for or against this change in the code?"

George Schmelzer: "Who?"

Deputy Supervisor Stark: "Are you for or against this change in the code? What the Public Hearing is about?"

George Schmelzer: "This Public Hearing?"

Deputy Supervisor Stark: "Yes, we are in a Public Hearing."

George Schmelzer: "This is a-- "

Deputy Supervisor Stark: "This is a Public Hearing."

George Schmelzer: "About water, huh?"

Deputy Supervisor Stark: "Yes."

George Schmelzer: "Talk about water. You mean I'm diverting too much?"

Deputy Supervisor Stark: "Yes, you are."

George Schmelzer: "Okay. I'm talking about a different kind of water. I'm sorry. I thought water was all the same. It's all fresh water. Okay. That's about it then."

Deputy Supervisor Stark: "Thank you, George."

George Schmelzer: "Thank you."

Deputy Supervisor Stark: "Steve?"

Steve Haizlip: "Steve Haizlip of Calverton. I believe I fully understand what the outreach of this and where it came from and why. Pleasant Drive, Calverton."

Deputy Supervisor Stark: "There are several locations."

Steve Haizlip: "Well, that's one that I know of and was very much involved in. Now, I strongly believe and taking a leaf from Mr. Kasperovich's book, that when we have developments in this Town and we get builders to come in and do it, like Two Bears and like that place in Calverton there, all them houses, the builder or the developer has to have some instructions by competent people, surveyors, engineers that goes over the areas, and they should abide by it and follow it. And if we don't do it, then they are going to come in and they will just pour a slab on the ground and stick up a house and say, here it is, ma'am, move into it and they know in their heart it will probably get flooded, but it ain't going to be my problem because by the time it comes and rains and this is hot summer, then I'll be long gone. So, I'm for it, Jim, and I'm for it 100%."

Deputy Supervisor Stark: "Thank you, Steve. Is there anybody else wishing to be heard on this particular Public Hearing? If not, Bill? We are going to allow you three more minutes. You were up approximately 12, 14, and we've got a big agenda here today."

William Kasperovich: "William Kasperovich, Wading River. Apparently I didn't make myself too clear because if Steve is for this amendment, I haven't pointed out the inadequacies and improprieties that are in this amendment. For an amendment to say notwithstanding the foregoing provisions of this section, the Building Department may waive or modify compliance with (inaudible).

Now, I've been after this for decades, what happens to the rain water and the Building Department hasn't done much of anything. After the flooding, after the hollering and complaining, then there is some corrective measures. But they don't call for roof, drainage, drywalls. They don't call for what happens to the driveway, where does the water go, how much of it could be accommodated. The Building Department has been so lax on this, it's pathetic.

And yet here, once again, they say the Building Department may waive or modify compliance. This is gobbley-gook. This does not address the problem of storm water accommodation at all. And now that we have in this point in time three professional engineers under one roof, we can't come up with better amendment than this? That requires criticism, Mr. Prusinowski. Severe criticism.

When I am limited to my speaking time here at the microphone, I've learned over the years that it's the same thing as-- don't spend so much time on it, we're not listening anyhow."

Deputy Supervisor Stark: "No. What I'm really saying is, Bill, that I respect your constructive criticism, you've made those points public here and I would ask that you would visit our Planning director and further discuss, knowing your background of engineering, and certainly you have good points that should be brought in and I'm certain that our Planning director and engineer and Building Department would be more than willing to listen to it.

But we do have other agenda and we have to move to some pace. But I certainly would invite you to continue the constructive criticism and I welcome that. It certainly is not a perfect ordinance, it could be approved upon. And if you really feel strongly about it, I ask you to continue after you conclude with Rick."

William Kasperovich: "Well, let me conclude with the elected officials that should be doing the job, that when you-- I'm trying to

think of a polite word. But when you disregarded totally my qualifications to be of assistance to this Township, you committed yourself to saying, we don't want Kasperovich or anything he has to say. The old man that's laying sick in bed or recuperating or where ever the hell he's doing, says to me, eyeball to eyeball, you're too old, you're not competent enough. We want a young man. Well, they got a bunch of young men now and this is the result of their efforts. But it's you people that were elected up there to see that the personnel you have under this roof, do their job, and do it correctly and properly to the best benefit of the Township. And this is an example of what how not to do it."

Deputy Supervisor Stark: "Thank you, Bill. Is there anybody else wishing to address the Board on this particular Public Hearing? If not, I declare the Hearing closed."

Public Hearing closed: 2:39 p.m.

Public Hearing opened: 2:38 p.m.

Deputy Supervisor Stark: "Let the record show that the hour of 2:38 p.m. has arrived. Would the Clerk please read the notice of the second Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 2:15 p.m., on Tuesday, June 21, 1994, to hear all interested persons who wish to be heard regarding the change of zone petition of Anthony Mitarontondo in order to provide for the Business C Zoning Use District to exclusion of the Residence C Zoning Use District on real property located on East Main Street."

Deputy Supervisor Stark: "Rick, would you give a slight rendition of this?"

Rick Hanely: "This is a private petition for a change of zone on East Main Street from existing Residential C to Business C. The applicant was to post the property; unfortunately, he did not get notice to post. So the property has not been posted and he has asked that this Hearing be adjourned until the 19th of July, 1994, when the

subject property would be properly posted."

Deputy Supervisor Stark: "Without objection, the Hearing will remain open until July 19th."

Public Hearing opened: 2:40 p.m.

Deputy Supervisor Stark: "Let the record show that the hour of 2:40 p.m. has arrived. Will the Clerk please read the notice of the third Public Hearing?"

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 2:20 p.m., on Tuesday, June 21, 1994, to hear all interested persons who wish to be heard regarding the increase and improvement of the facilities of the Riverhead Water District, specifically the rehabilitation and painting of the Route 58 water tank, estimated cost not to exceed \$308,000."

Deputy Supervisor Stark: "Is Gary out there, too?"

Dennis Gallagher: "Good afternoon. My name is Dennis Gallagher from H2M. We are the consulting engineers for the Riverhead Water District. It's normal operating procedure to inspect an elevated water tank about once a year. Gary Pendzick, the Superintendent, asked us to inspect the Route 58 tank back in April of '92. The inspection revealed that the tank was in good structural condition, however, the existing painting system was starting to fail.

At that time we had recommended that the tank be scheduled for repainting in 1994. This Public Hearing is being held to approve the spending of up to \$308,000 to both repair and repaint it. The tank was originally constructed 27 years ago, in 1967. It has a capacity of 750,000 gallons, which is the same as three-quarters of a million gallons of water. It has a height of approximately 150 feet. The tank was last painted 10 years ago, in 1984.

