

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead, held in the Riverhead Town Hall, Riverhead, New York, on Tuesday, January 5, 1993, at 7:00 p.m.

**Present:**

|                     |              |
|---------------------|--------------|
| Joseph F. Janoski,  | Supervisor   |
| Victor Prusinowski, | Councilman   |
| James Stark,        | Councilman   |
| Frank Creighton,    | Councilman   |
| Harriet Gilliam,    | Councilwoman |

**Also Present:**

|                  |               |
|------------------|---------------|
| Patricia Moore,  | Town Attorney |
| Barbara Grattan, | Town Clerk    |

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

Supervisor Janoski: "May I have a motion to approve the minutes of a Regular Board Meeting of 11-2-92?"

Councilman Stark: "So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Supervisor Janoski: "Thank you. Reports."

**REPORTS:**

**TOWN CLERK** Monthly report for December, 1992 (\$11,006.73)

**TAX RECEIVER** Monthly report for December, 1992, (\$2,637,053.51)

BUILDING DEPARTMENT

Monthly report for December, 1992  
(Total fees: \$11,923.00)

BUILDING DEPARTMENT

The annual report (Total fees  
collected in 1992 - \$116,279.00)

CORRESPONDENCE: :

COUNTY OF SUFFOLK

Amended Zoning Ordinance Section  
85-372A(8)c and A(9), Town of  
Brookhaven

NYS D.E.C.

Notifying Town that they are re-  
vising the Part 360 Regulations

BUILDING DEPARTMENT

Report of a complaint from a  
resident in regard to an unsafe  
building being used as a hangout  
for young people

MANORS AT BAITING  
HOLLOW CIVIC ASSOC.

Brings to the Town's attention  
some unsafe buildings and open  
foundations near the entrance way  
to the Manors at Baiting Hollow

DR. RICHARD COOK

Offering many kind comments on the  
efficiency, courtesy and kindness  
of the Riverhead Building Department  
naming former employee John  
Ziemacki, Chief Inspector, Raymond  
Wiwczar, and clerk, Susan Keeney

PHILIP J. KENTER

A copy of a letter to Cablevision  
of Riverhead complaining of an  
increased fee to Relay Communication

Supervisor Janoski: "We have two minutes remaining before  
the Public Hearing. Would you like to be recognized?"

Maryann White: "Good evening Mr. Supervisor and members of  
the Town Board. My name is Maryann White and I live on Nadel  
Drive. Once again, I find myself here with what appears to be  
becoming an annual situation. Last year around this time, I

approached this Board at a Board Meeting to make you aware of the very dangerous situation. To refresh your memories, the problems of hunters discharging their weapons very close to the residential dwellings. Unfortunately the situation has not gone away on its own. Once again, I have nothing but praise for the immediate response of our police department. However, as a taxpayer, I am sure that our police resources can be utilized for more important activities than having to drop everything because some yahoo blatantly disobeys the State hunting rules. Perhaps these sportsmen are ignorant, illiterate or both, but in combination with carrying a loaded weapon, this creates a lethal situation. The specific incident occurred on Thursday, December 31st. It was a very foggy morning with visibility of under 100 feet. Perhaps the shooting rocket scientist felt that he could not be seen in the fog. As the shots grew closer, the hunter came into view no more than 60 to 70 feet from my backdoor, where once again, he discharged his gun. As a resident of this Town, I am tired being held hostage inside my home. I will not risk my life or that of my unborn child by walking out into my own backyard from November to March of every year. There is something wrong with this picture. As I pointed out last year, the area in question is within the Hamlet of Riverhead, in a zoned Residential C. Residential C has a high density population. In fact, the Town has embraced the high density the better concept throughout the Hamlet's Residential C. In light of this population density in the area of question, it is obvious that guns fired in such a residential vicinity are not compatible with the life, quite literally, of the Town's residents. I have never come before the Town Board ranting and raving. I have also presented logical workable alternatives. As I did last year, I urged the Board to ban hunting within the Hamlet of Riverhead in its Residential C neighborhoods. It is your prerogative to continue to ignore me and the potentially lethal situation. However, until effective change is made by this Board which will protect the citizens of this Town, I will be back. I can only hope that by being made aware of the situation, the Board can educate themselves to the severity of the infringement. While being a hostage in one's own home is a blatant infringement on my pursuit of liberty and happiness, I really hope that it won't take an infringement of a life for this Board to finally take decisive action with protecting its citizens. Thank you very much."

Supervisor Janoski: "Thank you. Let the record show that the hour of 7:11 p.m. has arrived. The Town Clerk will please read the Notice of Public Hearing."

Barbara Grattan: "I have affidavits of publishing and posting of a Public Notice for a Public Hearing to be held at Riverhead Town Hall at 7:10 p.m. on Tuesday, January 5, 1993, to hear all interested persons who wish to be heard regarding the consideration of a local law amending Chapter 95 of the Town Code, 95-3 Conditions for Exemption."

Supervisor Janoski: "Okay. This is a Public Hearing on the concept of an increase in the maximum amount for the Town of Riverhead portion of the property tax, putting in place an increase of 3%. The purpose or intent of this proposal is to ensure that senior citizens presently receiving a property tax exemption would not lose that exemption through the slight increase in Social Security which took place. The Town of Riverhead moved last year for this tax year, 1993, to put in place an increase in the exemption also. That is the subject of the Hearing, and we will open it up to comment. Joe."

Joseph Sikora: "My name is Joseph Sikora and I live in Riverhead. I would like to see this Hearing postponed and have it during the daytime because there are a lot of senior citizens that do not drive at night. And they will not come out for a Public Hearing in the nighttime. Thank you."

Supervisor Janoski: "I can suggest, Joe, that the opportunity exists, I can keep this Hearing open for another period of time and we can accept written statements of position from anyone who wishes to do so. It's the first time I've ever had anybody suggest that we have a daytime meeting, however, because we have them in the evening so that people find the meetings to be accessible, but I understand that in the evening on a bad day, some senior citizens would not wish to drive. I can keep the meeting open and we can accept their written statements of-- "

Joseph Sikora: "Well, I know a lot of them would come if it was during the daytime."

Supervisor Janoski: "Yes?"

Janice Gilmore: "I would like to read this letter and then I'll present it to the Board."

I have read with great concern the newspaper reports about the last Board Meeting when Miss Gilliam introduced a motion to increase the income limit for the senior citizen partial exemption from real property tax to \$19,800, with a sliding scale ranging from five to 50%. I'm sorry but I find this Board's arrogant attitude outrageous in refusing to admit or recognize the dire need of the low income senior citizens in this Township. I speak for myself and for the hundreds of Riverhead Town residents that have signed the attached Petitions, when I say that we support Miss Gilliam's motion and this Board's intention to increase this income limit to anything less than the \$19,800, is not only disappointing, but totally unacceptable. The State Legislature has authorized municipalities to amend local legislation to increase the maximum gross yearly income to \$19,800 for senior citizens applying for partial exemptions from real property tax. And that is what we are requesting this Board to do. The low income senior citizens residing in Riverhead Township deserve the same recognition, concern and support that all other senior citizens are receiving throughout all the other Townships in Nassau and Suffolk County. Every other Township automatically extends to their low income senior residents, the maximum real property tax aid available for them to provide. The real disgrace in this matter is that this Board has knowingly withheld this aid year after year, causing the senior citizens in our Township who fall into this low income bracket, continued financial distress. It is time for this policy to change. The New York Legislature has not developed this partial tax exemption for any other purpose then to provide direly needed aid to low income seniors who find themselves, for whatever reason, trying to survive solely on a small, fixed Social Security income. These are residents who have no means to supplement their income. They are living with varying degrees of health problems, many are no longer able to drive, and they are just desperately trying to survive and hold onto their homes. These are residents who in their prime, were hard workers and fully supported this community and now find that they are in need of support from this community. The Riverhead School District Board of Education should be commended for its independent action earlier this year when they recognized their responsibility to all the residents in the District, and joined the 133 other School

Districts in Nassau and Suffolk Counties by approving the maximum income exemption level. This Board should follow their lead. The issue of conforming to the New York State Legislature's recommendation for the maximum income eligibility level for this senior citizen partial real property tax exemption, is not an issue in any other Township in Nassau and Suffolk Counties. It appears to be viewed on their part as a moral responsibility and is routinely adopted whenever the income level is changed. Don't the senior residents here in Riverhead who are in equal need as the residents in these other areas of Long Island deserve the same compassion, concern, and support from their Township? Riverhead has been celebrating a very special year. Our Bicentennial has been a time during which we have taken great pride in our heritage, our ancestors, and our history. What better time to right this terrible injustice and send a message loud and clear to the elderly of Riverhead Township that we do not only value what they have contributed to our community in the past, but that we also value their presence now, and that we care about them as much as they would be cared for if they lived in any other Township in Nassau and Suffolk County."

Supervisor Janoski: "Would you, for the record, please tell us who you are?"

Janice Gilmore: "Oh, I'm sorry. My name is Janice Gilmore and I live in Wading River. And I'd like to give you the Petition-- "

Supervisor Janoski: "I would like to say something before you step away from the microphone. Your letter was very craftily constructed and I'm not going to disagree with anything you said except one word. You used the word arrogance, and I have to take exception with that because this Board, the majority of it, is trying to act responsibly. Now, I don't know that you have the information or wish to hear the information that we have to work with. But, it would be totally irresponsible in my opinion, to do what you have suggested. Because there is more to this community than the senior citizens. While we certainly have an obligation to them, we have an obligation to young families who are struggling also. The simple fact that our tax base, unlike other Towns in Suffolk County, has declined some \$14,000,000, means that any further exemption, and we know right off the top, that this would mean an additional-- at least \$3,000,000 additional

loss to the tax base, means that someone is going to have to pay that tax. That in turn means that there is going to be a transfer of that burden to someone else. You are incorrect in your facts that this is not the case in other Towns. Southold Town, their exemption rate is below ours. I believe it's at some \$12,000 or something like that. So that fact is not correct either. If you want to compare Towns you're making a mistake because I can tell you that the Town of Southampton has a tax base ten and a half times the size of Riverhead. And if we had our budget with that tax base, everyone in the Town would experience a 47% decrease in taxes. That's the reality that the members of this Board deal with. I think that we're trying to move fairly, recognizing that we don't want people to lose the exemption who have it. Of the 9,000 estimated senior citizens in the Town who are property tax payers, the exemption affects, I believe 575 people-- taxpayers. I would think that you should devote your efforts towards correcting the patchwork approach that the State uses. One of us here has a copy of the legislation which allows for the exemption to be increased. And it clearly states that local municipalities may experience loss of revenue. The next line is, but there are no financial implications to the State. I would support very strongly a State income tax credit for all senior citizens rather than the few who pay property taxes only. That is never done. The State Legislature every year allows this escalation of the maximum amount and walk away from it without accepting any responsibility about what do we do about paying for police, doing the highways, removing the snow, those things that we have to care about. They simply say, we're going to do this and you guys handle it. I think that the system is totally unfair but I'm getting away from the subject. I believe that-- "

Janice Gilmore: "Well, I don't think the issue is whether the system is fair or not and if there's a better way of doing it, I would be happy to work toward that. But this is the only system we have at the moment and, to me, it really doesn't seem fair that the seniors in Riverhead should be receiving any less than where-- "

Supervisor Janoski: "And they are not. They are not receiving less than Southold."

Janice Gilmore: "However, to do it through the income tax,

I think would not work, since the people that fall within this income bracket and only receive their income from Social Security, don't even pay or file income tax."

Supervisor Janoski: "And maybe they should get money from the State then. I'm not going to debate this. I just want to say that one, I resent your remark of arrogance, we are not being arrogant. We are being responsible and I take exception when somebody stands at that microphone and says that kind of a word to a bunch of people who are working hard and are concerned about the entire community."

Janice Gilmore: "Well, I had-- saying that you don't work hard. I think that word was based on-- "

Supervisor Janoski: "Ma'am, you keep on ignoring the word that I'm using. You used the word arrogant."

Janice Gilmore: "No, I understand that, and I'm about to explain that. If the newspaper report was wrong, then perhaps the word is incorrect. But as I read the newspaper report, when Miss Gilliam made the motion, this Board attacked her, I shouldn't say attack, I take that back. But accused her of being politically motivated in trying to embarrass the Board. This is a humanistic, I mean this is not a political issue. This is dealing with this-- "

Supervisor Janoski: "Ma'am, this is a very political issue, but please give your letter for the record and we will move on to the next person who wishes to be-- "

Councilwoman Gilliam: "I'd just like to respond to some of the things Mrs. Gilmore has said. First of all, I think that the Supervisor's response to Mrs. Gilmore calls into question his attitude toward this whole situation and to this issue. The Supervisor has remarked as to what are the realities, the economic realities, in our Town and what we have to deal with in terms of our tax base. I have asked previously from the Assessor's Office for a written report as to what-- an analysis, as to what would be the fiscal impact if we were to have some increase in the tax exemption, and that written analysis was not forthcoming. There was a verbal guesstimate as to a possible impact but, again, I was not provided with information as to how

this guesstimate was arrived at. I would like to request that this record of this Hearing remain open for the submission from the Assessor's Office for a written analysis as to the fiscal impact of increasing the tax exemption so that we all have the facts on the table under the General Municipal Home Rule Law. When you're having a Public Hearing, the Board is supposed to be afforded all of the relevant data and information in order to make an informed and intelligent decision. And we cannot do that without having the fiscal impact of this from the Assessor's Office. And I would ask that the record remain open for the submission from the Assessor's Office of a written analysis of the fiscal impact of these proposals."

Supervisor Janoski: "I have already stated that I will keep the record open, but if, you know, we could get into a debate here. This is a Public Hearing. Harriet Gilliam as Councilwoman, made a far-reaching proposal without any information. There was no concern about the fiscal impacts of this in the proposal. It just appeared one day. Now, it is well known to every member of this Board that there has been a \$14,000,000 decline in the assessed value of this Town. Under those circumstances, it should be perfectly clear to any member of this government that the ability to finance further exemptions is certainly handicapped and certainly would result in the transfer of taxes to another group of taxpayers in the community. Please let us continue with the Public Hearing."

Rolph Kestling: "My name is Rolph Kestling. I live in Wading River. I really didn't intend to speak tonight, nothing on my mind. But all I want to say is I support Mrs. Gilliam's proposal. Now, (inaudible) over this thing, the proposed increase, now a person that's earning say \$15,000 or has an income of \$15,000, will only have a 10% reduction. Now, if a person is only making \$15,000, I'm sure he's not living in a half a million dollar house where he's paying \$5,000 worth of taxes. He's paying maybe \$1,000 worth of taxes. So he's going to save \$100. Okay. Another thing is you said the Town can't afford it. I agree. You take one piece of pie, another person is going to get a little less. I have a suggestion. And it's going to make me very unpopular with a lot of people. I have a small piece of property, 60 feet by 100, nothing on it. Bushes, you've heard me say it before, some apple trees, a vegetable garden. I pay \$400 a year taxes. Six thousand square feet. What does

a farmer pay for his acre? \$2,700 an acre on taxes? I suggest we take some of the exemptions away from the farmers. Raise his taxes a little bit. And don't go telling me the poor farmer driving around in his air-conditioned tractor, please. Thank you very much. Oh, one more thing. I'm sorry this is an after-thought. The word arrogant was used. I have been attending meetings since late part of 1988 since I retired and have nothing better to do but to come to meetings, next day go to all my neighbors and tell them what goes on in the Board here. And perhaps I do influence a little bit of voters. The term arrogant. It is my perception that is a correctly used term. I find that many times members of the Board (inaudible). Thank you."

