

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, January 15, 1991 at 7:30 p.m.

Present: Monique Gablenz, Deputy Supervisor
Denise Civiletti, Councilwoman
Victor Prusinowski, Councilman
James Stark, Councilman

Also Present: Patricia Moore, Town Attorney
Irene J. Pendzick, Town Clerk

Absent: Joseph J. Janoski, Supervisor
John Lombardi, Councilman

Deputy Supervisor Gablenz called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Deputy Supervisor, Gablenz: "Supervisor Janoski and Councilman John Lombardi are not feeling this evening so that's why they are absent from this evenings meeting. Is there anyone who wants to address the Board on any particular subject? Mr. Schmelzer."

George Schmelzer, Calverton: "There is a dangerous situation on the crossroad of River Road and Edwards Avenue. If you are especially coming from the east, it is very hard to see anybody coming down the hill until you are almost right in the middle of the crossing. South of River Road on the westerly side of Edwards Avenue before you get to the Town line which is the river there is quite a large sign that says, '30 mile speed limit.' But there is no sign to the north, anyway, that says that it's a 30 mile speed limit. By the way, the hill, there is a curve to the east, so it isn't straight. That makes it worse. If you are coming from the west it is not that bad. Someday there will be a bad accident there. I was speaking to Mr. Bloss. He said the Town has no authority to set up a 30 mile speed limit. So I don't know where we go from here. Even though the sign South River Road on the westerly side. They said the county has authority there. So I don't know what is going on. So they can't do anymore about it, Mr. Bloss says."

Deputy Supervisor, Gablenz: "We can check into it Mr. Schmelzer and see what the situation is. Before we make any adjustment of any speed limit on any roadway, whether it be town, county or state, we have to request the New York State Department of Transportation to make a survey. We fill out a TE9A Form and send it on to the state. They make a survey and they make a recommendation."

George Schmelzer: "Pardon me. There's been a-----you don't need a 30 mile speed limit all the way up to Route 25. Just say from the track down. But they go down there at 55 miles per

hour. It is legal and it is very dangerous. Try it yourself sometime heading west from the easterly side and you can't see people come over the hill there."

Deputy Supervisor, Gablenz: "We will look into it Mr. Schmelzer. Thank you."

George Schmelzer: "Thank you."

Deputy Supervisor Gablenz: "I was obviously so eager to hear what Mr. Schmelzer had to say that I didn't do the normal course of business. So can I have a motion to approve the minutes of a Regular Board Meeting of 12/18/90 and 1/2/91 and a Special Board of 12/31/90."

Councilman Vic Prusinowski: "So moved."

Councilman James Stark: "Seconded."

Deputy Supervisor, Gablenz: "Moved and seconded."

The Vote: "Prusinowski, yes; Stark, yes; Civiletti, yes.
3 YES and 2 ABSENT"

Deputy Supervisor, Gablenz: "Would the Town Clerk please read the reports."

REPORTS

Open Bid	Osborn Meadows Road & Drainage	
Tax Receiver	Report of collections as of 1/9/91 (\$9,894,853.89)	
Building Dept.	Month of December, 1990 Report Annual Report for 1990	
Town Clerk	Annual Report for 1990	Filed

Deputy Supervisor, Gablenz: "Thank you. Would the Town Clerk please read the applications."

APPLICATIONS

Site Plan	Roy & Mark Osman-add spa to building on West Main Street	
Site Plan	North Fork Plumbing Supply - add parking	Filed

Special Permit &
Change of Zone

Chesterfield Enterprises

Jamesport Fire
Dept.

Open Air Show permit for bazaar from
7/16/91 through 7/21/91 Filed

Deputy Supervisor, Gablenz: "And would you please read the
correspondence."