Our 1992 inspection made the following recommendations: that the exterior should be sandblasted and repainted, the interior should be sandblasted and repainted, to replace the interior ladder that had started to corrode, to replace the vent screen on top of the tank, to

repair the leak on the overflow pipe, and to repair or replace the safety climbing device on the inside of the tank. The cost of the project is estimated at \$308,000, including \$255,000 for the repair and repainting and \$53,000 for the design, inspection, legal and contingencies. The monies for this project will be taken out of the existing Water District funds.

We anticipate the project will be publicly bid in late August of this year, once we have received the Suffolk County Department of Health Service approval of the plans and specifications.

The contractor should be prepared to start the work at the end of September after the pumping season and all work should be completed within 90 days. The tank will have to be taken off line during the painting.

The District has taken paint chips and sent them to laboratory to be tested to determine if there is a lead base paint primer on the tank. If there is, special precautions will need to be taken during the sandblasting procedure to ensure that no dust-- lead contaminated dust leaves the property.

This repainting should last about 12 to 15 years. If the District continues to maintain the tank by repainting it when needed, the useful life of the tank should be another 50 years. Thank you."

Deputy Supervisor Stark: "Thank you, Dennis. Is there anybody wishing to make comment on this Public Hearing? George?"

George Schmelzer: "I'm surprised to hear the tank can only last 50 years. The one we have, (inaudible), on Pulaski Street, has been there since 1912."

Dennis Gallagher: "Another 50 years. Another 50 years."

George Schmelzer: "Yeah. Well, it's been there 25 years?"

Dennis Gallagher: "Twenty-seven."

George Schmelzer: "That's 75 years, hell. Well, the tank on Pulaski Street is 82 years old now. And that was the old style with rivets. Had to put it up by hand. This one is so modern, what is it?"

Is it plan obsolescence or something? Plan rot? So they can hire H2M again to design another tank or something. We didn't have that much trouble with the old tank. Maybe you could explain that a little bit."

Deputy Supervisor Stark: "So we will ask him. Thank you, George. Would you like to make a comment?"

Dennis Gallagher: "I wasn't willing to guarantee another 75 years on top of the 27 that's there already. But I'll come back in 50 years and make a determination of the condition of the tank."

Deputy Supervisor Stark: "I doubt if you are going to be around here in 50 years."

Councilman Creighton: "You and I won't either, Jim."

Deputy Supervisor Stark: "No. We're not going to worry about it. Is there anybody else wishing to comment on this particular Public Hearing? Bill?"

William Kasperovich: "William Kasperovich from Wading River. This is the first opportunity I've had to listen to what had to be done insofar as rehabilitation goes. The items that were listed, ladder, screen, overflow, that shouldn't even be on the list. That should have been attended to when it became necessary-- became aware of and that was time enough to do it.

However, I wish that everybody would take notice that periodically and the time is quite short, that we have to recoat the structure and the vessel. When we have a situation comes up that we have to pass on installing a new tank, as I believe will be in a short period of time we will be voting on a new tank, that three hundred grand is a lot of money and should be an influence on the type of tank purchased. The manner of accessibility to maintenance should come with consideration for a new tank. Maybe this spending of \$300,000 will make people pay attention to when they buy a new one that they have to accommodate maintenance in a short span of time.

The maintenance of the structure I feel should be apart from that of the vessel. And that should be done immediately upon being aware that it is necessary. This in Riverhead is never done. They wait until they could pull the whole thing together and get a bundle of

money and get it passed through. This is not being frugal and I bring this to the attention of the Town Board and everybody within my hearing that we should be more frugal. Thank you."

Deputy Supervisor Stark: "Thank you, Bill. Is there anybody else wishing to make comment on this particular Public Hearing?"

Councilwoman Gilliam: "I have a question."

Deputy Supervisor Stark: "Yes?"

Councilwoman Gilliam: "I just have a question. There was a statement made by H2M that during the period that the painting and other work being done on the tank, that that particular tank will be off line. And what, if any, impact will that have on the Water District in terms of water flow and availability and things like that?"

Dennis Gallagher: "Good question. That's exactly why we paint the tank in the off season. We could not take the tank off line during the summer months because we need it for fire protection and just every day supply. We do it in the off season because we could live-- we could utilize the Pulaski Street tank."

Councilwoman Gilliam: "Okay. Thank you."

Deputy Supervisor Stark: "Anybody else wishing to address the Board? If not, I declare the Public Hearing to be closed."

Public Hearing closed: 2:50 p.m.

Deputy Supervisor Stark: "At this time, before we take up the Resolutions, if there is anybody in the audience that wishes to be heard, and, Warren?"

Warren McKnight: "Warren McKnight, Wading River. I wish to report an observation I've seen in the shopping center where the Dunkin Donuts, the Aid Auto Store, Video Breakthrough are located, the corner of Route 58 circle, for over a year I've noticed a number of empty motor oil containers by a drain-- by the front of the Aid Auto Store in the parking lot. And a large degree of litter. I spoke to

store manager and asked him to put up a sign like King Kullen does. And I got a call back from the president of Aid Auto Store and he seemed reluctant to do something like that. In any case, the most important thing is the litter can be picked up by the citizens, you know, we have the volunteer litter group, but the most important thing I'm concerned about, is the amount of oil that is leaking through there over a daily period. If a sign could be posted by the drain instructing people not to pour oil into their engines there, and what have you, perhaps, you know, it would be for the general public concern.

So I wanted to bring this to the Town Board's attention because I have occasion, you know, during my business travels to constantly see this. Thank you."

Deputy Supervisor Stark: "Very good point taken. Bill?"

Bill Nohejl: "Bill Nohejl, Aquebogue. I have a letter here which I must read to the Town Board.

June 21, 1994

Members of the Town Board,

In December of 1991, Irene Pendzick and Dottie Jermusyk both retired from public office. Irene Pendzick received a resolution and a plaque for her long dedicated service. On the other hand, Dottie Jermusyk was denied a resolution and plaque for her 28 years of dedicated service to this town.

Why?

Within the last three months, I have asked Vic, Jim and Frank as to why Dottie Jermusyk never received a resolution and plaque upon her retirement from the tax office. One Councilman replied that it was not his responsibility, another said it was an oversight and the third Councilman replied that it was in the power of someone behind him.

This leads me to believe it was Supervisor Joseph Janoski.

It is now two and one half years after her retirement from the tax office and yet no recognition for her devoted service.

It is deploring that you, as members of the town board, chose to side-track and tarnish what could have been one of the most beautiful and eventful days of her life.

Thank you."

Deputy Supervisor Stark: "Thank you, Bill. Alice?"

