

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, March 20, 2001, at 2:00 p.m.

Present:

Robert Kozakiewicz,	Supervisor
James Lull,	Councilman
Edward Densieski,	Councilman
Philip Cardinale,	Councilman (arrived 2:11 p.m.)
Christopher Kent,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Supervisor Kozakiewicz: "Let the record reflect that the time of 2:09 has arrived. I call to order the public hearing- the public meeting for today's date, March 20th, 2001. Eve, would you lead us with the Pledge of Allegiance?"

(The Pledge of Allegiance was recited led by Eve Kaplan)

Supervisor Kozakiewicz: "Okay. Is there a motion to approve the minutes of March 6, 2001, the Town Board meeting?"

Councilman Lull: "So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The minutes are approved."

Supervisor Kozakiewicz: "Reports, Barbara?"

REPORTS:

Tax Receiver	Total collections to date, \$36,140,589.33
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Juvenile Aid Bureau	Monthly report for February
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Farmland Select and Open Annual report for 2000
Space Committee

Wading River Fire District Annual report for the year
2000

Barbara Grattan: "That concludes Reports."

Supervisor Kozakiewicz: "Thank you, Barbara. Applications?"

APPLICATIONS:

Site Plan Kamco Supply Corp. modified
site plan

Site Plan VerDerBer's Nursery, for an
addition

Barbara Grattan: "That concludes Applications and we have no
Correspondence."

Supervisor Kozakiewicz: "No correspondence. Any Committee
reports?"

Councilman Densieski: "Yes. The Riverhead Volunteer Ambulance
Corps is looking for volunteers. If anybody is interested, please
call them over at the headquarters.

Also, there's going to be a clean up in Polish Town on April 21st
at 8:00 a.m., a joint venture between the Polish Town Civic
Association and the Polish Town Revitalization Association. If you
have an interest, bring your gloves and rakes and shovels and meet
them at Polish Town Civic on April 21st.

Also from the exciting world of solid waste, I would like to
congratulate the Town Board for adding two STOP dates this year.
We've already had one; we're going to have three others so your
hazardous materials from home can be brought to the town and we'll
take them away for you. And we're also going to be collecting
batteries here at Town Hall. We're working on that now. But the next
STOP date will be June 3rd, so you have a little time to get ready for
that."

Supervisor Kozakiewicz: "Any other Committee reports?"

Councilman Kent: "Just the Recreation Committee which Ed and I both sit on now. The consulting engineer for the skate park, Stotsky Park renovations came in for the last meeting and they're moving forward. And at the next meeting, we're going to be presenting final plans for the Stotsky Park renovations which is quite a large project. People are saying it's just a skate park but it includes a roller rink and a whole addition of a parking lot and another area for families to sit and get together and to enjoy both the skate park and the roller rink. That should- our next meeting is April 9th, I believe that's the next date. And the plans should be completed by that date and we're, hopefully, going to be able to go out to bid by the end of April."

Supervisor Kozakiewicz: "Okay. Just- "

Councilman Kent: "We also have- there are two resolutions on today approving additional monies for rec programs. Are there four- no there are two."

Supervisor Kozakiewicz: "Right. Yes. Also, for those who are watching, I just want to announce that the flushing of the water mains for the Riverhead Water District will commence- it's going to start Sunday, April 1, 2001, and will end the evening of Saturday, April 28, 2001. Most of the work is going to be done in the evening hours in order to minimize any inconvenience to our Water District customers. It would be- if you have any questions or concerns, you can reach the Water District at 727-3205 or 727-3200 extension 234 during normal business hours, 8:30 a.m. to 4:30 p.m. Thank you."

Since the time of 2:05 has passed, we can go into our public hearings for today's date."

Public Hearing opened: 2:13 p.m.

Supervisor Kozakiewicz: "Let the record reflect that the time is 2:13 and I call to order the first public hearing that's scheduled for today's date. Barbara, if you would read the notice of public hearing and posting."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on March 20, 2001 at 2:05 p.m. regarding the special permit petition from Sound Housing LLC Willow Ponds on the Sound."

Supervisor Kozakiewicz: "Thank you, Barbara. Good afternoon, Shep."

Shep Scheinberg: "Good afternoon, gentlemen. I'm the attorney for Sound Housing who has submitted an application- "

Supervisor Kozakiewicz: "I'm going to stop you for a moment, Shep."

Shep Scheinberg: "Yes."

Supervisor Kozakiewicz: "We have that decision from the Court which indicates that we're supposed to have all of our witnesses sworn in at any special permit hearing and since that's the present rule in the case, I'm going to ask the Town Attorney to swear you in. If There's other witnesses who you intend to call up, maybe we can do it all at once, if there's other people who you expect to have testifying tonight."