CORRESPONDENCE

John Fetkovich

Expresses outrage at choice of
contractors for Osborne Meadows. He
observes he would hire local
contractors for the job and asks that
the Board reconsider their decision

Additive Circuits

Requests that their application for
Special Permit be postponed

Robert Arner

Advising that review of information is
required before allocation of monies

Carol Mishkin

Requests a public hearing regarding
proposed airport

Vincent Locicero

Supports shopping mall on Route 58

Demetrios Halikias

Requests action on special permit of
Ochoa Graziano

Mary Ann Zamber
& Shahriar Pour

Suggests that noise control ordinance
is long overdue and submits
documentation

Ellen Sanders

Supports Town Board's choice of
contractors for Osborne Meadows
Road and Drainage Project

Young and Young

Making recommendation regarding bids
submitted for Osborne Meadows Road and
Drainage Project

L. I. Council of
Churches

Supports the LOVE'M Shelter for a
zoning hearing needed to remain open

County Legis.

Resolution #1221-1990 amending levy on
taxable property to correct erroneous
figure reported for sewer district

Water District

Advising that a maintenance mechanic
has been ordered to report to Operation
Desert Shield Filed

Deputy Supervisor, Gablenz: "Let the record show that the hour of 7:40 p.m. has arrived. Would the Town Clerk please read the notice of public hearing."

P U B L I C H E A R I N G 7:40 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall on January 15, 1991 at 7:40 P.M. for the SPECIAL PERMIT APPLICATION OF OCHAO GRAZIANO."

Deputy Supervisor, Gablenz: "Is there anyone present representing the applicant?"

Demetrius Halikias, Esq.: "I represent Mr. Graziano in this application. I'm here tonight to ask the Board to do a hardship (indistinguishable). My client is suffering financial hardship. If the Board would take into consideration the past resolution approval in granting the special permit to develop the racetrack at the present time. If there are any questions regarding the racetrack and what Mr. Graziano plans on doing, I'll be glad to answer any questions."

Deputy Supervisor, Gablenz: Is there anyone wishing to address the Board on this particular matter? Mrs. Graff."

Alice Graff, Riverhead: "For those of us who are unfamiliar with this project, could we have this explained more thoroughly please?"

Demetrius Halikias: "Mr. Graziano would like to grade the land that is there today and plant various types of grasses and develop the existing track so that he can exercise horses and earn his livelihood as a horse trainer and exerciser. As it presently exists today there is no way the track can be used for the training of horses. It has poor drainage, it's not very level and because of the debris in the center of the track, trainers cannot see from one side of the track to the other. And the track is in existence about a mile and to leave the horses unsupervised at one end of the track would be a very dangerous situation."

Deputy Supervisor, Gablenz: "Thank you. Is there anyone else who wishes to address the Board on this particular subject? That being the case and without objection I declare the hearing closed. The hour is now 7:43 PM and we have two minutes to the scheduled time for the next public hearing. Is there anyone who wanted to address the Board on any subject? Yes Joan."

Joan Marshall, Retailer, Rte. 58: "I'm reading a letter from the Center Bank Mortgage Company first.

Dear Board Members:

I am very concerned that a decision has not been made

on Mr. Breslin's property located on Northville Tpke. I feel that Mr. Breslin has gone through all the necessary paperwork in order for a decision to be made. I am in favor of this project as a taxpayer of Riverhead as well as a businesswoman of this community who pays taxes. I think three years is long enough for the Town to make up its mind whether we should have a mall or not. Please vote now.

Sincerely yours,
Gloria Ingagno

I'd also like to add my own views regarding the mall. I feel that it is about time that the Town Board did make a decision. I feel that it is beneficial for the Town. An enclosed mall is more viable for the Town rather than a strip mall. I think competition is healthy. A lot of people are against another mall. Beyond that it will take downtown. It will hurt them and there will be empty stores causing less taxes. I feel that they did not take into consideration that we do bring in more taxes. When the three shopping centers went up on 58 I imagine at that time that no one was in favor of it and I don't feel that we have taken away from downtown at all. I think we have added to it. I know my taxes, just from my store alone are over \$5,000.00. So I do not feel that it will take from them, it will enhance Riverhead. I think that people will come to Riverhead and will want to shop and they will shop all over the Town, not just at the mall."

Deputy Supervisor, Gablenz: "Let the record show that the hour of 7:45 PM has arrived. Would the Town Clerk please read the notice of public hearing."