Alice Graff: "Alice Graff, Riverhead. I'm curious as to the Police Athletic League, the budget adjustment. Of course, it's only \$3,000 but I don't understand. I would have presumed the Police Athletic League was not a regular part of the Town's budget. I would think that this was from their own salaries and it would be within their own organization. Is there-- does this come under regular situations?"

Deputy Supervisor Stark: "I'm going to have our financial administrator come up and explain it for you."

Alice Graff: "Thank you."

Jack Hansen: "PAL budget is a budget that is formed by donations from the community. It is not part of the Police Department or their membership. It's run by Officer Detective Timothy Hubbard. And it's strictly a donation fund."

Alice Graff: "So, it's really a Town program with a policeman in charge?"

Jack Hansen: "Most definitely."

Alice Graff: "So it's really Police Athletic League per se?"

Jack Hansen: "That's just the nomenclature from the community. And it's something that's used nationwide."

Alice Graff: "Thank you."

Deputy Supervisor Stark: "Billy. I'll get you in a minute, Steve."

Bill Roberts: "Bill Roberts, Baiting Hollow. We have a very severe traffic problem on Sound Avenue which is traveled all day long by many people on a daily basis and extensively on weekends. It is

being used by trucks as a bypass to Route 58 and 25. They get off the expressway, shoot up to Sound Avenue. I've followed several when I was going to different occasions to Greenport, and they travel all the way out to Greenport and then work back. These in each instance were delivering groceries to some of the supermarkets along the way.

The posted speed limit on Sound Avenue is 45 miles per hour. If I were going 45 miles per hour, I would be going in reverse because I've had them pass me at 45-- well not at 45, 55, 60 and 65 miles an hour and there is no patrol. I understand that the Town has a radar system and I think it would be a very good idea to get that operating there and teach some of the people a lesson.

Now, I'll admit, too. If somebody is going 55 miles an hour, I'm going 55 miles an hour, too, but I'm not leading the pack.

The stop signs mean nothing, but they probably mean nothing anywhere in Town or anywhere else on the island. Sometimes not even slow down even though there's traffic coming at a pretty fast speed along Sound Avenue. And double lines, again, mean nothing. If somebody is going too slow, they just pull out and go around that vehicle, going over the double line.

The intersections are bad. The observation of the side streets and side streets of Sound Avenue is limited very severely by trees that were planted by Townscape or private trees that are too low to the pavement so that it is very difficult to see cars coming along Sound Avenue if you want to make a turn onto it. Grasses that grow on intersection, again, make it very difficult to see if cars are coming along Sound Avenue if you want to get onto Sound or across it. Crops also come right up to the street line. It's a hazard.

One other thing I notice on Sound Avenue, we are getting an increase of signs being tacked to utility poles. We have sign ordinance where that is prohibited. Now, there's one pole on my intersection, Sound Avenue and Edwards Avenue, there are three signs on it. The uppermost one had to be with an extension ladder or a bed truck or somebody put a ladder. It's called Real Low Construction. Now, our ordinance inspector could never get that down without getting an extension ladder to pull it down. I'd say it's easily about 20 feet above the pavement.

Then there's a yard sale sign that's been there since advertising saying June 10th and 11th on Warner Drive. It was never reviewed. It was never removed but, again, we have an ordinance and if it's not covered that the people should remove their yard sale signs on a timely basis, it should be made part of the ordinance.

And, also, there's a very heavy sprinkling of country farms and the Knolls at Baiting Hollow signs along Sound Avenue. So I bring these matters to your attention for investigation and resolution."

Deputy Supervisor Stark: I certainly agree with you on Sound Avenue, Bill, because I've been up there myself and they pass us quite quickly. Steve, did you want to make some comments?"

Steve Haizlip: "Yes. Steve Haizlip of Calverton. When Mr. Warren got up to speak about the Aid Auto lot, I was there today myself and a couple of other days and I have to back him. It is true that people are putting oil in their cars and these cans are just being dropped wherever they put the oil in their cars. I say that if I would have went into Aid Auto Store, I believe I would have said to that-- I wouldn't believe, I would have said to the manager, you should send people out there at night to police up your own mess. I said you are creating it by selling it. It's like you said one time about Goodyear tires. They are selling them here and they should be here picking them back up after they are worn out, but it don't happen.

Bill Nohejl, I've got to go with him on the commendation for Dottie. I mean she's a relative of mine and besides the point. She is a hard worker and she did work hard and apparently it was an oversight but it's never too late to correct.

Now, if I was to ask this Town Board here what would be the latest status on the court case of paying your taxes late to the County after the 31st of May? You would tell me that's a County problem, so you would have to get a hold of your legislature district representative which happens to be Mr. Blass. You know I made three calls to that office inquiring about this and they were going to get back to me. Never got back to me at all. Now, I go one step further and I write a letter to the office saying the same thing. I'm being treated as an outcast and they are not getting back to me. He's my representative, whether he likes me or not. I want those answers. And he's in a position to do it and he probably helped (inaudible) anyway.

At this time, I'd like to ask the Town Attorney, Mr. Kozavic-- "

Deputy Supervisor Stark: "Kozak."

Steve Haizlip: "Kozak. All right."

Robert Kozakiewicz: "Kozakiewicz."

Steve Haizlip: "You know, Polish names are hard to pronounce. You know I married one and the only way I was able to pronounce her name is the day I married her. Then she became a Haizlip."

Robert Kozakiewicz: "Well today that might not be true. They keep their names."

Steve Haizlip: "How do we stand on Timber Park, Mr. Town Attorney, as to the roads and the layout maps and the system going into the Town highway system? My son worked very hard on that and I don't want him to be off this earth without giving recognition."

Robert Kozakiewicz: "Mr. Haizlip, we talked about this and what I told you, I will repeat. There were two Court cases dealing with the Timber Park subdivision. They were initiated by Mr. Hauggard. In the first instance, Mr. Hauggard was successful and the resolution was declared invalid. In the second instance, he was unsuccessful, the Town prevailed and the resolution stood."

So, therefore, there is a resolution from that Town Board in 1977 which accepted the roads for dedication. The matter is that they were never formally laid out by an order laying out those highways with the Superintendent of Highways. I have talked to Charlie Bloss about that and we've discussed and I expect that that should be something which will be done in the near future. And Wading River roads as well."

Steve Haizlip: "All right. Well, check with you later."

Last night we had a Greater Calverton Civic Association meeting. The subject was brought up about if Grumman's Navy property is declared surplus and it's not needed and the General Service Administration wants to get rid of it, my recommendation was, and I still say, that that land-- those lands and properties were taken away from farming people that was depending on it for their livelihood at the time, and

that it was-- the County is trying to get into the act. The County wasn't in the act when it was being condemned under eminent domain, and that land and properties there within the fence, all within the fence, should definitely be reverted back to this Town and let this Town run it or oversee it or zone it or whatever action you have to take. And that's the way I feel about it.