Shep Scheinberg: "There is a slight possibility I might need Chris Keegan to fill in a few holes here for us."

Supervisor Kozakiewicz: "All right. So why don't we have both of you sworn in at the same time."

Dawn Thomas: "Do you gentlemen swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?"

Shep Scheinberg: "I do."

Dawn Thomas: "Thank you."

Shep Scheinberg: "The application before your Board is to amend the special permit granted by the Town Board of the Town of Riverhead on December 16, 1986. At that time, the project of this facility was a high end condominium project with a tennis facility, a large tennis facility, 10 tennis courts, a tennis stadium. The price of the condominiums at the time were starting at \$350,000 and up.

When Sound Housing purchased the property from the former Robert Entermann project, they were in a different economic milieu. It no longer made sense to have a high end condominium project with a tennis facility. Tennis had become passe. They thought that the market which they needed to look to was the moderate income market.

As such, they undertook to build moderate income condominiums at the facility and also undertook to have a different type of recreational facility than that previously approved.

What they had in mind instead of the tennis stadium with the 10 tennis courts, the type of purchaser of these units would prefer to have lesser tennis courts which would mean two tennis courts. There would be a swimming pool and clubhouse; there would be a nature trail with a boardwalk leading to the beach. They also believe that it was in the best interests of the facility to have a sewage treatment plant. The original plan did not have a sewage treatment plant and the sewage was being loaded into cesspools.

That is the application before you. I'd like to note that the Planning Board has recommended to you that you approve this project. They also asked you to require that the petitioner file a covenant that they would not make any further petitions for expansion of the facility. I would ask you to override that. If and when the petitioner desires to make another application, I think the Planning Board and your Board should look at that and not at this time say don't make any more petitions."

Supervisor Kozakiewicz: "Now, I understand that the prior proposal which was the tennis stadium, there was a certain dollar amount that was attributed to that type of sports amenity and you have determined what that value was and you also established to the engineer's satisfaction at the Planning Board that what's being proposed here today is of equal of similar value. Is that correct?"

Shep Scheinberg: "That's correct."

Supervisor Kozakiewicz: "And what was the number that was attributed to that sports facility or the recreational related uses?"

Shep Scheinberg: "I need to have Chris fill that in for us."

Chris Keegan: "The values that we had given to John Raynor were roughly \$750,000 in terms of the amenities for the tennis stadium and associated facility, and I think it was roughly equal within about \$30,000 for what we have supplied thus far."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "I have a question probably for Chris also. You said you are going to include a nature walk in there. Do

you know the length of the nature walk and is it a hard surface, is it like a paved surface?"

Chris Keegnan: "The surface there that we had submitted as a proposed walking trail to your Board would be a wood chip walking trail. So it would be a soft surface."

Councilman Densieski: "Soft surface, okay."

Chris Keegnan: "And it's roughly 7,200 feet in length including the boardwalk down to the beach."

Councilman Densieski: "Thank you."

Supervisor Kozakiewicz: "Any other questions from the Board? All right. Is there anybody else who would like to address the Board with regard to the special permit application of Sound Housing LLC Willow Ponds? Not seeing anybody's hands moving, I declare the public hearing closed at the time of 2:20."

Public Hearing closed: 2:20 p.m.

Shep Scheinberg: "Thank you."

Supervisor Kozakiewicz: "Thank you."

Public Hearing opened: 2:20 p.m.

Supervisor Kozakiewicz: "The time still being 2:20. Barbara, would you read the affidavits of publishing and posting for the second public hearing scheduled for today?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on March 20, 2001, at 2:10 p.m. regarding the consideration of a local law to amend Chapter 101 of the Riverhead Town Code entitled Vehicles and Traffic. Section 101-3 Stop and Yield Intersections, railroad crossings, parking fields.

Intersection being Middle Road, stop sign on Roanoke Avenue, entrance from the south. Intersection Middle Road, stop sign on Roanoke Avenue, entrance from the north."

Supervisor Kozakiewicz: "The public hearing that is being

called for today involves the addition of two stop signs, both of them will be located on Roanoke Avenue, will be with the intersection of Middle Road. This is being done in conjunction with the placement or anticipated placement of a traffic signal at the intersection of Middle Road and Roanoke Avenue and this is the outgrowth of studies that the town has been looking into.

We- it has been brought to our attention that this particular intersection has been a particularly troublesome one, that there has been a number of accidents, and the hope is that this placement of additional stop signs, north and south, at the intersection of Middle Road with Roanoke Avenue will cure that.

Is there anybody that would like to address the Board regarding the public hearing which would involve an amendment of the Vehicle and Traffic code? Steve?"