P U B L I C H E A R I N G 7:45 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, January 15, 1991 at 7:45 PM at the Riverhead Town Hall re: **THE USE OF MUNICIPAL FACILITIES.**"

Deputy Supervisor, Gablenz: "Pat, did you want to give a brief explanation for the audience. This is an annual public hearing that is held where we invite the public to address the Board as to whether they have any objection or if they are in favor of the use of municipal facilities by some civic and community organizations for different fund raising events and group events that the community can participate in. Mr. Pfeiffer."

Henry Pfeiffer, Wading River: "The membership of the Suffolk County East End Seniors Council have asked me to express their gratitude to the Supervisor, Deputy Supervisor, Members of the Board and their staffs for affording us the use of these premises during the dire straights when we were precluded from using the Suffolk County auditorium because they were

refurbishing it.

We would like to express our gratitude to you and I would like to add my own personal gratitude for the service. I think this is an entirely proper use for municipal facilities and we hope that sometime later on if we need them again that you would be so cordial."

Deputy Supervisor, Gablenz: "Thank you very much. Is there anyone else who wishes to address the Board on this matter? That being the case and without objection I declare the hearing closed at 7:47 P.M. Mr. Heingartner did you want to address the Board?"

Gerry Heingartner: "Yes, thank you. I just have a statement that I would like to make to the Town Board and I'd like to read a letter, copies of which I'll pass out to the Board. This is regarding the matter of the Breslin project.

Dear Riverhead Town Board Members:

As a substantial taxpayer to the Town of Riverhead through our automobile business at Kinney Motors I'm asking for your vote and support for Mr. William Breslin's project on Route 58. If the projected tax revenue to the Riverhead Town can be estimated at a possible \$500,000.00 and it can bring in additional business to the Town, because of this development any business person should welcome the enterprise into our community. It will not be easy for any of our Town Board Members to satisfy all of the demands and criticisms of this venture. But I am confident that after reviewing all of the good that will result from the project each of you will vote in favor of the shopping mall. Do it soon. We need to build confidence into our community now. Thank you."

Deputy Supervisor, Gablenz: "Thank you. Mr. Schmelzer."

George Schmelzer: "About this shopping mall. There are other shopping malls in Riverhead and they didn't have to put a patch of woods to the side of them. They didn't have to, by extortion or otherwise, give another piece of land to the Town in order to get a permit. Why should Breslin be singled out for all this. Some in Town will say that they don't want the competition. Well then pay his taxes. Let them pay Breslin's taxes. Is that the kind of system we have in America where a guy owns a lot he is forbidden to use his land because someone else doesn't like it or they are afraid of some competition? What kind of system do we have? It shouldn't even enter peoples minds. We are falling into the Soviet system, the way it looks. Someday maybe we will cross each other going in opposite directions that will be the end of the country. Why it shouldn't even be considered, a hundred foot barrier woods and whatever. If the Town is satisfied and we are getting the land on the northside of the road for nothing, there shouldn't be all this delay. It's really scary. It's unamerican. That's all I've got to say. I agree with the two previous speakers."

Deputy Supervisor, Gablenz: "Why don't we proceed with the resolutions."

RESOLUTION #60 - AWARDS BID FOR COPY MACHINE PAPER FOR USE BY ALL DEPARTMENTS

Moved by Councilman Stark and seconded by Councilman Prusinowski.

Councilwoman Civiletti: "I would like to make a motion to amend this resolution to delete item #2 which was included erroneously. We bid this in the alternative. One for recycled copy paper and one nonrecycled copy paper. What we intended to do was to award the bid for recycled copy paper and so item #2 being included is a mistake. So I move to amend to delete item #2."

Seconded by Councilman Stark.

Town Clerk, Irene J. Pendzick: "Motion by Councilwoman Civiletti seconded by Stark to delete item #2."