Supervisor Janoski: "Thank you. Well, I guess it's time for you, George."

George Schmelzer: "Is it so that coming up the school taxes will have this exemption?"

Councilman Prusinowski: "Next year."

George Schmelzer: "First time, right?"

Councilman Prusinowski: "For the next tax bill you get next year."

George Schmelzer: "That will be the first time, right?"

Councilman Prusinowski: "Up to the maximum."

George Schmelzer: "What was it up to now?"

Supervisor Janoski: "\$19,000. The figure for this year which the School Board adopted was \$19,000, in round numbers. For the following tax year, which is 1994, will go to \$21,000."

George Schmelzer: "So the school tax exemption to me would be far more than 3% would be if you put it in for the rest of the Town tax. Because school taxes are far more then the rest put together."

Supervisor Janoski: "The school taxes represent 60% of

the-- "

George Schmelzer: "So, with an increase in exemption for school taxes, it takes care of more than 3% of the total, right then and there, doesn't it?"

Supervisor Janoski: "I think you're right, George."

George Schmelzer: "Yeah, okay. There are also poor people with little income, with kids, having to struggle, too. What about them? Nothing said about them?"

Supervisor Janoski: "I think I said that."

George Schmelzer: "Yeah, I mean, as far as the farmers, all these people who would like the farmers to keep their land open, and farmland doesn't require any services and you can see a lot of farmland now is growing weeds. That's how good the farmers are doing. We have only one duck farm left in Town. There were 21 before. We have no (inaudible). The Allied Industries for potatoes is all gone. Pretty soon you will have to look hard to find a potato field. So, there it is. At one time when food was short, maybe farmers were doing good, but not now. Anybody wants to be a farmer, you can buy one. Maybe you ought to make it like anyone runs for public office there should first be a farmer for five years. Then you wouldn't have many people running for public office. I don't mean you, Joe, you were a coal miner, weren't you one time? Now, we don't use coal, we use oil, so you're stuck."

Councilman Stark: "I was a farmer. I did farming."

George Schmelzer: "Yeah, well, you're out of the business, too, aren't you, the farming business?"

Councilman Stark: "Still trying to hang in."

George Schmelzer: "Did you raise potatoes here?"

Councilman Stark: "Yes."

George Schmelzer: "Yes. Where?"

Councilman Stark: "Up in Calverton."

George Schmelzer: "You mean, two or three rows?"

Councilman Stark: "No, quite a few more."

George Schmelzer: "Yeah, that's good. You're the only one left then."

Councilman Stark: "No. There's a few of us left." I wonder if the gentleman rides around in an air-conditioned car, too."

George Schmelzer: "That's about it."

Councilman Stark: "That's not arrogance."

George Schmelzer: "Farmers? Well, farmers can be arrogant too, when they're doing well. Just like lawyers and everything else."

Supervisor Janoski: "I was just going to say that I think you have addressed a, you know, it's easy to stand at the microphone and say things like that without understanding the complexity of the entire situation."

George Schmelzer: "I didn't say it wasn't complex."

Supervisor Janoski: "Not you. I'm not talking about you."

George Schmelzer: "Okay."

Supervisor Janoski: "To suggest that the taxes on farms be increased would undoubtedly have the impact that you say it would. That the farmland would be sold, farming would disappear. We would have more houses built and then the deeper financial problem. The farmers are given through the State an assessed value on property, depending on its classification which is meant to keep farming alive as an industry. Where the State is wrong, and I might as well bring this up, is that when they look at the wealth of the Town in property, they do not acknowledge that they, the State, have reduced the value of that property for tax purposes. They look at it at its full assessed value. So that when they give State aid, it is based on the property wealth of the Town, which is artificially inflated and not true."

Because we are not collecting taxes on that property to the extent that the assessed value says we are. That is another way that the School District and the Town are short changed."

George Schmelzer: "It's really a fraud, isn't it?"

Supervisor Janoski: "Yes."

George Schmelzer: "But we can't do much about it though."

Supervisor Janoski: "Well, yes something can be done about it. Over the years, we're getting away from the subject here."

George Schmelzer: "It's all related."

Supervisor Janoski: "It is all related and it is not as I say as cut and dry as a simple senior citizens tax exemption. It is very complex and, you know, it would be very easy I think for us to agree to increase it to the maximum. It's very easy to do that."

George Schmelzer: "A lot of people who move out here like to see the beautiful open land and they say preserve the farms. But none of them would ever work on a farm, or own a farm, or anything to invest in a farm. They don't care about the farmers. Only about the open land. And I can say also the environmentalists should be very happy now, those that are concerned about wetlands. We got more wetlands then ever before since that storm. It ought to satisfy some of them. Okay. Thank you."

Supervisor Janoski: "Thank you. John Ofrias, and then we'll get you, Bill."

John Ofrias: "John Ofrias from Roanoke. Tonight I really have to be in two different places at once. I wanted to be here and I also wanted to be at the School Board meeting."

Supervisor Janoski: "I'd rather be there."

John Ofrias: "You'd rather be here?"

Supervisor Janoski: "No, there."

John Ofrias: "There, it's going to be a hot night there, I think. And, of course, we ask the senior citizens to support the schools, and I think they are extremely supportive of the schools and they have been for the last few years despite suffering many hardships. And now, of course, at the Roanoke School, we're reaching a crisis that no one seems to have any solution to. And it's a crisis that's been brewing for years. There was a committee that was formed in 1985, and they said there are things that we have to do, and people said, oh, wait, where are we going to get the money to do this, and we threw a bandaid on the problem. Another committee was formed in 1989. The result was another bandaid, and now we have another crisis. And what it's amounted to is a safety issue, a health and safety issue for the kids in that school. And I'm sure everyone on the Town Board recognizes that when something becomes a health and safety issue, we react. I'm reminded of the Wading River meeting that we had a few months ago during the summer, and people were talking about the boat ramp down at Reeves Beach. People were screaming, hey you built the ramp in wrong direction. We told you to go left with it, you went right. And I remember Mr. Stark said, wait, what's the end of this discussion? We have a health and safety issue here. We can't allow people to come on the beach with the trailers, so on and so forth. So, everything stops when there's a health and safety issue involved. And that brings us to statements made by Councilwoman Gilliam regarding the very real intelligent concrete assessment of what will be the impact if the seniors do not get a discount? Okay. I feel that we are not speaking from a knowledgeable position here. You may be, perhaps you are. I'm not going to accuse you of not speaking from that position. But, myself, as part of the public, are not aware of what impact seniors will suffer if we do not give them this exemption. And I think that is something that should be shared with the public. Okay. It should be very finely articulated, and I'd like to see the Public Hearings extended until we do that. I feel, and I know Mr. Janoski you are a parent; Mr. Stark is a parent; Mr. Creighton is a parent, and I know that Miss Gilliam and Mr. Prusinowski have a place in their heart for children."

Councilman Stark: "Grandparent."

John Ofrias: "Grandparent, okay. And I think anyone who becomes a parent knows you would not hesitate to give your life

for your child. Am I right? That's not something you think about. And as much as we would give our lives to our children, we owe our lives to the older generation. We wouldn't be here without them. So as much as we have a responsibility to the younger generation, we have a total responsibility to the older generation. And I think that this has to be our priority. There is going to be a health and safety issue for one single senior citizen, it is our responsibility to make sure that they don't suffer."

Councilman Prusinowski: "And I agree with you 100%, John. That's why over the years over and above the senior citizen tax exemption, when state, federal and county governments have cut all our senior citizen programs, we have maintained the level and increased the level of spending dollars for the general Town account to maintain that safety net for the people who can't afford to cook their own meals, or can't afford to eat a decent meal, we have our Meals on Wheels, our nutrition program. Everyone of those programs have been cut over the years and we have never reduced spending for senior citizen programs in this Town. The fact of the matter is I agree with you on the second point. The School District gave the senior citizens a tax deduction through this (inaudible) which is going to take effect next year. I think that's what Leroy's going to explain. A meeting you're not aware of that happened about three weeks ago, they called in so called business leaders of the community to the School Superintendent's Office. They got a little problem for next year. You know what the little problem is? They're down about four or five million dollars in assessed valuation right off the bat. Among other things, was the senior citizen tax exemption. And for the 8,000 other senior citizens of the Town, they're going to get a tax increase. I'm going to get a tax increase. You're going to get a tax increase. Also when you go to the School Board meeting tonight, I think it's about time we had a debate in this Town. What did they do with the bond money, the capital bond money, that I saw the parking lot being repaved for the first time in my life in this Town by the football field. What happened to the capital money that the taxpayers voted in? Where did that money go? I thought it was supposed to fix the Roanoke School. John Lombardi and I think a few people from Town Hall were on that committee that made recommendations to the School District and we floated a bond in this Town. Where did the money go? They spend \$40,000,000 a year over there.

And the seniors should have got a tax break over there because they have paid (inaudible) 6% of the tax bill. If that's what the School Board wants to do that's fine. What we're saying here is that when you give a deduction away on one hand, somebody else has got to pay for it. Unfortunately, this has turned into a very cruel situation. You have devious politicians who I cannot stand all over this state. They run around with these tax exemptions, and I agree with Henry Pfeiffer. If they're going to give a senior citizen tax exemption, don't make this little game of pretending that the Town can have a Public Hearing and say, ah, well, we'll set the limit. Give it to them. They do that, it's a clever way so that the state Assemblymen, the state Senators can run around this state and say, I did this for you senior citizens, please vote for me. But the Towns are stuck with the bill. And, I have no problem if we're going to give this tax exemption away, then we should take the credit for it. You know, we're trying to maintain-- everywhere I go, the post office, you name it. People want us to cut taxes. People are leaving Long Island, including the senior citizens, and in years when the tax base has grown, we can do more. Right now, our tax base has not grown. We have a lot of property off the tax rolls. We have cemeteries and naval facilities and parks and things like that. So we're going to do the best we can and if we can find financially that we can give more than the 3%, maybe we'll do it. Right now, I don't think we can afford it."

John Ofrias: "I just-- I don't want to see people in the community pitted against each other. I don't want to see seniors pitted-- "

Councilman Prusinowski: "You know something, John? Neither do I. This is the first time this has ever happened. This is the first time since I've been in public office that the School Board has never communicated like this to the Town Board and talked about the tax implications of the assessed valuation of the Town from year to year."

John Ofrias: "I don't even want to see the School Board pitted against the Town Board."

Councilman Prusinowski: "No, I'm not saying that. What we used to do, is the Superintendent used to always call the Supervisor and we talked about what the implication for the

taxpayers were of these types of things. And it did happen this year. They jumped the gun. Which is okay, it's their prerogative. It's their school tax. But, it's unfortunate, and we don't want to pit anybody against anybody."

John Ofrias: "Well, let's not discuss that if the seniors are given this exemption that someone else is going to have to pay for it. I think where that discussion leads is pitting the seniors against other people. And when we talked about getting support for the schools, we don't say that to the seniors. We say we are one community."

Councilman Prusinowski: "Right."

John Ofrias: "And that's the way, when we ask the seniors to give, we say we are one community. And we should not not give because we're saying we're not one community."

Councilman Prusinowski: "We are one community."

John Ofrias: "We are one community."

Councilman Prusinowski: "Exactly right."

John Ofrias: "And that's why they should give, and that's why we should give to them."

Councilman Prusinowski: "And we have."

John Ofrias: "We have. Now let's continue to do everything possible."

Councilman Prusinowski: "Okay."

Supervisor Janoski: "John, let me just say one thing. The important thing that we've done for this year, which affects everybody, is that we have cut spending in the Town 1.2 million dollars. The School District hasn't done that. And that is, I think, addressing a taxpayer's problem, which is a real action on the part of the Town. Cutting spending. That means that everyone's taxes are affected in a beneficial way. I know that it is not our intent to pit one segment of the community against another. But we, sitting here, have to view the entire

community. And, unfortunately, in the kind of situation we have in which there is a declining tax base, if we were growing in leaps and bounds and the exemption was absorbed by that continuous growth, no problem. And that's what we've done in the past. But right now, that's not the situation. And what it clearly means, clearly, is that if there's a loss in the tax base and you have to raise a certain amount of money, that if you reduce someone's obligation, then someone else's goes up. That's a reality. And Leroy is chomping at the bit there to get up to the microphone. So why don't we let the Assessor come up here."

Leroy Barnes: "Good evening. Leroy Barnes, Chairman of the Board of Assessors. I have a technical problem and it involves writing a memo or putting a directive for financial implications as to the (inaudible) exemption. The technical problem is, is that I cannot put in writing who is going to apply for this exemption if the income amount is increased. So if you hold the Public Hearing open for that reason only, it's not going to accomplish anything. I was here in front of the Town Board in a work session. I verbalized to the Town Board what the impacts would be and even our Town Controller verified that and supported the information that you requested. The other thing I wanted just to point out was that when the School Board held their Public Hearing, did they give a fiscal impact, or did they look into their fiscal impact? The School Board never contacted the Town of Riverhead Assessor's Office to ask for that information. And now here we are a year later, they're questioning why they are going to lose \$4,000,000 or whatever the number they have come up with, why they are going to lose that. It's because they've increased the income limit as far as the school is concerned. I think communication has to be open between the School District and the Town and the Assessor's Office. But I cannot, I cannot put in writing something I don't know. I told the Town Board that right off the bat. I believe that if we go to the maximum which I'm still not sure what we're proposing here. I do know that the Public Hearing called for a 3%, but Miss Gilliam's request goes for the maximum. Was it the maximum that you initially put in or the one after that?"

Supervisor Janoski: "The \$21,000."

Councilwoman Gilliam: "The \$21,300, which is the maximum."

Leroy Barnes: "The \$21,300. Okay, that would be the state allowable maximum. Okay. You had verbalized to me that you would like that information. You did not indicate to me you wanted it in writing. I had assumed that, under the work session-- "

Councilwoman Gilliam: "Let me respond to that."

Leroy Barnes: "Okay."

Councilwoman Gilliam: "I'm not going to use the exact words that you use because I don't use those words, but you said you would not put it in writing because you didn't want it to come back and bite you in a certain particular place of your anatomy. Okay?"

Leroy Barnes: "I said that to you?"

Councilwoman Gilliam: "Yes, you did. Right in your office. Of course, there's no one there to verify it, but that's between me and you."