I'd like to ask right quickly, can I have that invitation extended to me as well as Mr. Kasperovich that you can talk to the Town engineer about this water draining situation and let me have my input on it? I-- the Public Hearing is closed so I ain't going to say anything on it and then I'm going to input it into the Town engineer and the Planning Department."

Deputy Supervisor Stark: "You certainly have the right as a taxpayer to address any of the Town of Riverhead department to give constructive input. I see no problem with it."

Steve Haizlip: "All right. Now, the last three items, but it's all under one. I don't want to touch no nerve with anybody, but I certainly hope that we don't end up with three white elephants in this Town. One being that movie theatre and the other one being Rimland and the other one being that hotel/motel that just took on last week when it was.

Apparently you don't think so because otherwise you wouldn't be taking them. And you wouldn't be doing it. And I certainly hope they don't turn out to be a white elephant and they do turn a profit for this Town. So the taxpayers don't have to pick up more money on it."

Deputy Supervisor Stark: "Thank you, Steve. Is there anybody else who wishes to address the Board at this particular time on any subject? George?"

George Schmelzer: "It seems that-- if anyone has a problem in Riverhead community now with a building not rented, all they have to do is sit on their butt, let the windows get broken or hire somebody to do it. The Town will come along and buy it from them. What a nice system we got. Instead of letting them pay taxes why don't you make them fix it themselves or knock it down, either way? You set a good trend now which will be used by many landowners. Can't blame them, it's just right there, it's what do you call it? Building welfare

system? We got enough welfare around now without making building welfare besides. People welfare, building welfare. Thank you."

Deputy Supervisor Stark: "Thank you, George. Anybody else before we go to the-- yes, ma'am?"

Tanya Simmons: "My name is Tanya Simmons. I would like to know what's going to be done about Grangebél Park?"

Deputy Supervisor Stark: "What's going to be done about it?"

Tanya Simmons: "Yeah."

Deputy Supervisor Stark: "In what respect?"

Tanya Simmons: "About fixing it."

Deputy Supervisor Stark: "We had a meeting with our Town engineer yesterday, plus the firm of Young & Young was giving us a report. This Town Board is now analyzing and digesting that report and it will be discussed again at next Thursday's work session. Excuse me, a week from Thursday."

Tanya Simmons: "Okay. But I thought at the last work session that they were going to have, you know, say what was wrong with the park and how they were going to go about fixing it."

Deputy Supervisor Stark: "The report that we received yesterday addressed many deteriorating, aging aspects of it, erosion or what have you, and it's up to this Board to elect to move forward to spend the money or elect to close the park, or whatever they might want to do. I cannot answer for the entire Board at this particular time until we have the entire Board together to discuss it at length."

Tanya Simmons: "Okay, so Thursday?"

Deputy Supervisor Stark: "A week from Thursday. No, wait a minute. This Thursday."

Councilwoman Gilliam: "No. A week from Thursday."

Deputy Supervisor Stark: "A week from Thursday. I believe it's

the 30th."

Tanya Simmons: "Okay, what time?"

Deputy Supervisor Stark: "Work sessions usually start around one or two o'clock in the afternoon. But that could be adjusted so you can contact Town Hall at any time. Sometimes we move it up and start it in the morning such as we did yesterday."

Tanya Simmons: "Okay. Thank you."

Deputy Supervisor Stark: "Thank you. Is there anybody else before we go to the Resolutions who wants to be heard on any particular subject? With that, then we'll take up the Resolutions. Yes, sir."

(Unidentified): "Are you going to open it up later?"

Deputy Supervisor Stark: "Usually after the Resolutions, we are finished."

Mike Melcash: "Yeah, my name is Mike Melcash from Video Break-through. I just got here a few minutes ago. It was a little bit tough on an afternoon meeting sometimes getting here like this. I notice that Blockbuster is being built right now and I just wanted to find out first of all what has been taking place since the last meeting regarding the easement and the building permit. I think we were-- we understood that it was just a foundation permit that they had and there's walls going up now. And I wonder if somebody could help me with that to start with."

Deputy Supervisor Stark: "Bobby, can you answer this or do you want me to have Ray up here?"

Robert Kozakiewicz: "The site plan Resolution called for the cross easement. They've made an attempt to obtain that cross easement from the neighboring property. I understand from local counsel that any offer to purchase that cross easement has been withdrawn."

As far as the building permit aspect of it, I'm not positive where that actually stands, so what we can do is after the meeting I would be more than happy to walk down to the Building Department with you and we can inspect the files."

Mike Melcash: "Okay. Is there a way that we could have the-- have things stopped immediately until everything is rectified?"

Robert Kozakiewicz: "Well my understanding is that the site plan made it a contingency. They would make their best efforts to obtain a cross easement. If they could not do so, then the Town would look into condemnation of the cross easement and I believe further we have the right to withdraw that if the cost of it becomes prohibitive."

Mike Melcash: "Okay. It seems to me then that they are building right now and they really don't have the right permits. I would think after the 60 days and it was-- the Resolution was April 19th, I thought they had until Friday to obtain something and they are going full blast right now. I have, you know, this whole process has been going so quick and I think that this is an opportunity to slow things down if they don't have all the proper approvals. I definitely want to-- "

Councilman Prusinowski: "I'm going to tell you right now. Both sides want us to drop the easement. I talked with the Town Board about it. I passed a note the other night. We've been more than-- I'm more than happy to drop the easement because I'm going to tell you something. The building is going to continue. They don't want the easement. I know you said it up here. And, again, you told Suffolk Life and it's a big deal again. I'm telling you, they don't want the easement. Allen Smith has been retained by Waldbaums. I'm going to say one thing and it's the last thing I'm going to say in this matter. I'm sorry the competition for you, it's way past the time to rezone this to stop it. Number two, if you look from Pizza Hut to Meineke Muffler, lo and behold, every single one of those properties have cross easements. The downtown parking lots have cross easements. The shopping centers in Calverton, in Jamesport. This is a very common planning practice that we do all over Town. It makes good planning sense.

Can we stop them from coming into Town right now? No. And if people are still telling you that, they're lying to you, okay."

Mike Melcash: "Vic, I didn't say that we can stop them from coming into Town."

Councilman Prusinowski: "No, but I'm saying, if-- "

Mike Melcash: "If they want to come into Meat Farms, they have

every right."

Councilman Prusinowski: "They have a building permit."

Mike Melcash: "How did they get it?"

Councilman Prusinowski: "They have-- it was issued to them."

Mike Melcash: "I thought they had a foundation permit."

Councilman Prusinowski: "We don't issue foundation permits. After the last meeting, I went down there and checked. They have a building permit."