On the motion to amend. Prusinowski, yes; Stark, yes; Civiletti, yes. 3 YES 2 ABSENT

On the resolution as amended. Prusinowski, yes; Stark, yes; Civiletti, yes. 3 YES 2 ABSENT

RESOLUTION #63 - APPOINTS LIEUTENANT TO THE POLICE FORCE

Councilman Stark: "I bring to the floor another resolution #63. As chairman of the Police Committee it is my honor to present this resolution here tonight to fill a vacancy in the Police Department that appoints a Lieutenant to the Police Department in the name of Sergeant Grossman. Would the Police Chief and the Sergeant please come up to the podium."

Councilman Prusinowski: "I second that resolution."

The Vote: Prusinowski, yes; Stark, yes; Civiletti, yes. 3 YES 2 ABSENT

Deputy Supervisor, Gablenz: Gave Sergeant Grossman the oath.

Police Chief Grattan: "Mike I would like to take this opportunity to present to you your new badge and the other insignia of the (inaudible) applause

Deputy Supervisor, Gablenz: "Congratulations and good luck. Is there anyone who wishes to address the Board? Cathy."

Cathy Casey, Wading River: "I have just one brief comment. I would just like to remind some people that thank God that we are in the United State of America under the stars and stripes and as was indicated a few minutes ago in the Constitution we have a Bill of Rights that entitles us all to our freedom of speech. If we do not feel that something is right for this community or in any other community and for the country, we have a right to get up and express ourselves as such. I think for anyone who lives here to think that other people should not have the right to get up and say that they don't want the Breslin Mall or that they want more trees planted or that he has to donate a piece of land in order to work with us for our environment, I think it is a little unfair of those who would get up here and say that we should sit mummified and not say anything. That's what has happened in the past in countries such as Russia and that is what is happening in Russia now, they are finding out that it doesn't work. Our system does work. Proves itself all the time. I just wanted to pass that little information on.

I know that you want to break up a little early so I have just a few quick questions. Where is our illustrious smiling leader? Is he on vacation? Is he ill?"

Deputy Supervisor, Gablenz: "He has had a reoccurrence of bronchitis, but I expect that we will see his smiling face back tomorrow."

Cathy Casey: "Oh good. He has had a good rest I am sure. I would like to speak with him hopefully near the end of the week. That's another reason that I am asking. I also have a couple of questions in regard to other subjects. One. Has anything been done on the hours of operation being restricted within the Town of Riverhead for businesses? All businesses. In terms of maximum hours of operation."

Deputy Supervisor, Gablenz: "No."

Cathy Casey: "Is there any particular reason why no decision has been made?"

Deputy Supervisor, Gablenz: "There's really no particular reason Cathy."

Councilman Vic Prusinowski: "We just really haven't talked about it."

Cathy Casey: "Do you think that we will be talking about it?"

Councilman Prusinowski: "We have several members that are not feeling well. We've had our garbage situation. That application is-----I don't know of any new businesses that are going to be built in that area. We just haven't talked about it."

Cathy Casey: "Okay. Is there any updated information on the (as you put it) that particular type of business."

Councilman Prusinowski: "I had spoken to them about three weeks ago on another matter and I asked them if they were coming back with another proposal. They said they were. I haven't seen any."

Cathy Casey: "So we are still status quo on Seven Eleven Southland building over there."

Councilman Prusinowski: "As far as I know. I understand that they are trying to work out something on the site plan approval. The last time I spoke to Ricky about it was about that time period because it was on my mind, and they are still having conversations with the property owners about the road."

Cathy Casey: "Didn't they declare bankruptcy?"

Deputy Supervisor, Gablenz: "Yes. We don't even know if their application is still alive."

Cathy Casey: "So we don't know really."

Deputy Supervisor, Gablenz: "Right."

Cathy Casey: "The Oak Trailer Park, Mr. Sullivan. I read where the Suffolk County Planning Department, I believe it is, recommended declining the application. I would like to know what the Town of Riverhead has done on it with regards to declining, approving, considering or whatever."

Councilman Prusinowski: "There was some type of a SEQRA report done on it by the staff and I believe we will be scheduling a vote shortly on the SEQRA Determination. I remember seeing it run across my desk."

Cathy Casey: "SEQRA did recommend declining the application."

Councilman Prusinowski: "I think so. We have to vote on it. They have a finding on the staff."