Leroy Barnes: "Okay. I think what I meant behind that was that I didn't want that to bite me in my shorts."

Councilwoman Gilliam: "Well, whatever."

Leroy Barnes: "Because if I put it in writing that I'm trying to predict what the outcome may be and the outcome doesn't come out to what the outcome is, then it's going to bite me in the shorts. So I'm not going to put something, a future assumption, in writing. And I did mention to the press that, you know, it's like asking you to put in writing, will I win the next election? It's very difficult to do. You're putting me in a situation where I cannot professionally put in writing what the impact would be. You heard from the Town Controller, you heard from me what the impacts would be. That's as far as my professional level goes. It's the Town Board's decision what to do in this issue. So I'm here strictly for information purposes and that's one fact of information I cannot give. I can guesstimate, I can only guesstimate. And it ranges anywhere from \$58,000 to \$225,000. Because I don't know who's going to qualify if we go to the maximum. That's the problem."

Councilwoman Gilliam: "But is it not true that right now that your office processes those people who come in under the county levels which is a higher level, so that you would have some idea of people, senior citizens with income above the cut off-- the Town line."

Leroy Barnes: "Yes. The bottom dollar would be \$58,000. That would be the start. That would represent a little more than a half of a percent increase in the tax rate. That's the start. But, where it can be finished, is at the other end where you may qualify another thousand or fifteen hundred senior citizen, which I personally have no problem with, but we're trying to look at what the tax base impact would be. That's what could result. It's very difficult to try to project something. So, I think what I'd like to do though, is I'd like to get a copy of the Public Hearing minutes from the School Board and, you know, it's kind of funny. They passed that April 28th of '92. They did it just right after taxable status day knowing it wouldn't affect their tax rate this year. And from what I understand, they have negotiated contracts that the public is not privy to yet and, you know, I went to that business meeting and it appears to me that the School District is intending to blame their tax increase next year on tax base loss, solely on tax base loss. And, we're not going to stand by and let that happen."

Councilman Creighton: "Leroy, can you tell us how many people currently receive this exemption at each of the particular rates that are in effect now?"

Leroy Barnes: "That would be very difficult to do because we are on a sliding scale that starts at 5% and goes all the way up to 50%, and right now, the 50% level is \$10,000, and you would get 10% off at \$14,800."

Councilman Creighton: "It's difficult to find out how many people in Riverhead are getting this?"

Leroy Barnes: "Yes, it is. Because the way the computer system is done is that it comingles the codes and when it comingles the codes because some are the same as others, you are going to result in the same assessed value, but your jurisdictional boundaries are different. Like the Riverhead School District's

assessed value is totally different than the county's assessed value within the jurisdictional boundaries of the Town of Riverhead."

Councilman Creighton: "Do we have people come in and apply for this over your counter?"

Leroy Barnes: "Oh yes, all the time."

Councilman Creighton: "And do we know how many have done that and gotten it approved?"

Leroy Barnes: "Well, right now we can tell you what the total amount of applicants are. There's 575 senior citizens that are receiving some type of property tax exemption under this statute. How far that will go or increase, I don't know."

Councilman Creighton: "That's 575 parcels?"

Leroy Barnes: "That's 575 property owners. Parcels, yes. Another thing to keep in mind, too, is that the Town of Riverhead is about 33% exempt from taxation already and one point I wanted to make is that the Town of Riverhead does not have any local option choice on the agricultural exemption program. That's a state mandated program. But they do play games when it comes to setting an income limit and leaving it up to the local Towns because it doesn't come out of their pocket. If the legislature funded any kind of revenue sharing, I don't think the Towns would have any problem going to the maximum, at all. But you don't hear the state giving income tax breaks to anybody."

Councilman Creighton: "We also know how many of these 575 are getting 5%?"

Leroy Barnes: "No. Like I said, the codes are comingled so you can't decipher that. No, it's not. I'd be glad to show anybody if they want to come to my office and see how it's done."

Florence Sikora: "Can I ask you a question?"

Leroy Barnes: "Sure."

Florence Sikora: "You have a computer?"

Leroy Barnes: "Yes, I do."

Florence Sikora: "Can't you put that up on the computer who gets 5%, who gets-- "

Leroy Barnes: "I said I'd be glad to show anybody who wants to come into my office."

Florence Sikora: "Well, I will then."

Supervisor Janoski: "Let the record show that Florence asked a question concerning the possession of a computer which Leroy has-- this is a Public Hearing, ladies and gentlemen. There is a record and I had to add that to the record. Leroy, I appreciate how complex what you do is. And I think it would be a good idea for some people to go down and see what it is that you do."

Leroy Barnes: "Yes, I'd be glad to show them."

Supervisor Janoski: "It is not as simple, and I hear the groaning, well, you can't do this. It's a very complex job that you have."

Leroy Barnes: "If I could, I would have made it available."

Supervisor Janoski: "I have no doubt about that and I'm glad you brought out that there was a report by yourself and that the Controller of the Town was involved in it. And I think that that's basically all we need right now."

Leroy Barnes: "I think that people who know me who have come to my office and spoken with me, they know they are welcome to walk in my door and I'll show them anything they want to see on the system and I'd be glad to do that for anybody. It's really just nuts and bolts stuff. It's not a political issue here with me. It's how it's administered. And if people in the audience or the Town Board needs statistical information, I'm not going to make it up. And I think that's what some people are looking for."

Supervisor Janoski: "Leroy, I appreciate that and I think you understand what is being done here tonight. I understood, quite frankly, that you could not project how many people if it were set up, the maximum would apply for it."

Leroy Barnes: "That's right."

Supervisor Janoski: "And in that circumstance, you couldn't give a definite number."

Leroy Barnes: "That's right."

Supervisor Janoski: "But you could give a guesstimate, which is what you did to the Board."

Leroy Barnes: "That's what I did during the work session under the consideration of putting it up for a Public Hearing. I was asked those questions. I gave the best answers I can give based on the situation the way it is. That's what I'm here for, just information."

Supervisor Janoski: "Leroy, thank you. Is there anyone else?"

Reverend Nelson: "I don't know exactly where I am because I am not accustomed to speaking and holding forth in an auditorium with business like this with someone looking at me with more authority than I think I can command--"

Supervisor Janoski: "Reverend, you talk to God, and I think you outrank me."

Reverend Nelson: "However, I noticed a couple of things when this started when all of our Town Board came in, well, they really came in one by one, two by two. Do you know the first thing they did? They look around to see who's here. Now, we do that, too. You didn't realize that. When your priest is sitting there, when you finally arrive, he's looking to see if you're there and who's there. Well, I think this is what you're doing to find out who's in the auditorium and how we'd come out if we took a vote. I'm not going to speak about figures. If Leroy has all this difficulty with figures, I'm going to withdraw from speaking about figures tonight. But I

want to speak about some words and I guess I came in on the right time by what I heard is going on. Now, one of the words which you use, Joe, is we are trying to be responsible. And I think this is a number one word which we ought to all use and know how it's used and why we're using it in this particular day and age. But we have to put something to that. We are responsible to whom? And this is the key here. Who are we responsible to? And I think someone mentioned the point that we're responsible to a total community. And I have never liked the naming of senior citizens because it identifies that senior citizen community with all of the positive and negatives which we can think of. May I say that what we're responsible for, and what I think you're saying you're responsible to, is a young and old and middle or whatever, community. And you can't imagine perhaps that when benefits come to granddad and grandma from whatever quarters they come, that they come to their families as well. And I have heard no grandfather or grandmother complain nor have I heard their children and grandchildren complain that somehow the older population has had now a benefit which is deserved, it is possible, and it ought to be given to them. So that when you speak of responsibility, think not of splitting our families up into an older community, younger community, but think that you're helping a total family and a total community who wants to work together. The schools have begun to develop an intergenerational program. It's a long word. The principle is exactly correct. That the school system is a system of education and otherwise which ministers and serves the total community, not just the children. These children are going to be gone in another three or four years into something else. But it's that total community that the schools are there to serve and to work for. Here, in this instance, we're not to give to the senior citizen something which does not in any way affect the benefits that we offer, the protection, securities and the services that we offer to the total community. It is a part of the total community. And don't look upon the senior citizen as having their hand out. Maybe some of them do, but we also know the younger generation does too. But look upon the senior as a citizen among the total citizenry and whatever benefit we give them, we give the junior community as well. I have another word and that has to do with senior and juniors together. It has something to do with integration. Integration is a process by which we move together as a community rather in separate corners, and if this

is going to work in this next generation or two, it has to work here as well. We can't afford to pit one against the other. Now, the younger generation has to be very careful. I know they do. But did any of you ever stand in the checkout line of the supermarket, of Caldors, behind a line of four or five persons, four or five of them are probably older people? They have trouble and their trouble is how to match what's in that pocketbook with the purchases that they want to make. And I am forever disgusted when I come up in the line and everything is going to go smooth and then some little person ahead of me about three, four people, drops a quarter on the floor. And the whole thing stops. We have to wait until that quarter is found and put back in the pocketbook and the three or four dollars is spent. Well, you know that's wrong. And this is what you're doing. You're being very angry that four or five persons ahead of you are seniors who have to watch that quarter. And they have to watch it now just as much as ever. When the announcement took place that there was to be a 3% rise in Social Security, that was spent already. My landlord began to spend his before he got it. The storekeepers had to spend theirs before they got it. Three percent increase means nothing. Mine is all gone already and I haven't even had a chance to make my contributions to the IRS yet on it. So 3% is absolutely nothing. I don't think we're in a position that we want to complain. We want to pay our taxes. We want to support the schools. We want to do everything as any other citizen is doing. And this small percentage that you're asked to change in terms of high financing of the Town is truly a small factor in the effort of all citizens to be ready to do their best to support our community. And I am for this although I cannot figure out the finances of it very well myself. I think 575 applications is a mighty little to expect right now. I work in some way in a tax program and already persons are coming to me and said will you do my taxes now, we're ready, because they need that money and they need those refunds. And I think in every way in which you and I can work together to provide this additional support this way, by changing these figures, that the older population will begin to feel again and again that they are not being rejected, set aside, or destroyed simply because they're in an older population. And that gratitude will be shown not only by them, but by their families, the younger generation and those who look to them for a kind of life in their old age in which they do not become providents

to their young people. I support this and I wish that you would find in your hearts to do the same thing."

Supervisor Janoski: "Reverend Nelson, I just want to ask one question to clarify your position. Are you stating that you support the 3% increase that we're talking about this evening as far as this Hearing, or that you support the implementation of the 65% increase, which would be the maximum?"

Reverend Nelson: "I can't tell you, Joe. I cannot-- I have not been able to figure out all the economics of this, I wouldn't tell you. It would be unfair for me to do so."

Supervisor Janoski: "All right, let me try to ask that differently. What is at issue here this evening is that there is a maximum which is allowed by the state, which is \$21,300. That's the maximum income, and a sliding scale below that. That increase represents a 65% increase in the exemption. What we are proposing is a 3% increase, perhaps a little more, what our intent is, is to make sure that that 575 people who presently receive the exemption, do not lose it. And what I'm asking is because you said it's such a small amount, do you support the 3% increase?"

Reverend Nelson: "I asked when I initially came to this problem and understood the marked difference between what has first been acceptable and what is proposed according to state regulations, is there any adjustment in between?"

Supervisor Janoski: "There's all the room in between."

Reverend Nelson: "I asked that and I found a good answer."

Supervisor Janoski: "Okay, Reverend Nelson. Thank you very much. Bill?"

William Kasperovich: "William Kasperovich from Riverhead Township. One community. Not on the far western end of the straight county that we-- I refer to on the short end of the stick. But I'm following a pretty hard act to say anything. The senior citizens of this Township aren't going to upset the entire financial structure. And the one thing that I kept listening for, but I didn't hear, and I had hoped that somebody

would come in and throw one facet to the financial problem from a direction of a concern for the people. I listened for an austerity program. I listen for minimum adequates. No. I do hear you, Mr. Janoski, when you said, and it was publicized all over, but (inaudible), 1.2 million dollars, and you were going to do it by eliminating this and eliminating that. And yet in the list of salaries, I find that one item that you said you are going to eliminate, you've included at the tune of \$30,000. You don't know what I'm talking about?"

Supervisor Janoski: "No, I don't."

William Kasperovich: "Ha, ha, ha."

Supervisor Janoski: "All right, Bill. We're at a Public Hearing concerning a-- "

William Kasperovich: "Yes, we're at a Public Hearing and you're sensitive about somebody calling you arrogant, and for a man who has conducted himself the way you have up there on the podium, you got nerve to be so sensitive. Because your conduct doesn't allow this sensitivity. You've been more arrogant than most Supervisors that I remember. Now, the senior citizens in this Town are a very stable, well founded, mature civic minded people, and they should not be penalized by paying more tax. Some of the people that are holding on by the skin of their teeth, are going to be affected. I'm one of these people that grew up where my co-workers beat on my skull when Social Security was instituted. People that weren't going to profit much from the Social Security system that I, the young fellow, were going to profit by it. And, now that I'm up here and getting a little bit, and that is a little bit, since you investigated my financial position, I find it very hard to talk for the senior citizen. We have senior citizens that are quite wealthy, and we have senior citizens that are barely surviving. But this means that we have to introduce things like austerity and minimum adequate."

Supervisor Janoski: "Let me just clarify, Bill, if I may. I think you might have given some people the impression that there are increases in salaries proposed in the budget."

William Kasperovich: "No, new salaries spent."

Supervisor Janoski: "I just wanted to make sure-- listen I was quiet while you were talking, could you be quiet?"

William Kasperovich: "No, now listen. You always come in after the person is finished."

Supervisor Janoski: "When you're finished, Bill, I will say what I would like to say."

William Kasperovich: "Well, you talk not to me. It's a Public Hearing. I say what I came here to say and I've said it. I didn't come here for a debate with you. And you immediately whenever I say anything, throw it back at me. And, yet you resent being called arrogant."

Supervisor Janoski: "Whenever you finish, Bill, I will say what I want to say. And that's the way it's going to be."

William Kasperovich: "Of course, you're up there chairing the Meeting."

Supervisor Janoski: "Now, when you mentioned the \$30,000 figure, I asked you what you meant by that. You have not answered that question and I just wanted to make sure-- "

William Kasperovich: "I'm not here to answer questions."

Supervisor Janoski: "You're right, Bill. If you would take your seat."

William Kasperovich: "And if I don't, you'll have the police captain throw me out."

Supervisor Janoski: "No. If I was going to do that, I would have done that when you started with your language. Just please take your seat."

William Kasperovich: "My language has been very nice and polite compared to your actions in this Township, so don't give me that nonsense."

Supervisor Janoski: "Thank you, Bill."

William Kasperovich: "Now, on your resolution on the, let's see, it's your first resolution there, I don't have the numbers here."

Supervisor Janoski: "You're talking about the position in the Building Department?"