Mike Melcash: "They were issued a building permit but they had 60 days to get the easement. They didn't get it. They did not get it. Sixty days was either Friday or Saturday, yet Friday morning we look out the window and we see that they are putting all the walls up."

Councilman Prusinowski: "Right. After the last Town Board meeting I went down to the Building Department. I opened up the file and the building permit was issued."

Mike Melcash: "Can we hear more about when it was issued?"

Councilman Prusinowski: "Sure."

Mike Melcash: "Is that information-- "

Councilman Prusinowski: "Absolutely."

Mike Melcash: "Because that was never told to us at the last meeting."

Councilman Prusinowski: "Because I didn't know myself. After the last meeting, the next day I went down."

Mike Melcash: "You know all this happened so fast, this whole thing with Blockbuster and now with what you are saying, somebody quoted it last time, something doesn't smell right, and it seems like it's smelling worse as we talk about it."

Councilman Prusinowski: "Well, that's your feeling. I would suggest that we just go over to the DA and have them come over here and inspect the file. Because what you're saying is that we did something wrong here at one expense to another. That's the only problem I have with this right now. This is not a corrupt thing. There's nothing underhanded here. There was no collusion. There was no hanky-panky. The fact is this permit has been kicking around this building a long time. And maybe to you it seems like it's quick because it's actually happened, but it has not. The main thing here is this easement and believe me, we delayed them, Sharon's back there. If-- and I'll take responsibility if I didn't open my mouth right at this table the first time they were here six weeks ago, 'cause I wanted this stupid easement, they would have had the building permit six weeks before that and been approved. And that's my final word on it."

Mike Melcash: "What is the status with the easement right now? Does the Town have to condemn the property to get it? Did they cut a deal with Waldbaums? You know, because I think we still have another issue here, is that taxpayers are going to be involved in that easement. If they don't have that easement, if they didn't work it out, and I think the thing should have been stopped on Friday, if they didn't obtain it. Here we are. They're building. They're over there. They have guys working that don't even speak English. Again, it's not doing anything for the Town of Riverhead. We're watching it. We're all sitting here and nobody knows what's going on. Last meeting, nobody knew about this building permit. We were led to believe that this easement was the big issue in everything and all of a sudden now, we're finding another surprise."

Councilman Prusinowski: "It is. It's the last thing left, is the easement."

Mike Melcash: "So stop them. Stop them. Stop them from building right now."

Councilman Prusinowski: "All right. That's what you want. And we'll consult our attorney. That's it. That's where we are."

Mike Melcash: "Thank you very much."

Councilman Prusinowski: "Okay."

Deputy Supervisor Stark: "Yes, sir?"

Robert O'Kane: "My name is Robert O'Kane from Wading River. I was here at the last Board meeting in reference to the Blockbuster thing and not to go over a lot of the stuff, I tried to point out at the last meeting certain things that raised questions in my mind as far as irregularities and not common procedures that were not followed by the Town Board, such as the Town Board approving the site plan prior to the Architectural Review Board.

On 4/19, the Town Board passed Resolution #299 approving the Blockbuster site plan. On 5/11, the Architectural Review Board passed the site plan. The common procedure as I pointed out then, was that the Architectural Review Board usually approves it first and then the Town Board after. Nobody seems to believe that this has ever happened before.

And while I was here at the building today, I went down to the Building Department. I asked them about a foundation permit, a building site permit and whatever have you. I asked them when the permit was issued. A full building permit was issued May 13th. I then asked them in reference to and pointed out the Resolution that the Town Board passed stating that no building permit could be issued before the easement issue was resolved between the two landlords. As we now know, and it has been verified, this has not been resolved.

I then asked the Building Department how did this building permit get issued? He told me that he received a letter from the Town Attorney authorizing the building permit to be issued.

Everybody plays dumb here. The building permit was issued contrary to the Resolution because the Town Attorney sent them a letter."

Robert Kozakiewicz: "If I may interrupt?"

Robert O'Kane: "I would like to know-- "

Robert Kozakiewicz: "If I may interrupt for a second. It's a question of the interpretation of this site plan Resolution. The Resolution in my opinion, provides for alternatives. It does not make the easement mandatory. If you read the language in the section, it says that the applicant will make their best efforts to obtain that

cross easement and if they are unsuccessful in doing so, the Town will then bring on a condemnation proceeding. If I'm wrong, then that will be the determination, but in my opinion, that was how I interpreted that particular provision in the site plan. And if it's correct, so be it. But that was my indication.

As Mr. Prusinowski has pointed out, if he had not requested the easement, the site plan review would have gone forward six weeks earlier."

Robert O'Kane: "I would like to read provision 15 from the Town Board approval, the Resolution of the site plan. That this approval is subject to the provision and approval by the Town Board of a detailed drawing for a point of access between the County Seat Plaza as well as a copy of the agreement between (inaudible) Associates and the owner of the County Seat Plaza for the construction and reciprocal use of said access prior to the issuance of a building permit.

Now, I'm not a lawyer, but that seems like it was put in plain language. Now,-- "

Robert Kozakiewicz: "Read on, sir."

Robert O'Kane: "My question I'm asking-- "

Robert Kozakiewicz: "Could you read on? That's my point."

Robert O'Kane: "Riefo (phonetic) Associates shall make its best efforts to obtain the adjoining property owner to the east, an easement to permit vehicle ingress and egress from the parking lot of said adjoining owner to the subject property. If within 60 days from the date hereof said easement cannot be obtained at a cost not in excess of \$7,500, the Town of Riverhead shall begin to acquire said easement by eminent domain. Should I continue on or-- "

Robert Kozakiewicz: "No."

Robert O'Kane: "Is that the point you were trying to make?"

Robert Kozakiewicz: "That was the point, sir."

Robert O'Kane: "Sixty days have just transpired. Your letter

went-- had to have gone prior to May 13th to the Building Department for them to issue a building permit. Now, my question is, who authorized the letter from the Town Attorney to go to the Building Department to issue a building permit when-- and this has been discussed many, many times, Mr. Prusinowski has pointed out many times that safety is an issue here, that the Town Board wants that easement there. Why was this letter written and authorizing to the Building Department to issue a building permit contrary to the Resolution?"

Robert Kozakiewicz: "Well, it's your opinion it's contrary to the Resolution. I was asked for an opinion from the Building Department on whether to issue the building permit, at what point they could issue a building permit. And this was my legal opinion and my opinion may be incorrect but I was asked to give an opinion and that's what I gave."

Robert O'Kane: "Was the Town Board consulted as to the intent of their provision 15 that is in the approval of the site plan? Whether their intent is contrary to your interpretation."