Casey Casey: "So it's just a question of whether or not the Town is going to support the other two recommendations."

Councilman Prusinowski: "The staff has to make a presentation to us and we have to talk about the application and then we schedule a vote. Probably in February."

Cathy Casey: "Probably in February. The Swan and Peach. I notice that a couple of weeks ago that there were some people working around the building or inside the building. Of late I haven't noticed anything. Could you tell me what the progress

report is on the building and has he given any ideas as to when he would like to open?"

Deputy Supervisor, Gablenz: "I don't know off hand Cathy. But we could certainly check with the Building Department or the Planning Department to get an update."

Cathy Casey: "The Omni Technical Services on the recycling and composting facility. Is there any updated information on the status of that?"

Deputy Supervisor, Gablenz: "We as the lead agency have transmitted to them correspondence that details all the comments that were received with regard to the Draft Environmental Impact Statement as well as some concerns and comments of the Towns. They are in preparation of a response to that transmittal letter. We are still in the SEQRA process. Once their comment comes in then the Town Board can consider those comments and including them with the draft to establish a Final Environmental Impact Statement."

Cathy Casey: "Mr. Stark will you be available in the afternoon in the latter part of this week, Thursday or Friday, if I should call the office."

Councilman Stark: "No."

Cathy Casey: "No. That's saying it like it is."

Councilman Stark: "I'm leaving to go to Hawaii because I have a son-in-law who has been destined to go to Operation Desert Shield."

Cathy Casey: "How about tomorrow? Are you leaving tomorrow?"

Councilman Stark: "I'll be in tomorrow."

Cathy Casey: "Any particular time would be best for you."

Councilman Stark: "I'll be in here between 11:30 and 1:30 and probably will skip the late afternoon session."

Cathy Casey: "Okay. I will try to give you a call. I have some questions to go over."

Councilman Stark: "If you want to get a hold of me earlier you can get me at my office. I'll give you the number after."

Sherry Johnson, representing the North Fork Environmental Council as their Program Coordinator: "I'd like to ask if the Board is aware that Fred Theile is holding a public information hearing Friday night and if you are planning to attend?"

Deputy Supervisor, Gablenz: "Yes we are and I do expect that there will be a representative there."

Sherry Johnson: "I hope that there will be more than one. I would like to encourage all councilpeople except Jim, we understand his call."

The other item is some comments on the Breslin Mall were made earlier that should be corrected for the record. I realize that I am subjecting you to a further stay up there then may be necessary, but Mr. Breslin wasn't singled out. The buffer covenant had already been placed on the property before he purchased it. Second, Breslin isn't giving anything away. He's taking the development rights off the property on the northside of the road and he is dumping the responsibility of it on the Town.

As Cathy said, we are very lucky that we live in the United States and we can speak our minds and as a resident and taxpayer I'm against the Mall and so is the NFEC. Thank you."

Deputy Supervisor, Gablenz: "Mr. Schmelzer."

George Schmelzer: "Yes, it is good that we have freedom of speech, but nothing was mentioned about property rights or the right of free enterprise. Without those two freedom of speech would not amount to anything. You would just be talking to a blank wall. I mean it too. The Town should always consider that. It is strange that people that have no respect for other peoples property rights, I wonder what right they have respect for except their own. And a lot of these flim flam environmentalists all they think about is taking everybody elses rights away but their own. If somebody tried to take some of theirs away see what happens. They haven't yelled about saving farms lately because hardly anyone of them has worked on a farm or owned a farm or buy a farm. They want to look at the serfs working on the beautiful greenery all year. That's all they care about. These fakers. These flim, flam frauds."

Deputy Supervisor, Gablenz: "I think we get the message Mr. Schmelzer. Thank you. Is there anyone else who wishes to address the Board?"