William Kasperovich: "You have a Sharon Claus, Building Permit Coordinator, \$30,761.67. And you made public statements with press, were quoted in the press, word for word, that this was one of the things you were going to eliminate to keep-- have a saving, which you are now telling the people, you said you cut 1.2 million dollars."

Supervisor Janoski: "Bill, I think that's highly inaccurate. That position has been in the budget proposal since it was first proposed back in September. I certainly do resent you misrepresenting the facts. We have, in fact, cut the spending in the Town, 1.2 million dollars from the spending level of last year, and last year's figure was reduced \$750,000 from the year before. Those are facts. I don't know what you read, but the position in the Building Department has been continuously a part of my budget proposal and then the Town Board's proposal when it went to them. And I'm sorry that you are incorrect."

William Kasperovich: "You made the statement that you were eliminating this position in order to save money. And you have been quoted correctly because I've talked to the reporters that wrote this up and they checked their notes, and they reported-- quoted you correct. Now, you're trying to tell me that is not true."

Supervisor Janoski: "Bill, I would only ask you-- "

William Kasperovich: (inaudible) "-- one thing and do something else, that is Mr. Janoski."

Supervisor Janoski: "You are moving very closely towards that. I will ask you to show me the newspaper article which you refer to. And if you will do that, and it says that, then I will say you are absolutely right. But I am telling you, that from the day this budget was proposed in September of 1992, the position in the Building Department was part of that budget."

proposal because there was a vacancy there. Now, I can't help it, Bill. That's the truth, that's the fact and I have every budget to prove it. Now you show me the newspaper article in which I say there's a position eliminated, then I think you can be upheld. But I'm afraid that what you are trying to say here, is not true. And I just tried to clarify so there was no misunderstanding that the budget for this year does include an across the board salary freeze on everybody who works for the Town of Riverhead."

William Kasperovich: "We're not talking about salary freeze, we're talking about a new position with a-- "

Supervisor Janoski: "Do you know what the word clarify means? I wanted to make sure that people understood that the proposed salary freeze was, in fact, adopted. Now, I'm not disagreeing with you. I just wanted to make sure that people understood that what you were referring to was not that there was going to be an increase in salary. That's all."

William Kasperovich: "All right, that's very clear. I'm talking about a new position that you said would not be filled in order to save some thirty thousand odd dollars. And you're saying you never said it."

Supervisor Janoski: "I-- which newspaper was it in?"

William Kasperovich: "I don't know. I have it filed up in a stack at home. If you want me to produce documents in order to show this, I would be happy to do this in a court of law."

Supervisor Janoski: "Let us discontinue this, Bill, please."

William Kasperovich: "Because of conditions that you set on that position that affected me personally."

Supervisor Janoski: "That's right, Bill. And that's the real problem, isn't it?"

William Kasperovich: "And if you want me to show documentation, then we will do it in a court of law. Not here at a Public Hearing where I have the citizen's right to get up and talk."

And I can use the word arrogant when it applies, and it sure as hell applies."

Supervisor Janoski: "Bill, the real problem you have just hit upon, is that you wanted that job and didn't get it. And this is all we are going to say because we're in a Public Hearing here on the subject of the senior citizen exemption, and I would like to continue with that. And that's the end of this conversation."

William Kasperovich: "Of course, what other tyrant would say anything different?"

Supervisor Janoski: "Henry?"

Henry Pfeiffer: "Henry Pfeiffer, Wading River. I'm in agreement with most of the gray-haired individuals' remarks, most of them. I do find that the Board, the present Board like the past ones, have acted with mostly responsible approaches to many things. And I think in this particular case in regard to the increase in the exemption for the seniors, they are acting in a responsible way. I think, however, that they view the fact of grasping at the loss of revenue of this, as a lump sum. This means something to all of us. Actually, what means something to each of us is how much is it going to cost me? How many dollars per thousand? And Mr. Barnes expressed difficulty in presenting such a figure. This afternoon, at the Suffolk County United East End Seniors Council meeting, one of our vice-presidents reported the circumstances similar to this in the Town of Southold. And it appeared that in each of the Towns from Greenport on in, each of the hamlets, there was a different impact per thousand. And it ran from \$.68 per thousand on to something like \$1.78 a thousand. This meant something to people there and it would mean something to us who are going to pay these additional taxes and so forth, if we knew how much more it was going to cost us as individuals. This is possibly (inaudible). I'd like to remark and I must reemphasize something that I think it was the Reverend Nelson remarked, is that the senior citizens in this area, as in every other area, are an integral part of the community. They're no different than the rest of you. We need everything that you need and possibly just a little bit more. Among the senior citizens, you have them as quite evidenced by the terms of your proposal here,

people of senior years who have different incomes. Whatever you do with this, does not affect me. I will not get a nickel off. I'm one who pays the full taxes. I will continue to pay the full taxes and I have been paying the full taxes on schools since I've been out here some 16 years. And I never even got a pencil from them. I have no children in school. Okay. And similarly, there are other areas in which I pay taxes and pay costs for that I do not get any immediate or long term benefits of. And this is true also of the young people and those of you that are eternally young who pay for some of the benefits of what the seniors get. And it occurs to me that over the past year, what was it Mr. Lincoln would have said, some eight years and one score year ago, the Congress of the United States, what was called the Older American's Act of 1965. And I'll just touch upon the general concept of that. It states in its declaration, objectives for older Americans, the Congress hereby finds and declares that in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our nation are entitled to, and it is a joint and several duty and responsibility of the governments of the United States and of the several states and their political sub-divisions, to assist our older people to secure equal opportunity to full and free enjoyment of the following objectives. And they list some 10 objectives which I think may be summarized in the sixth objective, retirement in health, honor and dignity after years of contribution to the economy. Now, I think that in every case where you do give something to the senior citizens, (inaudible), and there's a means test there, you're not only giving to the senior citizens, but you're giving to our children and our grandchildren so they don't have to support us. And I thank you for your attention on this, and I hope that you will continue to view the seniors not as an impediment to the Town, but as something that you, as a minority group, that you-- "

Supervisor Janoski: "It is unfortunate that that tone has been struck here this evening. Henry, you have been coming to these meetings for as far as I know, past 13 years."

Henry Pfeiffer: "At least, yes."

Supervisor Janoski: "And you have seen successive Town Boards take actions to help senior citizens. And especially in

those times when times were good. In September of 1993, the Supervisor of the Town will have to present a budget for the year 1994. And that's a responsibility that the Supervisor has. Now recognizing that over the past two years we have reduced spending almost two million dollars, which is quite significant for a Town the size of Riverhead, looking at a tax base which is shrinking, what I am trying to say, is that there is a responsibility here to take a look at the broad spectrum and what does it mean to everyone? And what can we do, because, believe me, you know as well as I do that I would love to sit here and be a hero along with Vic and Jimmy and Harriet and Frank and say we're going to go to the max. Because we would be heroes in the eyes of senior citizens. You know what's difficult, Henry? To sit here and say, I don't think we can do that. That takes a little something extra. Being a hero and giving something as a benefit is very easy. But if you sit here and you look at 1994 and you look at a financial situation, you've got salaries, etc. to consider, and assessments to consider, it ain't so easy. But you know what ain't easy? You have senior citizens as you put it, with white hair, in the audience saying to you, you're a nasty man because you won't give it, but to say that we don't think we can do it, is a difficult thing to do. To just simply say that we're going to go the maximum, that's very easy and very popular. And I would think that some citizens of the Town would appreciate members of a Board who are willing to make very difficult decisions and to look at the long range. Look at the financial situation and try to do what is fair and to the best of their ability, what's right. And, Henry, that's basically what I want to say."

Councilman Prusinowski: "Henry, I just want to say I agree with everything you said and, quite honestly, I am very distressed tonight and, again, this is probably since I've been on the Town Board, one of the low points of my tenureship in the Town. Never before have I been involved in a really disgrace of politics. Because this Town Board and all successive Town Boards that I have served on, Democratic controlled and Republican controlled, has never made a political issue of this. The fact of the matter is Riverhead has a wonderful record with the senior citizens. Again, we fund every program there is to fund, when the funding has been cut. Which is the real test. You know, I want to ask the Senators and the Assemblymen when they cut our state grants and the county guys cut our Meals on

Wheels, and our nutrition program, you know, we've always made up the difference. We renovated the nutrition program. That's the real test. We want to do-- give an increase in the exemption and we will. And I want to tell you something. The number one thing that is strangulating all of us is high taxes. If we didn't cut the budget two million dollars, (inaudible), do you think it's popular to tell the employees, no pay raises? Is the School District doing that? Is the School District proposing a wage freeze? No, they're not. Everybody's going to get a big-- in fact, they have contracts that they (inaudible) to the press. Okay. So, it's real easy to say cut the taxes, but you have to have the courage. And the only thing that makes this thing wrong tonight, is that I agree with something you said two meetings ago or the last meeting, is you're right. The state guys want to give it away, then just do it. You know, the fact of the matter is, the Reverend said Caldors. I agree with him. And I think that senior citizen should pull out a card and say, I'm a senior citizen, I don't pay sales tax. Because that eight and a half percent discount, it will go more on a day to day basis to help that person who really needs to buy some things that he needs or she needs to live that day and would appreciate an eight and a half percent discount on that purchase. So there's other ways of helping the senior citizens. The number one thing is, don't cut our funding. We have a lot of programs. And years ago, we took the programs on and we funded them. And if we can talk to the Assessors and do a little bit more, we might on this exemption. The fact of the matter is, I could tell you right now, Joe's right. Next year-- see, I've been here at a time, and Joe and I remember a time that we sat around here and we were facing almost a 24% tax increase. Because it got out of hand. No other person on this Board besides Joe and I had been through that, because we have been very fiscally prudent. But there were times years ago, when suddenly the tax base-- this happened, the mortgage tax dropped, unforeseen circumstances, hurricanes, comes up, we have a 24% increase. Okay. And it can get out of hand real quick. And the fact of the matter is, I don't know what everybody else knows, but it's what Bill Clinton said in the election. We got jobs and the economy. In this Town, it's the economy which we're trying to get (inaudible), and it's taxes. Now, on Long Island-- I went up skiing in Vermont, everybody talks-- when I say I'm from Long Island, oh you guys are the ones with the high taxes. Taxes and the Lilco bill. It's going to drive

everybody off of Long Island. And I'm frustrated because our little Town of Riverhead, we're the only Town that our employees share medical benefits. We actually have a wage freeze. I don't know any other Town in Suffolk County-- I think what it is, is that everybody else has given up and it just spirals, spirals up and it's a very serious matter. Because you're going to pay the taxes and there's some people going to get the benefit. Ironically, the School District gave the maximum. Those senior citizens are going to receive the benefit because they're not putting any more kids in the school district. I know why they did it. Because they wanted to pass their school budget. Okay. So, believe me, they weren't saying, gee, we're here because we are concerned about the senior citizens. They were concerned about passing their budget. Because that petition that I read was also directed to the School Board and it was also at a time when they were worried about passing their budget. That's great. They're going to get the discount. We have the discount of the county. Ten percent of their income is based on property taxes, ninety percent is not. In our case, ninety percent of our operating expenses is from the property tax and only ten percent is not. So you have to look at the financial picture. And we're not trying to divide this Town. We're trying to do what's best for everybody in this Town, and I think the record of all the Town Boards preceding us has been good with the senior citizens. And, I'll tell you something. We have spent far more money on senior citizen programs than whatever savings have been generated from this tax credit. So, I don't want the understanding go out there that the wicked old mean Town Board has been anti-senior citizen. Because that's not the case at all. And it really distresses me because I remember sometimes they really cut our state funding and we've always never even considered not making up the difference or increase spending. And if we can do more, we will. And I agree with you. You put in your time. By the time I collect Social Security, I don't even know if it will be available."

Henry Pfeiffer: "We'll welcome you with open arms. What I would like to say is-- Joe mentioned that I've been attending these Board meetings for 14 years, something like that, Joe?"

Supervisor Janoski: "We have just begun our 14th year together."

Henry Pfeiffer: "Back in the midst of time, and I remember you as a young boy on the horse, and so forth. I have the greatest respect for past and present members of this Board. I have never doubted for one moment that each individual on the Board that had been elected by the people of the Town of Riverhead, did not have 100% of the interests of the residents of the Town of Riverhead. And I believe that to be the case today. There are differences of opinion and, perhaps, some of these can be ironed out by statistics or figures and so forth. The basis of cost for your judging what can we afford to do. Okay. Where are we going to get the funds, and I can tell you this. That if you increase these allowances and there's an increase in the cost per thousand, tax cost, I'll be one of those paying. I'd like to tell you that I was fortunate enough to get a 3% increase in my Social Security. It went from \$171 a month to \$173 a month. Because every time we got an increase in it, there was also an increase in the Medicare charges and every other-- as the Reverend Nelson pointed out, everyone including my tailor, got on the bandwagon."

Supervisor Janoski: "Henry, did you turn off the microphone there when you were holding it?"

Henry Pfeiffer: "Did I turn it off? Perhaps I have. Can you hear me now? No. Gee, you're lucky."

Supervisor Janoski: "I can hear you fine. It's just that I've noticed the microphone went out."

Henry Pfeiffer: "Well, anyway, I appreciate your attention and all I would ask you to do is give it a fair shake. And do not consider that when you give something to the old guys, that they get all-- our kids and our grandchildren and eventually you won't have to support your parents and your grandparents and they won't have to support you."

Councilman Creighton: "Henry, before you sit down, can I ask you a question?"

Henry Pfeiffer: "Sure."

Councilman Creighton: "I don't want to put you on the spot, but you said something that triggered a question in my mind."

I'm trying to gather enough information to make a good decision on this as far as my vote is concerned and not a heck of a lot has helped me tonight. So I'm trying to get at the numbers involved here. You mentioned that this applies to the most needy of the seniors. We've been talking about seniors in general tonight and that triggers a question in my mind. I presume that means that our current limit is \$14,600 is it?"

Councilwoman Gilliam: "\$14,800."

Councilman Creighton: "The 575 people who are currently getting an exemption of some degree from us, are all making \$14,800 a year or less. And that's what I understand."

Supervisor Janoski: "Well, there's a sliding scale."

Councilman Creighton: "And how many-- do you know offhand how many senior citizens there are in Riverhead Town? Approximately?"

Henry Pfeiffer: "About 9,000."

Supervisor Janoski: "There's 9,000 paying property taxes. I could tell you that the percentage of the population who classify as senior citizens is 26%."

Henry Pfeiffer: "That seems to be a large number. An interesting fact came to us today, this afternoon, we had the Reverend William Scrymgeour, Chaplain of the Correctional Facility as a speaker and one of the things he happened to mention that it costs better than twice the amount (inaudible). In other words, instead of \$14,000, it costs in excess of \$30,000 a year to support a prisoner over there. So do you suppose it would pay for us to apply? Senior citizens? Thank you."

Supervisor Janoski: "Harriet?"