Robert Kozakiewicz: "The request came to me as being part of that meeting and I issued the opinion. The Town Board, I don't believe, was aware of the request coming from the Building Department. I don't recall if the memorandum or the request cc'd the Town Board or not. But I know the request came to me and I responded to the request."

Robert O'Kane: "Then you didn't consult with the Town Board prior to their intent to that Resolution?"

Robert Kozakiewicz: "I don't recall."

Councilman Creighton: "The meetings I had as a member of the Town Board on this subject it was clearly the intent of the Town Board to acknowledge that all the legal requirements for a building permit and to include a site plan were completed to the satisfaction of the majority of this Town Board before anything was done up there. I haven't changed my opinion on that and I still think it's correct."

With respect to the easement, I've said before and I'll say it again. I, and I think the other Town Board members who voted for this did so for the benefit of the majority of the people in the Town of Riverhead. The patrons of both of those shopping malls who may from

time to time want to move from one parking lot to another without going out onto Route 58, we did it for the safety and convenience of the patrons of those two malls. If the-- all the retailers in those two malls don't agree with the Town Board that it is in the interest of the patrons of their stores to have this convenience and safety, then I'm sure that we are going to hear from them, too. So far we haven't.

Also, I think that this is a matter of interest to all the residents of Riverhead who use these two malls and these parking lots that if, in fact, it is not in their interest, that is for their convenience and safety that this easement to open up these two parking lots one to the other, as, by the way the parking lot between Video Breakthrough and Waldbaums is now open for people to move from one to the other, this just opens up another one, then we will hear from many other citizens in Riverhead that they don't want us, that is, the Town Board, to take this action in the interest of their convenience and safety, and frankly, I am not hearing that. So I think the majority of the people in Riverhead would like to see number one, Blockbuster Video come here, and number two, certainly would be in favor of having this easement for their convenience and safety.

So from the standpoint of why the Town Board has done this, I say again that's the reason I voted for it and would again today if it came to a vote, and why I believe the others who voted for it on the Town Board did so."

Robert O'Kane: "Do you believe that your authorization with what I'm understanding what you are saying, that the approval of the site plan-- that this issue was an important issue. But the issuing of the building permit and letting them go ahead and build the entire building and continue on to its completion prior to this access being resolved, seems foolish and contrary to what your intent is. I'm saying, is on May 13th the building permit was issued contrary to your Resolution, contrary to what you are telling me."

Councilman Creighton: "The zoning and prior approvals on that property would permit the building construction to go on whether or not there is an easement or not. And this has been so since at least 1989 when it was first approved. The man has a right-- the owner has a right to do the construction that's being done there. It's within the zoning code and the building permit guarantees that the construction

is done according to the State fire and building code. It's irrelevant whether or not there is an easement. It was the Town Board's desire to get the easement put in for the safety and convenience of the patrons while the owner is asking for a site plan approval."

Robert O'Kane: "I realize that."

Councilman Creighton: "But you can't-- whether there is an easement or not, will not stop that building from being built, is my point."

Robert O'Kane: "I'm not saying that. The building permit was issued contrary to your Resolution. Your Resolution had stated, no building permit shall be-- "

Councilman Creighton: "The opinions appear to differ on that, but regardless, it is the intent of the Town Board to let that building be built."

Robert O'Kane: "Well, was it the intent of the Town Board-- we have members of the Town Board here who voted on this Resolution, to get this easement situation and the safety factor squared away before the site plan went on and it was built on? We are talking about interpretation. What is your interpretation of what you had voted on? You voted on it. You read it. Did you want the building to start prior-- "

Councilman Creighton: "Sir, you just heard my interpretation."

Robert O'Kane: "My understanding of what you just said was that you wanted that resolved."

Councilman Creighton: "And it will be."

Robert O'Kane: "But they are building it."

Councilman Creighton: "It's irrelevant whether they build or not."

Robert O'Kane: "I realize it's irrelevant."

Councilman Creighton: "He has a right to build whether we do the easement or not. And he has had it since 1989 or prior to that. Because the zoning permits it on that property."

Robert O'Kane: "I'm not saying he can't build it."

Councilman Creighton: "We're trying to do a favor for the people of the Town or Riverhead, make it more convenient and more safe by adding an easement while we had the opportunity. That's all we're doing."

Robert O'Kane: "Yes, and you said they had 60 days to resolve it prior to the Town starting condemnation proceedings to where you could basically put in there what you want there for the residents of the Town of Riverhead, but yet they are building already, contrary to the Resolution."

Deputy Supervisor Stark: "Thank you, sir. Is there anybody else before we go to the Resolutions? Mike, one more time, and then we are going to move on."

Mike Melcash: "I keep hearing that they've had this approval since 1989 and I think it's important that we clarify the approval that they had was for a building behind it, a two story building. Okay. A lot of people are under the misconception that all this took place and us, as retail owners who object to what has taken place in the Town of Riverhead, are coming up with some kind of story. Okay. Yeah. That was a building in the back. If they were going to be building the two story building that they had approval for, I wouldn't be standing here right now objecting to it. I'm objecting to the fact that the plans were changed, everything went through very, very fast. It wasn't since 1989. It was since April of 1994. That's when all this took place or that's when we learned about it. Before we knew it, it was too late to do anything."

I don't think it's right. I don't think that Whitey Ford signing some autographs and baseballs can move that fast. Okay. Or make things happen that fast. Pretty soon Joe Namath is going to come out here and open up the Wiz by signing a football. Okay. That's the message that we're sending out to people. I don't like it. Okay.

Also, Buddy Brooks, my competitor, he was here at the last meeting. He closed his store down on Sunday. I feel like even though he was my competition, a friend died because of this decision. Buddy Brooks, born and raised in Riverhead, worked hard for eight years building up his business, he was here pleading with people to stop this. Nothing

is being done about it. He closed the doors. His landlord is losing half of his tenants. Two people in Riverhead are devastated. Not to look back, Video Nook in Aquebogue when they heard about Blockbuster a few months ago, they closed the doors. Smiles Video closed the doors over the past few months. Okay. It's not just these stores right now. This is the beginning people. This is the beginning of the decisions that are being made here and I feel that I am being rushed. When I got up here the first time, I couldn't even say the things. Mr. Prusinowski was Mike, that's enough, come on, let's go. Okay. There were mistakes made here. Everybody should be aware of it. Major mistakes. Mistakes that are going to affect the future of everybody in Riverhead.