Allen Smith, Aquebogue: "I appear as a private citizen and a taxpayer. I am prompted to appear and to say what I am about to say, by Mr. Danowski and a letter sent by him to various members of the business community. I'm not about to address the particular project that Mr. Danowski is involved with, but unlike Mr. Danowski and some of the rest of you I have been involved with the affairs of government in the Town of Riverhead for all of my professional career and that gives me some insights into what is before you with that project and others. I relate back to the period of time when I sat where you sit and a constant stream of men and women appeared before this microphone and spoke to the Town Board and were speaking out in many forums about the fact that they could not make a living. That their taxes were too

high. That there were no jobs and I think that we are coming around to that type of economy again. In Monday's paper, THE NEWSDAY, there is an article on Long Island Business. In part it says things like, New York is suffering more than any other part of the country. The recession here is worse than elsewhere. On a percentage basis it takes into account New York's status as the nations second most populous State. Only economically devastated Massachusetts has shown a greater decline in employment. New York is suffering more than elsewhere because its key industries are being battered. Long Island has had set backs before, but the current recession coming on the heels of a long run of growth seems particularly bleak.

If you are a student and I suggest that the Town Board has to be a student of economics and where we are headed, you may have noted a front page article in the NEW YORK TIMES on Sunday that dealt rather extensively with the recession as it is affecting New England. I suggest to you that if you read that particular article and the data contained therein you may find that Nassau and Suffolk Counties probably is very similar to New England and what is occurring there. And those economists write and several economists project that the regions recession will continue through the end of the year with the loss of another hundred thousand jobs. Then assuming that the national economy recovers from its recession and that the Persian Gulf crises does not produce a prolonged war, New England would start a gradual recovery sometime in 1992. There are other parts of this worth noting and reading.

I make this observation. Whether we like Mr. Breslin or we don't like Mr. Breslin. Whether we like his project or we don't like his project, he is someone who has expressed an interest in investing in this particular community. I would suggest in the economic climate that currently persists and will persist for the foreseeable future that that willingness to invest in our community should be considered and nurtured by the Town Board to the degree that you can find an environmentally acceptable project in what he proposes and that you can balance out the equities of the environment in the private sector and the rest of it that you take advantage of his willingness to invest in this particular community. Because other people are not. I have lost and am losing clients who wish to invest in this community. There are some that have made substantial efforts to spend money here and essentially have been battered to death. You don't have that many more that are willing to hang on to try to do something in the Town of Riverhead. There are very few, Mr. Breslin being one of them. There are several others that are hanging on by their fingernails. To the degree that you can make something out of those projects and the willingness to invest in the community, I think you should do so.

I would additionally point out that the inability to find that common ground or an acceptable project with Mr. Breslin sends a dreadful message to other investors in Nassau and Suffolk County who may wish to come to the Town of Riverhead. Mr. Breslin, rightly or wrongly, has the reputation of being rather sophisticated, heavy hitting, large investor. It will not be lost

upon the other people who would try to invest and improve properties in the Town of Riverhead that Mr. Breslin came here tried and failed. I think it is a very poor message. If you are going to send that message to the balance of the economic community of Long Island, I would hope that you make every effort to see if there is something that you can gain out of this before you turn him down. Thank you."

Deputy Supervisor, Gablenz: "Thank you. Mr. Schmelzer."

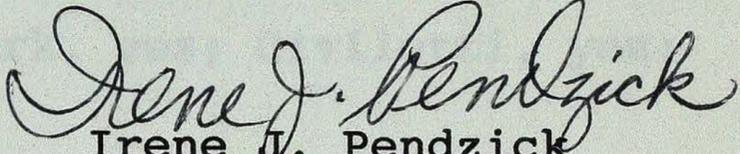
George Schmelzer: "It has been our State motto for many years Empire State. Being we are overtaxed and bled economically on all levels of government particularly the State, we should change the motto to the Vampire State. It would be more fitting than Empire State. New York State is really the Vampire State. Thank you."

Deputy Supervisor, Gablenz: "Thank you. Is there anyone else who wishes to address the Board?"

Jim has just pointed out and asked us to convey to the audience that one of our own employees, Steven Cox, has been deployed to Operation Desert Shield effective tomorrow. We certainly send our best wishes to him and his family and we look forward to his quick and safe return.

And on that note I will let the record show that the hour of 8:18 P.M. has arrived and we declare this meeting closed."

IJP:ch


Irene J. Pendzick
Town Clerk