Councilwoman Gilliam: "Okay. I just wanted to address a couple of issues that Councilman Prusinowski raised. First of all, I don't think anyone here is disputing the Town's efforts with regard to any of the senior citizens programs and what the Town has done with regard to that, but I think his argument is a little non sequitur when he tries to extend that to the

rationale for not looking at the further exemption in the property taxes. Certainly, when you talk about senior citizens programs or services, that cannot be translated into allowing the senior citizen to buy that extra piece of meat or that extra five bags of potatoes or whatever. That these are tangible financial impacts on the senior citizens, and while there are services that are provided through the Town, no one is disputing the Town's effort in commitment to that. I think you have to look at the real fiscal impact on the ability of seniors to live comfortably and to survive in their golden years. And I think that's what the partial property tax exemption is geared at, giving the senior citizen some tax relief so that they can utilize their money in other ways to just meet their minimum subsistence and existence requirements. And the other thing Councilman Prusinowski stated about he's tired of this becoming a political issue, I'd like to ask you, how have you seen this as a political issue? Who's making it a political issue?"

Councilman Prusinowski: "You are because of the way you presented it to the Board. And the fact is that when we first had the first discussion, you said I'm going to introduce the resolution regardless. And, unfortunately-- "

Councilwoman Gilliam: "That's not true."

Councilman Prusinowski: "Unfortunately you along with-- and it's not just you, Harriet, it's that the state officials, more importantly, have made this from the (inaudible) political issue because it's just a way for them to campaign to get votes from senior citizens without taking a fiscal responsibility. That's been going on for years. And it just bothers me."

Councilwoman Gilliam: "If you call making it a political issue by affording this Board the professional courtesy of preparing a memorandum for discussion at a work session to discuss this topic more than the professional courtesy which I get from any of you when it comes to a topic, if you call that politicalizing an issue, if you call trying to have a discussion about this and then being told by the Supervisor that he would not entertain a resolution from me, that I would have to bring it from the floor, who's politicalizing here? I ask you."

Councilman Prusinowski: "You are."

Councilwoman Gilliam: "Okay. Well that says something about your point of view."

Councilman Prusinowski: "Okay."

Supervisor Janoski: "You know, we could continue with this debate. I would like to continue with the Hearing, but it is very clear to me as I look out into the audience, that certain people have been invited here for the purpose of this Hearing. Nothing wrong with that, so why don't we continue? Florence?"

Florence Sikora: "My name is Florence Sikora. I live in Riverhead. My husband just said to me to take it easy. So I'm going to take it easy. All I want to say is that I'd like to see this extended, this Board meeting and Public Hearing. Because I think there should be more voices heard on this."

Supervisor Janoski: "Florence, I will keep this Hearing open until the close of business on Friday next for the purpose of receiving for the record, all written statements of position on the senior citizen exemption."

Florence Sikora: "And, I would like to say another few words. As far as this is a political issue, yes, I imagine it might be, too. Because it comes all the way down from Washington that we are fighting for our rights as senior citizens. We have lived and put our share of our lives into our country, now we're looking for a little help. Because we don't want to see our children, which some of them have to, support their parents in their older lives. Or in turn around, sometimes when our children have trouble or illnesses, we have to support them. So we give back to the young as well as the young give back to us. So I think we are entitled to some gratuities. It won't hurt that much. And I think, also, for the amount of time that my husband and I have been going down to these Town Board meetings, within-- we're here 17 years, and all as I see down on 58 is a strip of eating, smoke places, gas stations, car washes. I don't see a business in here that maybe hires 20, 30, 40 people. The only one that's around here is Grumman's and that may not be very long. They're going to disappear. And our children from here are disappearing. That's why you're having us as senior citizens living here. So, there, it's got to be somewhere in the planning of this Town that we don't have certain amount of businesses. We

have a lot of businesses, sure. But they're not paying a wage that's enough to support a family. They're only paying minimum wage, that's all. And they hire as part time so they don't have to give benefits out to them. So they can save there. So I think as far as our Town is concerned, it's a wonderful place to live in. I love Riverhead. I love the eastern end. But I think it's been poor planning in Riverhead, in parts of Riverhead, that we haven't got something better here to keep our young people here. So they can make a decent wage. To get business. When Hazeltine was gone, I don't think anybody thought here to get something into that place that would bring money and revenue into this Town, which it should have been done. And that's what we need. That way there, it would help not only our young, but it will help our senior citizens and I think the Town better wake up to that extent because none of your retail stores that are coming in here are anything that, your supermarkets are paying that kind of salary to live on. Thank you."

Supervisor Janoski: "Florence, it must be wonderful to have all that information. Hazeltine is a contaminated piece of property and cannot be used for any purpose, and will not be used for quite a few years. Steve, did you have your hand up? Would you like to be recognized?"

Steve Haizlip: "Steve Haizlip, from Calverton. When it comes to senior citizen getting tax relief, I'm for it, too. Now the only thing is that's happening is when this allowance, did someone say \$21,800? What is that figure apply to?"

Supervisor Janoski: "That is the maximum amount of income which you would qualify for the 50% exemption."

Councilwoman Gilliam: "No, it would be 10%."

Supervisor Janoski: "10%, I'm sorry."

Steve Haizlip: "10%, all right. Well, what I'm leading up to is, someone that goes up to that figure and then they get it, then mine is only \$26,000 and the first thing you know, I'll be making up that money that those other people are getting. But that's the way I guess it's going to fall, like Henry says, I'm glad to do it, as long as I can do it. Now, I'm going to take up Vic's emotions here. Now, he's definitely right and he's got

a good point. Now, the politicians that is representing the state, whether they be Assemblymen or Senate, I remember a guy that's in Congress now, served 12 years in Albany and he run around and he was yellin, I'm giving the senior citizens a tax break. And he was getting in because they thought they were really getting something. But, they wasn't getting anything from the state. Myself, I was working there, and making pretty good money, I was paying for them guys. But it took a while to wake up to find out. Now, Vic hits on the school. I have to agree with him because here's what I'm going to bring up. I had to go to the dump one day not long ago to take some yard waste, and I'm going down and I'm passing Riley Avenue School. And I guess I had done this plenty of times and it never bothered me. But this one day I says, what the heck is all those cars doing in that lot? So I go, come back and couple of days later, I got to go back again. And I says, something is wrong here. These cars, the same amount sits here all the time. This school is from K-1 to K-6. Students can't be driving these cars here. So, I decided I'm pulling in and I'm taking a count. Do you know I counted 41 cars parked out there in the parking lot and it was four vehicles up in a cove over there, like pick-up trucks and vans. So, I'm speaking with Mr. Z, I says how the heck could that school from K-1 to K-6 have 41 vehicles sitting in the lot? Where does all these people work? Where are they coming from? I said I figure you got six teachers and you got a couple janitors in there and you got a principal and assistant principal, and maybe a clerk. Well, that counts for about 10 to 12 cars. Where the heck is 41 coming from I don't know. So, the school budget in lowering our tax-- the reason I'm bringing this up, we could have lower taxes, without trying to fight you people here tonight over this 3%. But, I'm going to fight because I need it too. But, they are not freezing any wages like Vic says and every school you go to, I think is overloaded with people on the payroll. As Mr. Z and I discussed, we think now it has become the second highest employer in this Town. Because Grumman don't employ anybody much anymore. Ain't nobody there. I went back to get my glasses fixed recently, and I swear I was out in Tombstone, Arizona. You know, things flying around, nobody there, tumbleweed like. So, this school is really burdening us. And we have to try if we can, but they have their meetings everytime we have a meeting over here, and if I want to attend here, I got to come here and I can't go up there. So, I think as George once said, we think they discourage us from going there for that reason. But, anyhow, it's coming down,

they are too top heavy or they over employ. And I think they should start considering cutting down some or (inaudible). Of course, I guess they are job protected and under the Civil Service and you are not going to get rid of them, but they should start trying to get rid of them under arbitration and no more hiring when jobs are not filled. Amen. Now, in closing, I've got a little over 50 some odd years out there in aviation, Army, and with Grumman and civil. And I've paid all my share of taxes, paid a lot of it, everything. Now, like Henry says, the Older Americans Act was created to help us out in our older years. But now there was one governor in one of the states of this union doesn't want us senior citizens, I don't think he's a governor anymore, I think he was voted out for his remarks, but that was Governor Lamb. He says, you senior citizens should roll over and die and get the hell out of the way because you have done your thing, you've worked and you've paid your share. Let the new ones come in and let them generate all the money for us. I hope that he remembers that to the day that he starts to get up to senior citizen and needs some help, but I guess he's (inaudible) from the state of Colorado. He'll never fall into the category that we're in. Thank you very much."

Supervisor Janoski: "Is there anyone else present wishing to address the Town Board? Yes, sir? On the Hearing?"

Councilman Prusinowski: "He's not on the Hearing, he's on a week from Friday."

Supervisor Janoski: "Do you have a calendar?"

Barbara Grattan: "No, I don't."

Supervisor Janoski: "Let's see if we can-- "

Councilman Prusinowski: "You're not here on the Hearing, you're here on something else, right? Okay, Joe, he's here on something else."

Supervisor Janoski: "Why don't you sit down here in front here because I don't think it's going to go too much longer. Yes, Joe, just a minute. Something Steve said, maybe want to clarify a little bit. What is not at-- we are not disputing the 3%. We are holding a Hearing on that and I think the Board is

saying, a majority of the Board, is saying that we support that we think it is very doable and, perhaps, as we look at the figures and the statistics, perhaps a little more. We are not disputing that. I say that to you because something you said made me think that you thought that the 3% was at issue here. It is not. Is there anyone else who wants to speak who has not spoken? Joe?"

Joe Sikora: "Joe, I'm still going to ask you the same question. Would you please have an afternoon meeting, Public Hearing, so all of the senior citizens can attend?"

Supervisor Janoski: "Joe, I got to be very frank with you. I know that you know that I know that you know that we can put out an effort to get people in this room to stand up to the microphone, is that what you wanted to put on a show for us?"

Joe Sikora: "No."

Supervisor Janoski: "'Cause you don't need the entire Town Board here to do that."

Joe Sikora: "Just a minute, Joe."

Supervisor Janoski: "Could I please?"

Joe Sikora: "Yeah, go ahead."

Supervisor Janoski: "Why is it not just as effective to leave the meeting open until next Friday, so that people who have concerns and feelings about this can simply write them down."

Joe Sikora: "Because I know they're not even going to write."

Supervisor Janoski: "Well, what makes you think they're going to come?"

Joe Sikora: "Because we have that trouble trying to write upstate when we want them to write. But they will come out during the daytime. That's the only thing that I'm asking."

Supervisor Janoski: "Do you want to do that? We will have to make a decision as a Town Board. I said what I have said and

a Hearing does not require the presence of the entire Town Board, one individual can hold it."

Joe Sikora: "Suffolk Life wasn't even out this week, so there wasn't even a notice in the Suffolk Life."

Supervisor Janoski: "I beg to differ with you on that."

Joe Sikora: "It was before, but not this time."

Supervisor Janoski: "It must, Joe, please. It has to be published at least 10 days before the Hearing, and it is only published once. It doesn't come out with every newspaper."

Joe Sikora: "Well, I still would like to see it-- "

Supervisor Janoski: "Joe, I understand that. And I understand the purpose for which you ask it. At this point, I don't have the date, perhaps someone in the room can give me that date. I'm not talking about-- pardon me-- the 15th? Close of business on Friday, the 15th, which is 4:30, the Town Board Hearing will remain open for the submission of written positions on the subject of this Hearing, which is the senior citizen exemption. If the members of the Board wish to consider something other than that, which I'm sure they're going to think about, we'll decide that before the end of the meeting here tonight. Now, on the Hearing as we are having it tonight, is there anyone else who wishes to address the Board? Okay, we are going to then move on, keeping the Hearing open for the purpose of written submission unless otherwise indicated."

Barry Birnstein: "My name is Barry Birnstein with Two Bears. We'd like to have a progress report on the drainage problems that we're experiencing."

Supervisor Janoski: "Does anybody in the back of the room have a progress report?"

Patricia Moore: "I have one if you would like."

Supervisor Janoski: "Do you have one?"

Patricia Moore: "Yes, yes."

Supervisor Janoski: "We have one up here. I should have asked, does anybody in the room have a progress report."

Patricia Moore: "We have three issues that were open. We have the drainage that was-- the drainage basins, that was the first issue. The second issue was the parkland was ponding and there was some drainage problems with the parkland."

Councilman Stark: "Pat, would you talk into the mike so that they can hear you in the back of the room."

Patricia Moore: "Sorry about that."

Councilman Stark: "Bring it right up to you there. You're tending to talk away."

Patricia Moore: "I apologize, I'll start over. There were three issues that were being discussed as to the Two Bears project. The first one was the drainage of the-- the drainage basins whether they were functioning. The second was the parkland, whether it was draining properly and the third issue were individual property owners that were having problems with drainage on their particular site. To my knowledge, we've checked the drainage of both the drainage basins and also of the parkland are working properly. They are working to our specifications. They've been inspected by the Town and they are working. As to the individual properties, that matter was being reviewed by the Planning Board by their consultants and that is still being reviewed. They've taken your comments or your complaints very seriously. They're not taking it lightly. They are reviewing it very carefully and we have not yet received a final recommendation from the Planning Board that then we can act on."

Barry Birnstein: "Has the Town or the Planning Board received all the as built surveys that were requested?"

Patricia Moore: "We received some of them, there were others that had not yet been received so to my knowledge, today, Andrea, this you may be able to help me, I don't believe that all of the as built have been received. Is that correct? Okay. There may be one or two that are still outstanding."

Barry Birnstein: "This was originally addressed by the Town

Board four months ago."

Patricia Moore: "Yes."

Barry Birnstein: "It's taking a very, very long time to receive the as builts. As far as I know, nothing is being done on the private drainage structures. I would like to know why."

Patricia Moore: "We-- the Town Board has not retained-- it's the Planning Board through their subdivision regulations in the subdivision, that is reviewing the as builts. And it was up to the surveyor to go out there and prepare the as builts. Then we had John Johnson who is from McLean Associates reviewing it. Since then, we have a new consultant to the Planning Board, Mr. Raynor, who is reviewing not only what has been recently sent, but also as a second check over what Mr. Johnson did. So, we are being ultra cautious in making sure that whatever recommendations, us being the Town, the Planning Board, whatever recommendations are ultimately made will work. So, as to the time, they're taking the time necessary to come to a good conclusion."

Barry Birnstein: "Okay. Also, we were-- the homeowners were requested to send letters to the builder's attorney as far as problems we're experiencing with the houses. Also a copy to your office."

Patricia Moore: "Yes."

Barry Birnstein: "We haven't received any answer from anybody. And we're also wondering why."