I think that if this was looked into more I could compare it to the Watergate of Riverhead. I think that people would be resigning. I think that-- "

Councilman Prusinowski: "No, that's a lie. I think that what we should do is as I said again. Let's have the DA come over here and look at the files. Whitey Ford was not here to rush this application through. Whitey Ford was brought into this building because the developer didn't want to do this easement. Yes, to stop this type of retail development is what happened yesterday. They wrote out a site plan in Jamesport for a shopping center. We are calling for a Public Hearing tonight. You've got to do a planning process. We sued Southland Corp. We prevailed in court because we had a Hamlet Study, we did the rezoning in Wading River, and we put regulations guiding the hours of operation throughout the entire Town in country (inaudible). There is a proper way of planning.

By saying to Blockbuster Video, we don't want you in Riverhead, they would go to court, they'd win and it's a joke. It's an Article 78. It's against the constitution of the United States of America."

Mike Melcash: "Vic, I never said we can't have them in Riverhead. I'm saying you could have stopped this thing from happening so fast by approving the site plan."

Councilman Prusinowski: "It did not happen fast. That's the thing, Mike. It did not happen fast."

Mike Melcash: "I know, 1989 everything was approved."

Councilman Prusinowski: "No, forget about 1989. He came in here last year looking for a change because he didn't want to do the one building-- he wanted to add onto the building. It did not happen since 1989. It happened, you know, sooner than that but it wasn't rushed through."

Mike Melcash: "The last-- "

Councilman Prusinowski: "It's a video store. For crying out loud, we've had multi million dollar projects come in this Town. We have--"

Mike Melcash: "Try to (inaudible) everybody works-- . He's a guy-- "

Councilman Prusinowski: "How about Digger O'Dell's?"

Mike Melcash: "He's moving. He's going to be leaving Riverhead because of Blockbuster."

Councilman Prusinowski: "Could it possibly be maybe he didn't run his business right either? You know, a lot of businessmen go out of business and they blame it on everybody else. And I know that for a fact because I see how a lot of people operate their businesses in Town. Okay. So it's easy to blame the government, blame everybody else. But, listen. I understand but get up here and making statements like, oh, there's something wrong, come on. That's ridiculous. Watergate? Come on. For an easement?"

Mike Melcash: "I think that there's a lot of things that took place here that shouldn't. Who's going to sell them their advertising for Suffolk Life?"

Councilman Prusinowski: "I don't handle the account. I don't want the account. It's not my account and it will never be my account."

Mike Melcash: "Okay, I'm glad to hear that."

Councilman Prusinowski: "I've also sued a lot of people from the Town Board. I don't mix the two."

Mike Melcash: "Okay. Last time we were here, I heard something very good that I think for the future of Riverhead people should think

about Mrs. Gilliam mentioned-- I forgot what it was called-- in the Hamlet Study. The Hamlet Study and when I left here, I thought that something like that has a lot of good possibilities. You know, we're a victim. By the way Video Breakthrough is going to survive all of this."

Councilman Prusinowski: "That's right, you will. Because you run a good business. That's right."

Mike Melcash: "We are planning to survive and since the last meeting I had so many of our customers say, whatever you do, don't close the doors. We've been going to you since 1983, Blockbuster could come in. They heard all the negative things with Blockbuster as far as the pricing and the coldness and they like our friendly atmosphere. They like the things that we do the way that we serve our customers. We have been there. It's unfortunate what's happening, what's taking place. But we will be there. I don't know who else will be there. I don't know what new people are going to come to Town or where the future is going to be. But anyway, I am concerned about the Town of Riverhead. I think that because of all this, if things could be reviewed more carefully. I think that if there's various studies, don't let things get pushed by so quick. I believe, and I firmly believe, even though I'm having some disagreement, Blockbuster with their power, with the players involved with the whole thing, got this through a little bit faster than it should have. And I think that if more studies would have taken place, okay, we're only a little guy. Blockbuster is not Home Depot or anything. But it's the beginning of it and it's starting something."

And I meant what I said before with the Wiz and places like that, that all of a sudden they have to hear that it's easy to get here and they are getting a signal that-- think about the little guys that are out there. Think about the Buddy Brooks. Think about other people who were born and raised in Town and what it's going to do to them. Thank you."

Deputy Supervisor Stark: "Thank you, Michael. Let us take up the Resolutions please."

Resolution #442

Councilman Prusinowski: "Authorizes Supervisor to execute contract

for scope of services for landfill closure regulation. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #443

Deputy Supervisor Stark: "This approves the site plan of Peconic River Yacht Basin facade alteration. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #444

Councilman Creighton: "This authorizes the Town Clerk to publish and post public notice to amend existing Riverhead Town Code, Section 101 entitled Vehicles and Traffic, Article III, entitled Traffic Regulations at Section 101-3 Stop and Yield Intersections, Railroad Crossings, and Parking Fields. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #445

Councilwoman Gilliam: "Awards bid for the purchase of sump pumps for use by the Sewer District. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #446

Councilman Prusinowski: "Releases savings account of Suffolk County National Bank for Corazzini Asphalt, Inc. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #447

Deputy Supervisor Stark: "Approves the site plan of the Fashion Bug facade alteration. So moved."

Councilman Prusinowski: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #448

Councilman Creighton: "This approves an application of the Riverhead Kennel Club to hold a show, an AKC registered dog show at the Barker Farm in Jamesport on July 16, 1994. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #449

Councilwoman Gilliam: "Approves application of Barker Farms for a crafts fair and carnival rides. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam?

Councilwoman Gilliam: "I have a question on the Resolution. To the Town Attorney, did you receive a copy of the certificate of insurance on that one?"

Robert Kozakiewicz: "I think it's here. Right behind-- "

Councilwoman Gilliam: "Okay. Then it must be the next one then."

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

Resolution #450

Councilman Prusinowski: "Approves application of fireworks at Barker Farms. So moved."

Deputy Supervisor Stark: "Is there a copy of insurance certificate on this-- "

Barbara Grattan: "It's in my office."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #451

Deputy Supervisor Stark: "Without objection of the Board, I will

move 451 to 454, which is summer appointments to the Recreation life-guard. 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 #455

Deputy Supervisor Stark: "You want to read this one?"

Councilman Prusinowski: "Authorizes the Supervisor to execute a contract for restoration of the Suffolk Theatre Phase I. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #456

Councilman Creighton: "Is a budget adjustment in the Nutrition Site Council Fund for \$1,000. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #457

Councilwoman Gilliam: "A budget adjustment for the Recreation Program Fund transferring to various line items including seasonal employees, equipment, travel expenses, consultant supplies, and social

security and worker's comp. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #458

Councilman Prusinowski: "Police Athletic League budget adjustment. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #459

Deputy Supervisor Stark: "Authorizes the Town Clerk to publish for bid. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #460

Councilman Creighton: "This authorizes the attendance of Chief of Police at an executive seminar sponsored by the FBI. So moved."