Patricia Moore: "Well, my-- as you know, all along I've been telling everyone, both in writing and at the meetings, that the problems that the property owners are having with the homes, any individual problems, are to be addressed with the contractor just like anyone else who is building a house and has a problem with the contractor, you deal with the contractor. The reason I wanted to get copies of those letters is to be sure that when someone came to the meeting and said, oh, I have a problem, I would then have a record of whether or not that person was able to contact the Two Bears and their attorney. I did call over to the attorney prior to the Christmas holiday to ask him for a status of whether or not most of the complaints have been

addressed, as to the complaints that were made, which ones were addressed, which ones were not. I haven't received anything in writing yet. He was going to follow through and that would require some time because there were several different property owners who had different complaints and various degrees of complexity."

Barry Birnstein: "Okay. Also, the performance bond that is being held. Does that cover-- we'd like to know exactly what that performance bond covers as far as the builder is concerned."

Patricia Moore: "Bonds are submitted for road improvements, the drainage for the roads, the parkland, the public improvements that are ultimately going to be dedicated to the Town. That's what it covers."

Barry Birnstein: "Does that performance bond also cover specific lots where people have some very serious drainage problems because of the builder?"

Patricia Moore: "I won't make a comment on that because obviously if we have to, we'll be fighting with the bond company, but generally it covers the public improvements. It does not cover the individual property. The problem is with the property owners and their lot, it's all part of the subdivision regulations and whether or not he conformed to the subdivision regulations. So far to my knowledge, everything is-- he's in compliance with the subdivision regulations. So, you have to-- I can't make a general statement. It depends, it's lot by lot, in a situation. You know, one by one. No general statements."

Barry Birnstein: "Okay. Also, the vacant buildings in the front. Last time we were here on November 17th, we were asking about those buildings. And you said you would look into it."

Patricia Moore: "Yes. And we did. It turns out as I recall from the far reaches of my mind at that time, the buildings in the front are not Two Bears, they have not been in Two Bears control. They are owned by someone else."

Barry Birnstein: "Can you tell us who that person is, please?"

Patricia Moore: "I think-- "

Councilman Prusinowski: "That information is available in the tax office."

Patricia Moore: "Yes."

Barry Birnstein: "Is it possible to call the tax office on the phone and request that over the phone?"

Councilman Prusinowski: "It's my understanding the Building Department has investigated that already and there's an action pending. After the last meeting, I went up there with a complaint of the person that was here two meetings ago, and followed up on it, and I found out that the Building Department has issued a summons and we are in the process of taking action to rectify the situation."

Patricia Moore: "Actually, prior to your complaint, there had been-- it had been noticed by the Building Department the conditions of the buildings. They had received notices that the buildings were in dilapidated condition. So that's still in the works."

Barry Birnstein: "Okay. I would also like to know the status of the performance bond at this time."

Patricia Moore: "It's out there, it's still pending."

Barry Birnstein: "There are no plans to call, excuse me, there are no plans to release this bond at this time?"

Patricia Moore: "No, there are none. No. You would know. The Board would be the ones to do it. We would get a recommendation from the Planning Board and the engineer for the Planning Board before the Town Board were to take action. And, my understanding is that the Planning Board's not prepared to do that until they're satisfied with the individual lot problems."

Barry Birnstein: "Is there any way that you could let us know the-- how far along the corrections-- what the builder is doing as far as correcting the individual lot owners' problems

with this drainage? We have one homeowner who has had a basement filled up that we've mentioned before. There's somebody else with a ponding in the back of the property that's covering almost eight separate lots."

Patricia Moore: "Well, when I receive a letter from-- "

Barry Birnstein: "And this was done by the builder."

Patricia Moore: "Okay. When I get a status report from the attorney, I'll be happy to share it with you when that comes. But you can call my office and keep in touch with me and see when and if it has come."

Barry Birnstein: "Oh, thank you."

Supervisor Janoski: "Yes, sir."

Dean Terchunian: "Good evening, my name is Dean Terchunian and I also live at Bear Estates. About a month ago, an article came out in Hampton Chronicle that concerns me and many of the other residents at Bear Estates, and I wanted to make sure that the Town was aware of it. It stated that the Two Bears builders was doing a last project as Two Bears builders in Water Mill and that the two owners, Al and Jean Tuft, were starting their own companies one called One Bear Builders, and the other one AJ Tuft and Associates. What concerns me and the other residents is that the Town has been working with us to try to resolve a lot of the problems that are out there. Is this situation with them breaking up their company going to affect the resolve of the problems out there on the individual lots, and I don't mean by the performance bond that's out there because the performance bond is there, it's not going to go away by them breaking up their company. But, how is the Town going to effectively have Two Bears builders correct the problems out there if there isn't a Two Bears builders to respond to the Town? That's one point I'd like to make. The other point is it's been stated in the prior two meetings that residents from Bear Estates have come here and also in this meeting by the Town Attorney, in all cases, that the individual problems that people have with their homes as far as building code violations, as far as problems with their house, is a problem that each one of these homeowners must deal with the builder on their own without the help of the Town. Now, I beg to differ with the Town Attorney,

but it's stated clearly in the contract with the Town and the builder, that these homes must be built of first quality materials and workmanship. It's evident by the amount of complaints by the people at Bear Estates, that that is not the case. They may have used first quality materials, but not first quality workmanship. There's a lot of public funds that had been put into this project to assist these people to own these homes. And it would be a shame to allow the builder to slip through a loophole or a lack of aggressiveness by the Town and take away a larger profit than they really should be taking away from this project because of shoddy workmanship. And I'll give you a for instance. In the large windstorm that we had in the northeaster, approximately 40 homes lost shingles off the roofs, including mine. I and many other people called the builder and stated this to them, and supposedly we have a builder's warranty with these homes. But the builder stated, oh, we have nothing to do with that, that's an act of God. You'll have to speak to your insurance company. Well, that doesn't seem like an appropriate answer and I wanted to make sure that the Town was aware of the attitude of Two Bears on that. The third point that I'd like to make is that last May and last June and also at the Town Board meetings, I brought a problem that I have, which is a building code violation of a lack of flashing. To date, I have not received anything from the Town addressing the lack of professionalism by the Town's Building Inspector because prior to the issue of the CO, in writing, I made this point to the Building Inspector. Yet, he did pass the C of O. Now, it just seems like there's some inadequacies here and I'd like to know if the Town has addressed the Building Inspector's professionalism here as far as properly inspecting these homes. And along the same lines of inspecting the homes, I'd like to know if he really inspected the framing jobs. And the reason why I say that is in the recent windstorms that we've had, I live in a two-story home, and the house shakes in the wind. The windows rattle in the wind, and it's a little scary if you're standing upstairs when the house moves. And these aren't hurricane force winds that we're experiencing or maybe they are low hurricane force winds, I know they're around 70 miles an hour or so. What I'm afraid of is if we get a hurricane that has 120 or 140 mile an hour winds, are some of these houses going to fall down?"

Supervisor Janoski: "I would think in that force wind that a lot of houses would fall down, not only Two Bears. I

lost shingles off my roof and-- "

Dean Terchunian: "But your house is not a brand new house, covered by a builder's warranty."

Supervisor Janoski: "This is true, but-- "

Dean Terchunian: "And that's the point that I am making. I'm not trying to compare my house with yours."

Supervisor Janoski: "Dean, I'm sorry, just let's pretend I didn't say a word, okay?"

Dean Terchunian: "Okay."

Supervisor Janoski: "And I'll let the Town Attorney take care of this. Because she's very much involved in what has been going on."

Patricia Moore: "I am not sure if I can answer any of your points. You have a warranty, I suggest that you have your attorney review the warranty and your attorney will advise you of what your rights are under that warranty. I can't. And I'm not sure if there is anything else I can-- you're making us aware of certain points and we'll take those in mind."

Dean Terchunian: "There's one point that I made that you can address."

Patricia Moore: "Which is?"

Dean Terchunian: "Because I've addressed the same point with you at a prior Town Board meeting. And that point is, is that you have told us that we must deal with the builder on specific problems with the house."

Patricia Moore: "Yes."

Dean Terchunian: "Now, I've point out to you in a meeting with you privately with Andrea Lohneiss, that I have a flashing problem in my house. A lack of flashing. It's a building code violation. And the Town gave the house a C of O in error."

Patricia Moore: "Well, we would dispute that and if-- "

Dean Terchunian: "Well, I invited the Town at my expense to rip up the existing building code violation that's there so I can show them that it's there, and that I'm not fabricating this. To date, you have not responded to that. Neither your office or the Supervisor's, who I've spoken to about the problem."

Patricia Moore: "I wasn't aware you were volunteering to pay for the flashing to be fixed."

Supervisor Janoski: "Excuse me. I have, in fact, sent an inspector up there, you know that it is true."

Dean Terchunian: "That's right."

Supervisor Janoski: "Okay. So let me just-- "

Dean Terchunian: "You-- when I met with you, you did say that you sent an inspector there and you told me that the inspector told me that I was lying."

Supervisor Janoski: "Well-- "

Dean Terchunian: "So I stated to you at a Town Board meeting that I was willing to have the professionals come out to the house with members of the Town and I, at my expense, like I did the front of the house, stoop, jackhammer out the concrete and show you that the concrete is against wood of the house which is a building code violation. And I certainly did not take the concrete out, rip out the flashing, and then pour the concrete back. So, I'm asking the Town to come look at this building code violation. I already paid to fix the front one, and I'm asking the Town to look at the back one and say, how could the builder be allowed to build the house this way. That's the point I'm making."

Councilman Prusinowski: "Dean, there's only one-- I have one question. When did you first physically-- when did you first discover that the flashing was missing? During construction?"

Dean Terchunian: "Yes, and I gave a written report to Andrea Lohneiss, the Supervisor's office, and personally took

it down-- "

Councilman Prusinowski: "Okay. When you went to closing, did you know at that time that the flashing in your opinion was not there?"

Dean Terchunian: "The Building Inspector told me it was taken care of. Mark Hepner is his name. And I personally went down to Mark and gave him the same report and he's the one who went down, I believe he's the one that you said, Supervisor. He's the one who went down and looked at it after I opened up my front stoop and said, Dean's lying, he's tampered with it. Now, when I opened it up, I had six of my neighbors take a look at it and I've mentioned this to other members of the Board. They came and they look at it. I filmed it. As soon as it was taken apart and, you know, I'm willing to let you call me a liar on the front stoop, because there's no proof because I didn't have a professional there while I took it apart. But, I'm willing to do that on the back stoop and to date, no one from the Town, and I've said this back in September-- "

Councilman Prusinowski: "Do you have a copy of the letter that you sent to us early on during construction?"

Dean Terchunian: "Certainly, yes."

Councilman Prusinowski: "Can you provide that to us?"

Dean Terchunian: "And it's also in Mark Hepner's file. I personally brought it down to him and discussed many of the problems, but this is one I pointed out to him, and two weeks later I called Mark Hepner up and he said, don't worry about it, I'll take care of it."

Councilman Prusinowski: "This was during construction?"

Dean Terchunian: "During construction."

Patricia Moore: "So they issued a CO in satisfaction that apparently that it was there at the time they made the inspection and they issued the CO, they felt it was there?"

Dean Terchunian: "Right, and what I'm saying to you is,

is that it's not there. I'm willing to rent the jackhammer again, jackhammer out my back stoop and show you the flashing isn't there. And, I'm not telling you that this situation exists in every house out there. But I have looked at some other people's stoops and I have seen that the flashing isn't there either. And also, that Two Bears has come to some of these homes because they've called up Two Bears. I have, too, but Two Bears won't come and do anything on my property except for what the Town forced them to do in digging up my front lawn to put in the connection between the drainage basins. What they did was, they didn't rip up the concrete and put flashing between the concrete and the wood. They took the wood out that's underneath the steps and they put flashing underneath that wood. So it appeared to the non-professional that the job was done properly. But it wasn't. And I can show you in at least four homes that I've personally looked at, that this situation exists. The situation is that my house is not going to be affected by this for many years. It's going to take time for the wood to actually rot, and the house to start to cave down at that point. But it's a real serious problem when it happens."

Councilman Stark: "I think Steve is right, termites are going to get it before the rot gets it."

Dean Terchunian: "There is a termite barrier there."

Councilman Prusinowski: "And you videotaped your jackhammering the front stoop?"

Dean Terchunian: "Not only did I videotape it, but I also have polaroids."

Councilman Stark: "Dean, can I ask you a question off the subject? Were you around the neighborhood this morning during the heavy rain?"

Dean Terchunian: "Yes."

Councilman Stark: "Was the drainage working at the time? Was there any flooding? Or any particular areas that you noticed that were flooding even afterwards so we could address that."

Dean Terchunian: "Sure. You and I had discussed the

individual lots and those individual lots-- "

Councilman Stark: "It would be on the east side of-- I think it's a blue house."

Dean Terchunian: "Yeah, lots 41, lots 66, I believe, lots-- "

Councilman Stark: "But I mean, because we had about three inches of rain there in about two and a half hours."

Dean Terchunian: "Well, I can state this, that every time we have an inch of rain within a day's period, there's ponding on each one of those properties that have had ponding problems."

Councilman Stark: "No, I'm basically talking about the roads now, the main sump."

Dean Terchunian: "You had Two Bears redig the main drainage basin."

Councilman Stark: "I guess what I'm asking is that the improvements that are made to date, has it kept the water off the roads and got it into that main sump?"

Dean Terchunian: "Yes."

Councilman Stark: "All right. And I realize that the problems over there on those easterly properties were low, and are not going to be corrected by any drainage."

Dean Terchunian: "That's right."

Councilman Stark: "And there's going to have to be something major done over there."

Dean Terchunian: "Regrading."

Councilman Stark: "Regrading done to eliminate that problem. But I was more interested during the heavy rain this morning, the improvements had made some difference."

Dean Terchunian: "Oh yes. I mean, them redigging the

drainage basin and clearing out all of the silt from the-- "

Councilman Stark: "Then I think they tied in some-- "

Dean Terchunian: "Yeah, well that hasn't taken effect yet, 'cause we haven't had-- it hasn't gotten high enough in the main drainage to back up yet. We're going to have to get a big rain for that to happen."

Councilman Stark: "We came close this morning."

Dean Terchunian: "What I mean is it's going to really have to get full in the main drainage basin and it's working much-- the main drainage basin is working much better then it was."

Councilman Stark: "So there has been some improvement in that aspect?"

Dean Terchunian: "Oh, yes."

Councilman Stark: "And the problems are still basically on the east side in those pieces of property where, and I don't know whether we've got as built on them yet, but it seems to me that they were just built too low or not graded high enough."

Dean Terchunian: "Yeah, on the east side we have the Millers lot, which is opposite the playground."

Councilman Stark: "I don't know the particular name. These are the houses that I think you and Barry pointed out to Vic and I out there one morning."

Dean Terchunian: "Yeah, and those houses are basically experiencing the same problems."

Councilman Stark: "And they got a serious problem and I don't know whether-- I think Barry had asked the question about the bonding on the road, the performance bond, and certainly if the roads were constructed such that they put water onto your property, I think there is-- it would seem to me logically as a layman that there is some responsibility as to the construction of the road."

Dean Terchunian: "Well, it's not as much the road in a lot of places as the way they shaped the backyards, because what happened was is Two Bears, as you saw yourself and Vic saw, that they took the dirt away. And they shaped the backyards so that properties drained into other properties and the water had nowhere to go so what Two Bears did is what they felt was adequate, was they put in drywells without, of course, mentioning it to the Planning Board. And those drywells have proved ineffective. And that's why those individuals lots-- "

Councilman Stark: "You would have to have an oil field of those drywells out there in order for it to be effective."

Dean Terchunian: "Pardon?"

Councilman Stark: "You'd have to have an oil field of those drywells out there in order for it to be effective."

Dean Terchunian: "And there is one point that was brought up about the playground area. I know they did some work at the playground area, but just so you know, I've gone there after some of our rains, and the main puddling that happens is right underneath where the children play. That's where it still puddles. What they did was, they filled in some land there and they dug some drywells and they connected them up, and it's definitely taken away a lot of the ponding that was happening there, but there is still some. But the drainage of the roads into the basins seems to be working."

Councilman Stark: "So, basically, we have to address ourselves to some of the problems over on the east side and see if we can get some cooperation out of somebody."

Dean Terchunian: "Well, it's both the east and the west."

Patricia Moore: "It's underway."

Councilman Stark: "It's underway."

Dean Terchunian: "Yes. It's-- I mean I've had some people come to me and I know that you'd provide me with information to assist people out there so that they know that the Town's working on it. But, people get frustrated. I mean, we came here

in September and it's practically four months and we've seen the public roads being fixed, but the individual lots aren't addressed yet. The problems have been, I should say solved yet. But, the other concern, the real concern which is one of the points that I have made, is that there's problems with the structures of the house, the building code of the houses there, that from what I understand what the Town Attorney has stated over the last three times that people from Bear Estates have been at the Town Board, is our problem. And, really, I mean it is our problem, but I believe that from what I've read, and I've read the contract backwards and forwards, and yes, I'm a layman but I am educated, it clearly states that it must be of first quality workmanship and materials. And it's evident in many homes that that's not the case. And, I think the Town should hold the builder to what they signed. But the contract is signed between the Town and the builder. Yes, we know that we are all individual homeowners and a lot of homeowners have had problems addressed by Two Bears. For instance, there's about 45 homes that are called Hitchcock styles and those houses have a heating problem. And the reason why is because Two Bears did not go along with the original design, and the original design called for the water pipes and the heating pipes to go up an interior wall. They redesigned the houses and those heating pipes and water pipes go up an exterior wall, which is improperly insulated to protect those pipes. So, what they-- and people have had freeze-ups. And Two Bears has come and fixed those freeze-ups. But, what they're doing is they're doing bandaids approaches to a poorly designed part of the house, which is where these pipes are going out. And then they're saying to people who can't get-- they have an air flow problem just because of this, the air is actually flowing from one side of the house to the other, and what they've done is they've offered people to put super conducting heating pipes upstairs so that more heat comes out of the pipe. Well, that's the wrong approach. The approach is that you've got air flowing through the house that's cooling the house. That shouldn't happen, it should be insulated so that the air doesn't come through and making the people spend more money on oil so that they can produce more heat upstairs isn't the right way to address the problem. Of course, it takes an engineer, a professional, to be able to lay this out on a piece of paper, but there's many people up in Bear Estates, well, we all work for a living, and many of them are in the construction trade, and I've spoken to many of them. They've pointed these problems out

as here's why we have the problem, and why we have the problem is poor workmanship and a change of an original design. And the original design is what the Town approved."

Councilman Prusinowski: "So who changed the design?"

Dean Terchunian: "Pardon?"

Councilman Prusinowski: "Who changed the design?"

Dean Terchunian: "Two Bears did."

Councilman Prusinowski: "Did-- in any case, did the potential homeowners request the change?"

Dean Terchunian: "A lot of-- from what I understand-- "

Councilman Prusinowski: "For cosmetic reasons?"

Dean Terchunian: "In the Hitchcock, a lot of the homeowners said to Two Bears, we feel the kitchen is too small. What can you do about it? They said, listen, we'll take the wall out between the kitchen and the diningroom, and make it one room and it will be like an eat-in kitchen. But, what they didn't tell them is that they are going to have to re-route the pipes to go to an exterior wall to do that. What they basically did was instead of putting-- they could have still put it up in an interior wall, but you got 45 houses that they would have had to put 15 feet more of pipe in, and 15 feet more of pipe times probably four pipes is 60 more feet of pipe, times 45 or so houses, means that Two Bears builders had to spend more money. So they found-- "

Councilman Prusinowski: "Or actually what should have happened which is the understanding that was explained to me on this project, was if the house is going to cost so much money, okay, the state puts in so much for the infrastructure because that's where you get the subsidy. The bank really ran the project because they paid all the bills, but if you wanted something extra done to your house, you should have had to pay for it personally so that they wouldn't be put in a position to cut corners. In other words, if that particular cosmetic change would cost another \$2,000 then the homeowner should have coughed

up the extra \$2,000 and maybe it would have been done the right way. Well, what I think what happened here was, things were done to accommodate the buyers without anybody laying out any other cash and that's why we're in this mess."

Dean Terchunian: "What you're saying is true in many circumstances. In this particular circumstance, that isn't the case. In this particular circumstance, they took a wall out. They never put the wall up. So what they did was they saved lumber on that wall and they did this to all 45 houses. All the Hitchcocks are built the same way as far as that's concerned. What you're stating is that many people made requests. If you knew somebody who was working there or if you could speak to the Tufts and convince them to do something for you, they would do it. If you didn't know anybody, you didn't get it done."

Councilman Prusinowski: "Well, naturally, the Town of Riverhead can't be held-- I mean, we're responsible in the sense that I guess, you know, in a situation where we're the big umbrella. But if we don't know the day to day details of the job and people are making cosmetic requests which affect the structural integrity of the house, unfortunately, we find out about it after the fact."

Dean Terchunian: "True, but this problem that I'm talking about in the Hitchcocks isn't that type of problem. It's Two Bears made the adjustment themselves in all the houses. But if somebody asked Two Bears to do something and that caused a problem in the house and it's on that individual house, well that's their problem. But if somebody said I want oak floors and I'll pay an extra \$1,500 for it and I'll pay you with cash up front, well, then they're going to have to deal with Two Bears on that oak floor."

Councilman Creighton: "Dean, this is deja vu. We went through this before almost identical series of subjects and discussions."

Dean Terchunian: "True."

Councilman Creighton: "In my review and I think similar to other Board members, it boiled down to on the construction of the units and the houses that you're talking about now. Our

Building Inspectors conduct, I believe it's four, inspections during the construction of each individual house and determine whether or not that house meets the standards of the State Building and Fire Codes and when they do, they pass that part of the inspection, one, for example, being the foundation and then the framing, which includes all the flashing when you can see it, okay? And one includes the plumbing and wiring and that sort of thing, and then the final inspection. And what we found is that each and every one of these houses have passed these inspections during the process of construction. And based on that, the Building Inspector has issued a certificate of occupancy."

Dean Terchunian: "And what I'm saying to you, Frank, is that the-- "

Councilman Creighton: "I hear what you're saying. What I want to know-- "

Dean Terchunian: "The Building Inspector didn't do his job on some houses."

Councilman Creighton: "What do you suggest we do at this point? I understand that this has been discussed between yourselves, other residents, some, attorneys for the Town. I don't know whether you have an attorney involved or not. The Planning Board is involved with engineers, our Town Engineer has been involved in trying to rectify some of these things. We're at the point now where, you know, I'm hearing you suggest that the Town should go in and rectify these alleged violations of building codes. This is-- what you're suggesting, goes way beyond that. You're suggesting, perhaps, malfeasance in office, illegal conduct, and that sort of thing. Where do you want us to take this? What is the bottom line? What is it you're after in this regard?"

Dean Terchunian: "Well, there's a few bottom lines, okay? One of the bottom lines is that the Town should force the builder to fix these problems properly."

Councilman Creighton: "The Town has already told the builder that it's passed the building code inspections and that's the Town's obligation."

Dean Terchunian: "The Town passed some of the houses inappropriately."

Councilman Creighton: "You allege that, okay."

Dean Terchunian: "And, I'm willing to prove it to you if you would come out, bring your professionals, I'll pay to have the concrete removed, I'll show you. And I'll show you on my house and if you're willing, to-- "

Councilman Creighton: "I'm not going to come out and look at it because, you know, what I'm suggesting is that you go ahead and do that, okay?"

Dean Terchunian: "I did it."

Councilman Creighton: "Show-- where is the documentation?"

Dean Terchunian: "I've got it. I presented it to the Town. I'll present it again."

Councilman Creighton: "And the Town went out-- you're talking about your porch. And the Town went out and looked at it and said, that's wrong, it wasn't that way when it was built, we inspected it and it was according to code when it was inspected. What you've done to the property since then, we can't deal with. And that's where that particular case ended up. Okay?"

Dean Terchunian: "That's right. And I said, I stated when I was told by the Town, that I'm willing and I stated this in a private meeting with the Town Attorney and Andrea Lohneiss, that I'm willing to open up the back stoop and show you the flashing building code violation that exists where somewhere I haven't touched it. I have a front stoop and a back stoop. I fixed the front, the back is still sitting there with the building code violation. And to date, nobody has said, okay, Dean, well what actually happened in the meeting was, the Town Attorney said to me, well who's going to pay to have this concrete removed? And I said, me, I'll pay the same person who took apart my front and fixed it, can take apart the back. But I am not going to take apart the back until the Town is willing to come out and watch it taken apart because the last time I did it, I was told I was a liar. I don't want to be called a liar again. I've got my ace in the hole. The building code violation exists. I'm willing to expose it at my own expense, but I need the Town and its professionals to be there when it's taken apart so they can see this,

for their own eyes, so that they can't say I tampered with it."

Patricia Moore: "Okay, and then what?"

Councilman Creighton: "Have you considered developing this evidence on your own and taking it to Court?"

Patricia Moore: "Yes."

Councilman Creighton: "It seems to me that's where you belong now."

Dean Terchunian: "I live in affordable housing. You know that we all live in affordable housing. I don't have the resources to hire the professionals to come in and do this."

Councilman Creighton: "You just said you are going to pick up the tab to do it."

Dean Terchunian: "I'm going to pay somebody \$75.00 to do the labor and \$75.00 or \$80.00 to rent the machine, because I can get it at a discount."

Patricia Moore: "I believe Justice Court has a nominal, if any, processing fee, so we're not talking about taking you to Supreme Court, I'm talking about going to Justice Court."

Dean Terchunian: "But I will have to get an engineer to sit out there for \$500.00."

Patricia Moore: "But you want the Town to sit there for a day while you take out the-- at the cost of all the taxpayers."

Dean Terchunian: "But, I've already showed the Town-- "

Councilman Stark: "I don't know how we've gotten to be talking about suing here and lawyers and everything else. We have a problem up in a project that was sponsored, co-sponsored by the Town. Now, Andrea if you would come up here for a second, please. I don't know where this problem lays. I don't know whether it lays down at the Planning Board, in the Town Attorney's Office, in the Community Development's Office, in the Town Engineer's Office. But if there is concrete complaints in this

neighborhood, can we, in some way, document them, find out if they're accurate, true or not, and get this charade over with?"

Andrea Lohneiss: "Mr. Stark, Dean has submitted pictures to the Town to-- "

Councilman Stark: "Have we sent out the Building Inspector? At your request?"

Andrea Lohneiss: "Yes. Mr. Janoski sent the Building Inspector."

Councilman Stark: "Has anybody gone with him?"

Patricia Moore: "No, the Supervisor's Office-- "

Supervisor Janoski: "I sent out the Building Inspector."

Councilman Stark: "This is getting ridiculous."

Andrea Lohneiss: "He took his own set of pictures."

Councilman Stark: "Well, this doesn't get to the Town Board level. It stays in the Planning Board, the Community Development, over in the Town Attorney's Office. The ladies and gentlemen come in here about once every three months, and we're assuming that there is progress being made on it. I have not seen it."

Patricia Moore: "Where there is-- "

Councilman Stark: "I have not seen any paperwork or anything to show me that there's progress, Pat."

Patricia Moore: "Where it's our responsibility, the progress is being made. I refuse to allow the Town to take responsibility for what is not our responsibility and it's unfair-- "

Councilman Stark: "Well, I don't think that's your decision to be made. I think that's the Board's decision."

Patricia Moore: "Well, if the Board wishes to bring a class action against-- "

Councilman Stark: "We can take your advice or we may not have to take your advice."

Patricia Moore: "True, true. But I object-- "

Councilman Stark: "So you cannot say you refuse to let this Board do something."

Patricia Moore: "No. I refuse to allow one gentleman to come in here and bring it to the Board when we are trying to resolve the problem expeditiously and thoroughly. My problem is where he is asking my office to bring an action against Two Bears with unsubstantiated information and with asking us to bring a very expensive lawsuit against Two Bears."

Councilman Stark: "Well, he seems to be coming in every three months with the same complaint."

Patricia Moore: "It's the same gentleman. Yes. Same gentleman."

Councilman Stark: "And it seems very simple to me to send out a couple of building inspectors, or a Town Engineer and verify it and come back to us and make a report. But we're getting batted around in this bureaucracy problem again."

Councilman Creighton: "They've been out several times. They just don't like the answer we're giving them."

Patricia Moore: "Exactly."

Councilman Prusinowski: "Can I ask you something Dean? How do you know that the rear stoop is a violation?"

Dean Terchunian: "When I pointed it out to the building inspector back in October of 1991, the reason why I could tell, is the back stoop had not been poured yet. And I looked and I saw that the only covering there was asphalt,-- "

Councilman Prusinowski: "Were you there the day they poured the cement next to the house?"

Dean Terchunian: "No, I wasn't."

Councilman Prusinowski: "Okay."

Dean Terchunian: "Now, how I can tell. The way the flashing is supposed to be, is it goes from the bottom of the step down to where the concrete begins of the foundation. And there's a concrete stoop that's about six or eight inches that touches the wood. How you can tell is, you take off the piece of wood below the step, and you look, and you peel back the asphalt there. It's tarpaper, excuse me. And you see wood instead of flashing. Okay. And that's how you can tell the problem exists."

Supervisor Janoski: "Could I ask a question? Now, you said that during construction you were aware of this. I have visualized a (inaudible) pouring of concrete. How would it have been possible for this to have been remedied before the issuance of a CO and your going to contract? In other words, we're pouring concrete and there's a problem that you're aware of, how could that have been fixed? And why did you go to contract if you knew this problem exists?"

Dean Terchunian: "I brought the problem to the building inspector."