Councilwoman Gilliam: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #461

Councilwoman Gilliam: "Authorizes attendance of street lighting personnel at seminar. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #462

Councilman Prusinowski: "Appoints part time Maintenance Mechanic II to the senior program. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "It does not appear that there was an advertisement, a current advertisement, for this position. And even if the Board is relying upon the fact that there may have been some applications on file from which to fill this position, we have a memorandum here from the Recreation, excuse me, from the Senior Programs Department, indicating that the individual selected had his application on file and that it has been kept on file. He was interviewed this past fall.

However, his application indicates that he had been employed, one particular employ from 10/87 through 6/94, and I don't quite understand if this application has been on file since last fall, how this date of 6/94 could appear on his application.

And, lastly, the application is not complete in that there is not a last page with a signature and certification as to show actually when

the application was dated. So for all those reasons, I vote no."

The Vote (Cont'd.): Creighton.

Councilman Creighton: "I, too, have questions about the application and the way the job was advertised and the way the hiring was recommended. And also for that reason vote no."

The Vote (Cont'd.): Prusinowski.

Councilman Prusinowski: "Based on all that then I think we should just table the Resolution. So I'll make a motion to table it."

Councilwoman Gilliam: "Mr. Chairman, we are in the middle of a vote."

Councilman Prusinowski: "Okay. So then-- we'll continue the roll call. So based on that, if we've violated some Townwide policy, then I'll vote no, too."

The Vote (Cont'd.): Stark, abstain.

Resolution #463

Deputy Supervisor Stark: "Authorizes the Town Clerk to publish and post Public Notice to consider an amendment to Chapter 108 of the zoning of the Riverhead Town Code. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #464

Councilman Creighton: "This authorizes the Town Clerk to publish and post a Notice to consider an amendment to Chapter 52, Building Construction of the Riverhead Town Code. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #465

Councilwoman Gilliam: "Authorizes the Town Clerk to publish and post Public Notice to consider an amendment to Article XXVI, Zoning of the Riverhead Town Code. So moved."

Councilman Creighton: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #466

Councilman Prusinowski: "Authorizes the promotion of Donald Tuthill to the position of Maintenance Mechanic III in the Street Lighting District. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #467

Deputy Supervisor Stark: "Authorizes the transfer of Joanne Krajewski from Account Clerk Typist in the Accounting Department to Clerk Typist in the Building Department. So moved."

Councilman Prusinowski: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

yes. Resolution is adopted.

Resolution #468

Councilman Creighton: "Appoints an account clerk typist to the Accounting Department named Melissa Cosgrove to replace Joanne Krajewski. So moved."

Councilwoman Gilliam: "And seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Resolution #469

Councilwoman Gilliam: "Authorizes Town Clerk to publish and post a help wanted ad for school crossing guard. So moved."

Councilman Creighton: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Barbara Grattan: "Resolution to pay bills."

Councilman Prusinowski: "We have Resolution 470."

Resolution #470

Councilman Prusinowski: "I'd like to move Resolution 470. We're calling for a Public Hearing regarding amendments to the Zoning Use District Map for commercial areas of Aquebogue and Jamesport.

This is a result of a year and a half to two years of study groups from our Aquebogue and Hamlet Task Forces. This goes right at the heart of the issue of the Blockbuster Video. If you want to change the type of business that comes in the Town, you have to change the zoning code. And you have to follow a process. You cannot be arbitrary and

capricious. People do have property rights that are guaranteed in the constitution. And now is the time to do this, not when the site plan is sitting before the Town Board, in Jamesport, with people hollering, we don't want it. We don't want it. Because when people have vested rights, then you have legal problems. I move this Public Hearing. So moved."

Deputy Supervisor Stark: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "I vote yes, and following up on what Mr. Prusinowski says, I hope the Board members will again start considering the need for the Riverhead Hamlet Study."

The Vote (Cont'd.): Creighton.

Councilman Creighton: "This is a reflection of a lot of good work done by both Aquebogue Hamlet Study people and the Jamesport Hamlet Study people and also the Director of Planning, Rick Hanley. And I thank all of those people for this. Yes."

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

Barbara Grattan: "Pay bills."

Councilman Prusinowski: "So moved."

Deputy Supervisor Stark: "Is there a second?"

Councilman Creighton: "Seconded."

Deputy Supervisor Stark: "Moved and seconded."

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

Deputy Supervisor Stark: "Let me remind our audience and our viewing audience that the July 19th meeting will be Tuesday evening,

July 19th at 7:00 p.m. And this will be our annual visit to Wading River. I believe in August, we go to Jamesport, but it is, again, July 19th, Tuesday evening, 7:00 p.m., in the Wading River Elementary School.

This gentleman was here earlier from the East End Surf Club. We were busy in our Public Hearings and he had to leave, but I would like to read it on behalf of the Supervisor and the Town Board.

It is to the East End Surf Club and every year annually in the spring, about the third week of April or first or second week of May, somewhere in that period, their entire club and other volunteers clean up our Sound beaches. And this particular year, they collected over six tons of garbage that's either been floated over or brought in by the storms and they have been doing this consistently for several years that I know of.

And, again, I think this Board and the Supervisor would like to give them the Certificate of Merit and I'll read it. And it says:

WHEREAS, it is proper that the Town of Riverhead acknowledge the outstanding achievements of an organization which performed a service to the community;

WHEREAS, the East End Surf Club is an organization of fishermen which recognizes the beauty of the natural resources of the beaches of the Town of Riverhead;

WHEREAS, for the past 20 years members of the East End Surf Club have taken upon themselves to volunteer their time and effort to clear the beaches of the Town of Riverhead of debris;

WHEREAS, the Town of Riverhead is especially proud of the East End Surf Club and wishes to extend its gratitude on behalf of the residents of the Town of Riverhead.

NOW, THEREFORE, I, Joseph F. Janoski, Supervisor of the Town of Riverhead, do hereby award this Certificate of Merit to the members of the East End Surf Club in recognition of its dedication to preserving the natural beauty of our Town beaches through its annual clean up efforts.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the Town of Riverhead to be affixed this twenty-first day of June, in the year of Our Lord, nineteen hundred and ninety-four.

And they do an extremely good job and I recognize Councilman Creighton who I think really in a sense has something to (inaudible) on with this, because these people are also involved in-- "

Councilman Creighton: "We are also-- the Town has been involved for years now in trying to restore and strengthen the shellfish industry that has such an historic place in our history. And tomorrow at 9:00 a.m. at East Creek in Jamesport, 5,000 clams will be planted and this is an annual event, so that in the fall or next year, they will be able to be harvested. This is an ongoing program that's getting better each year. Thank you."

Deputy Supervisor Stark: "Without objection, this meeting is adjourned."

Meeting adjourned: 3:53 p.m.

*Barbara Tratten
Town Clerk*