Supervisor Janoski: "That's not my question. Listen to my question. How is it possible that the building inspector could say to you, it's been remedied if concrete has been poured and no concrete has been broken up to fix whatever needs to be fixed? And let me also state here that when I sent the building inspector up, he took his own set of photographs. I am not a builder. I don't know much about construction. But he pointed to in the photographs what was described to me as being flashing. So that in the photographs that we have, there is flashing visible. And I thought that that was the word, was aware of that, but that took place so long ago that maybe we're not all aware of it. But my question to you is a very simple one. You went to contract knowing there was a problem or you went to contract believing it had been remedied. If you believe that it had been remedied, how could you think that if the whole thing was not broken up and flashing, whatever that is, has been installed?"

Dean Terchunian: "When I mentioned this to Mark Hepner, the concrete hadn't been poured yet and when I spoke to him

several weeks later, the concrete had been poured and he told me that the problem had been resolved."

Supervisor Janoski: "But you tell me that you can see right now that-- "

Dean Terchunian: "Well, you have to take off a piece of wood now. See, what they do is they have this tarpaper, they pour the concrete-- well it's supposed to be flashing plus the tarpaper. They pour the concrete and then they put the shingles on. I had to take the shingle wood off in order to see the problem."

Councilman Prusinowski: "It should be that way all around the house."

Dean Terchunian: "Pardon?"

Councilman Prusinowski: "It should be that way-- the flashing should be all around your house."

Dean Terchunian: "No. That's a termite barrier. The flashing is just where concrete is poured against wood."

Councilman Prusinowski: "Well, don't they put flashing when they put the wood on the foundation?"

Dean Terchunian: "That's the termite barrier. It's a different type. That's horizontal, this is vertical."

Councilman Prusinowski: "Is there a termite barrier there?"

Dean Terchunian: "Yes."

Councilman Prusinowski: "There is. Okay."

Supervisor Janoski: "Well, I think I can concur with Jimmy who is as frustrated as I feel about this ongoing problem. Inspections have been made and I think Frank makes an excellent point in-- because what you're saying here, and it's something that in 13 years I have never heard, is that our Building Department was easy on something."

Dean Terchunian: "I've heard people say that before too."

Supervisor Janoski: "Usually the complaint is they nit-pick us to death. And what you are saying is that Inspectors who are in the employment of the Town of Riverhead are guilty of malfeasance, misfeasance, whatever the proper legal term may be. Now, in my experience, well, that's never been the case. But this has got to be brought to a head."

Dean Terchunian: "I'm not talking about all your Building Inspectors. I'm talking about only the one that I spoke to."

Supervisor Janoski: "And I am saying that-- "

Councilman Stark: "Who signed your CO? I think I asked you this before?"

Dean Terchunian: "(inaudible)-- and you got one from Lauren."

Patricia Moore: "Mark I believe is the only assigned to that job."

Supervisor Janoski: "Simply put, this has got to come to an end."

Dean Terchunian: "I would love it to come to an end."

Supervisor Janoski: "And I hope that we can-- "

Councilman Stark: "I don't see it."

Dean Terchunian: "No, not under these circumstances."

Councilman Prusinowski: "Well, in the context of issuing COs and whether or not the house is in compliance with the Fire and the State building code, that's a proper matter for the Town Board to address. If there are some cosmetic problems with the houses that don't involve, and I know Joe got in trouble a couple of weeks ago for saying this, that don't involve the building code violations or what they were contracted to do, then that's an individual matter between you and the contractor. Okay. There's no question about that, Dean. What we're trying to do here, by using our-- the clout that we have with the

performance bond hanging over their head, is to fix the drainage which is the proper use of the drainage bond and added the pressure on, making sure that they cooperate with the owners so that everybody is satisfied in the project. We want it to be a happy project, we want everybody to be satisfied with their homes. So if we have to, we'll go see your stoop. I might stop by, Jimmy, or whoever, we'll go and take a look at the stoop."

Dean Terchunian: "Well, I mean, I can make an appointment with you and I can have my man there with the jackhammer so it takes as little of your time as possible. But I can't do it by myself, even if I'm filming it, and then be called a liar again. Because this is my ace in the hole. I've got it there. It sits there and I can't have the same Building Inspector who inspected my house that I discussed the problem with, go out there and tell me that I'm a liar."

Councilman Prusinowski: "What happens if we find the flashing?"

Supervisor Janoski: "Dean, did he actually use that word?"

Dean Terchunian: "You told me he said that."

Supervisor Janoski: "I didn't-- I don't think I said that he said that you were a liar."

Dean Terchunian: "Okay. You said he said I tampered with it. And I said, are you saying that I'm a liar? You said, well those aren't my words."

Councilman Prusinowski: "What happens if we find the flashing?"

Dean Terchunian: "It's not there."

Supervisor Janoski: "I think that should this inspection take place, that we are going to need a team of people."

Dean Terchunian: "Well, we had a team out there a few months ago."

Supervisor Janoski: "Well, we're going to have another team."

Councilman Creighton: "Dean, would you do me a favor, or do us a favor and everybody here. Let us know the next night you pick to come into the Board Meeting to do this, so that we can have people from the Planning Board, the Engineers, and the Building Department here to deal with the kind of questions you are asking."

Dean Terchunian: "Well, you know I've tried on my own to go down and see those people, and I-- "

Councilman Creighton: "No, no. If you're going to come talk in public here like this, give them the decency, okay, to let them defend themselves. We're impuning individuals' professional performance here tonight, and they're not here to talk about it. It's the second time we've done it, okay, and it's not right. And I don't think it's asking too much when you come in here before the camera and do this to somebody that you at least let us know so that they can be present and represent their view, because we have technical professionals who participated in this who have a right to have their voice heard on television also as long as they're being challenged. Is that fair?"

Dean Terchunian: "That's fair."

Councilman Creighton: "Thank you."

Dean Terchunian: "Thank you for your time."

Councilman Stark: "I do believe that at one time (inaudible) that all department heads were to attend the Town Board meeting. But I think that one went out the window, too."

Supervisor Janoski: "Yes. I got all night. Steve, as soon as this talk is over, we're going to-- "

Del Harmon: "My name is Del Harmon. I reside at Two Bears Estates also. As far as documentation, our property, it's been a matter of record already to Tufts' attorney and to Pat, we had the hurricane hit, we had no flashing. Two Bears came out, they supposedly fixed the flashing. Supposedly. They put

the flashing above the concrete. Not behind it. So if you want to come out and check another one of the houses, come and check mine."

Supervisor Janoski: "Okay."

Patricia Moore: "Can I have your name?"

Del Harmon: "My name is Del Harmon. I'd also like to ask a question. We're talking about money tonight, and in June you had a major flood in my area and you had to send people out from the Town. Has Two Bears ever paid back the Town, they said they would. To date, have they paid for all that overtime?"

Councilman Prusinowski: "I wasn't aware they said that they would pay us back. Who said they were going to pay us back? They did?"

Del Harmon: "Oh, they sure did."

Councilman Prusinowski: "Who did they say that to?"

Del Harmon: "It's also been in the News Review."

Councilman Prusinowski: "They said that in the News Review?"

Del Harmon: "Oh yes."

Councilman Stark: "You can't believe everything you read in the News Review."

Del Harmon: "Are you saying that I had to pay for my neighborhood to be cleaned up when it was their fault?"

Councilman Prusinowski: "Well, the taxpayers-- we sent public employees there, naturally they were paid by the taxpayers. If he volunteered to reimburse the Town, that's something that I wasn't aware of. I don't know if anybody else on the Board was aware of it."

Councilman Creighton: "If the Highway Department did this, is that who did it?"

Dean Terchunian: "The Highway Department did send Two Bears a bill."

Councilman Creighton: "In all procedures as I understand it-- "

Councilman Prusinowski: "They did send them a bill?"

Del Harmon: "Oh, they sure did."

Councilman Creighton: "Again, the principals aren't here, would have sent a bill on behalf of the Town."

Councilman Prusinowski: "Dean said the Highway Department did send a bill."

Councilman Creighton: "Oh, okay."

Del Harmon: "As far as giving you any advance notice, I'll give you advance notice that we will be here two weeks from today, so you can have all said parties here. Thank you."

Supervisor Janoski: "Harriet, I wish to recognize you. Oh, you're Harriet Gilliam."

Councilwoman Gilliam: "Yes, and sometimes you are Supervisor Joe."

Supervisor Janoski: "Yes. So you recognize me."

Councilwoman Gilliam: "Right. Before, I understand we may be taking a break, but before we do so, I don't want this idea of Mr. Sikora's request for the continuation of the Hearing to be held in the daytime to get lost once we take our break. The Board has a work session on January 14th. It's a regularly scheduled work session during the day, 2:00 in the afternoon and I would submit to the Board that this would be an appropriate time to continue with the Public Hearing. It falls within the Supervisor's imposed deadline of January 15th. It's during the day. The Board members would be here for the regularly scheduled work session, and I think it would accommodate everyone's concern if we could agree to continue on that date."

Supervisor Janoski: "That's the second reason for the recess. Is there anyone who wishes to say anything before we take a recess?"

Steve Haizlip: "Steve Haizlip of Calverton. I've just only got something briefly to say right quick. The young fellow that was up here, I think his first name is Dean. When he was having his discussion with the inspector, I think he said his name was Mark Hepner, I think that his veracity should have been upheld and that CO issued on an open (inaudible), confirming confirmation. Thank you for that point. I've got a letter that I wrote today. I was out of Town for two weeks. Went down to Virginia and North Carolina. And when I got back, turned on the radio, and I hear Bruce Trio talking about the Roanoke Avenue School. That was the first thing that I tuned in on."

Councilman Prusinowski: "Steve, you know there is a School Board Meeting going on tonight?"

Steve Haizlip: "I can't be up there, which I just said before and be here."

Councilman Prusinowski: "Yes, but that should be read to the School Board, Steve."

Steve Haizlip: "Dorothy Lipsky."

Councilman Prusinowski: "I know and we agree with you. That should be read to the School Board."

Steve Haizlip: "Dorothy Lipsky has already got there (inaudible). And this letter is speaking for me tonight."

Councilman Prusinowski: "Okay. Good."

Steve Haizlip: "And, since you and I both are so concerned and frustrated about this school system not trying to hold the line on taxes and employees and going hog wild over there, I want to read this letter tonight for the benefit of these people (inaudible) so they can hear it also, and the folks at home or what have you. But I don't like to be the only one that writes and get up on a soapbox. I like for some of these people to do so writing and hollering. They only hearing it from me so they're

trying to say he's a radical. All right. I'm going to go. This is to Dorothy Lipsky, Superintendent of Riverhead Central School District from myself, 199 Edwards Avenue, which is a new designation, but I've never seen no paperwork on it, reference condemning of Roanoke Avenue School. Dear Superintendent: I heard about your plans on Roanoke Avenue School over WRIV 1390. I was in attendance at the building on request by them, Richard Suprina, who is the Super, and School Board President, Mr. Ericke. Also, in attendance were two building engineers who approved repairs as needed and sound. I cannot understand why you are going against that vote and agreement and I respectfully request that you go back to the public meeting records that was in February, 1991, for condemning this school. I request you go back through the meeting records on the asbestos removal and building bond request and approval vote. I further request before you make a final decision, that the public be thoroughly informed as to why you are going against the prior Board approval and vote. Because you are the new School District Superintendent, I don't think you should override a prior School Board approval and vote. I feel since it was adopted and approved by a prior School Board administration and a public vote, it should be carried out by the present administration. I cannot be in attendance tonight as the Town Board meeting falls the same time, I'm asking this letter speak for me. I think the State of New York School Education Commissioner should be notified to check the legal ramification of the present School Board not carrying out a prior School Board's commitment and public vote. I request you keep the cost down and be sensible in the Roanoke decision. The people can no longer be a bottomless pit for the school system's wishes. Now, I would like for this here letter be held in record if you wish, if you want to, by the Town Board coordinator. I believe her name is Laurie Kratoville, same as that restaurant down there."

Supervisor Janoski: "Yes, sir?"

Barry Birnstein: "What I want to do is make sure that, could we have everybody, the Planning Board, and everybody else at the next Board Meeting in two weeks so we can give you advance notice."

Councilman Prusinowski: "Actually, I'm going to propose something. I don't think you should come to the Town Board

Meeting. I think, if anything, we'll schedule you at a work session or a time that's convenient for the Planning Board and get everybody in the same room to iron this out. I think-- and so you have one meeting that focuses the discussion just on that, not taking up everybody's time on a Tuesday night. Okay. Again, I think we have to also clear up and I think that's a policy decision by the Board, exactly again, you have to understand. If there is building code violations or building code approvals given by the-- COs that were issued by the Building Department that were inappropriate, that's a concern for the Board. But if we find out, which I suspect, that the Building Department acted in good faith and that there is no improprieties, then that's the end of it for the Town of Riverhead. If there is a contractual problem between you and your builder, that's something you are going to have to litigate in the Civil Courts. Okay. What we're going to try to do, is keep the pressure on so that he wants this bond released so that he can continue to do business even as a new company, it's still the same principles as divided by two, whatever they name their new companies. And, of course, our number one obligation is to make sure that all the public roads drainage problems that were approved by the Planning Board are the ones that actually will be finalized. And we want to get this thing done as soon as possible."

Barry Birnstein: "Okay."

Councilman Prusinowski: "Because we continue to confuse the two issues here, which is the building code and the cosmetic stuff."

Supervisor Janoski: "We're not going to continue this. I think we have had just about enough of it. But, now that I see you, Dean, you know that it reminds me of something that you said that I did want to correct. I never heard anyone on the Town Board or the Town Attorney say we are not responsible for building code violations. We are. That's our job."

Dean Terchunian: "I didn't make that statement to the best of my knowledge."

Supervisor Janoski: "We will play the tape and, you did say that."

Dean Terchunian: "Okay."

Supervisor Janoski: "I want to make it perfectly clear, Dean, that our position is that we are entirely responsible to enforce the code of the Town. Absolutely."

Dean Terchunian: "And I concur with you. I think what Vic has recommended is a very good idea, is that we meet with the Planning Board and whatever professionals there are in a closed meeting. I think that's a great idea."

Supervisor Janoski: "We've got to sit down and figure out exactly who all has to be involved in this meeting because I can tell you that I can sense on the members of the Board the absolute frustration-- "

Councilman Prusinowski: "Also, we want the Tufts there. I want the builders there, too."

Dean Terchunian: "That would be nice, too."

Councilman Prusinowski: "Because that means that they'll have to face the music, you know, in person, and I think you'll get better cooperation, too, if we have a meeting like this and have all the principals around the table."

Barry Birnstein: "I think that's a great idea."

Councilman Prusinowski: "It's an open meeting, the press can attend and whoever wants to attend, that's not a problem."

Councilman Stark: "And we will arrange it. As soon as we get it arranged, we'll contact Dean or you."

Barry Birnstein: "Will Dean or I be contacted when it's arranged?"

Councilman Prusinowski: "We just said that."

Dean Terchunian: "And we'll make sure that everybody is contacted out there and we appreciate all your help. Thank you."