Councilman Densieski: "Oh, this is also a light, is that correct?"

Supervisor Kozakiewicz: "There's going to be a light but this is only calling for the placement of stop signs."

Councilman Densieski: "Okay. At the same intersection."

Supervisor Kozakiewicz: "Correct."

Steve Haizlip: "Steve Haizlip of Calverton. You know with the amount of traffic that's coming to this area, it's getting to be like metropolitan. And every sign that we can put up or yield or stop to curtail some of these hurry up people is very much needed and invited.

I'll give you an example. I tried to get across Roanoke; I got on the other side, here comes a guy down Roanoke from the hospital, he's turning right on top of me and hitting my tail lights and braking. Now, there's no excuse for that. Everybody is just in a rambunctious hurry. So I invite these signs and I say it is doing good and I thank the Town Board for thinking and the Highway Department for getting them out there. We need all the safety we can get with this crowded township coming up."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? No? Not seeing any further hands, the time of 2:24

having arrived, I declare the public hearing closed."

Public Hearing closed: 2:24 p.m.

Supervisor Kozakiewicz: "We're now at the public comment period. As the sign over there- thanks to- I won't even comment. We have a five minute rule during the open comment period, that is to address resolutions or anything else affecting the town of Riverhead.

Before we do that, I do want to make a note and I haven't had a chance to even discuss this with the entire Board. We have one resolution on today, Resolution 281 which is, in fact, a Community Development Agency resolution and will be redrafted to reflect the fact that this is a resolution which is authorizing the town Community Development Corps to enter into a contract with Great Northeast Productions, Inc. That will be a Community Development resolution and not a Town of Riverhead resolution.

There is a proposed resolution to be substituted in the place of that resolution which would be Resolution 281 which would be a resolution declaring lead agency status and determining significance of the zoning action of Tanger Manufacturer's Outlet center.

In that proposed draft resolution, if, in fact, it's adopted by the Board, we are finding the action to be a Type I and further making a determination that it would not have significant impact and, therefore, require the preparation of an environmental impact statement.

So just to be clear, so if anybody wishes to comment upon that additional resolution, they can do so."

Councilman Kent: "Do we have that resolution?"

Supervisor Kozakiewicz: "I don't know if it's been- hopefully, it has been distributed, but if not, I will- we can take a break and I will have it done. Okay."

Barbara Grattan: "I'll have it done right now."

Supervisor Kozakiewicz: "Okay. Thanks. Steve Haizlip. Going to the cards. I saw your card up here first, so- "

Barbara Grattan: "Muriel, will you come in here and make copies of the resolution for me- I'll give it to you. Meet me in the hallway."

Steve Haizlip: "Steve Haizlip of Calverton. You know, anything that I've got to help pay for I'm going to comment on it. Now at the last meeting on this Resolution 226 with Gus Mayo- you know, it was a mystery to me how I've lived in this town for 43 years and 10 years went by and I didn't know or hear a single thing about that accident. Now, you know, now an article comes out in the News Review. This fellow is making out pretty good by his own (inaudible).

Now, I'm going to invoke two past people of this nation, one was John D. Rockefeller and the other was Henry Ford. John D. Rockefeller said the ability to handle personnel is worth more than all the money in the world and apparently he didn't have that ability because he had the money. Now, in this case with the Supervisor and the foreman, why come they didn't have the ability to handle personnel? This was a pattern. It was there; it was set up. But they coddled it.

Now, I've got to help pay for that. And he's got \$900,000 plus he wants another \$382,000. I don't think manufacturing or good corporations would go for this. I think some kind of action would have been taken prior to this accident and not just load him on a truck and say you'll be all right.

I mean, it seems like Riverhead township, I'm proud to live in it, but it's getting lately it's become sue alley. I mean I remember a case, \$800,000, because a policeman and a landlord couldn't talk things out. And he gets \$800,000. Ooh, I'm so strained, I'm so headachy, ooh, you upset me. And he gets \$800,000 for that kind of shenanigans. I think it's about time that we get these department heads and get a little bit of what they call- maybe they don't know the job but they better learn a little ability how to handle personnel.

Bob, I don't want you to call me a smart aleck, but how are you saying that you are passing on the meeting of March 6th? We didn't have a meeting March 6th. The snow came along and it was on the 9th, but now- "

Supervisor Kozakiewicz: "You're right."

Steve Haizlip: "-- should this read- shouldn't this read an extension or postponement of March 6th on March 9th?"

Supervisor Kozakiewicz: "It should say March 9th."

Steve Haizlip: "Okay. Thank you very much."

Supervisor Kozakiewicz: "And you're right."

Steve Haizlip: "Now, these two past gentlemen that got up and spoke about that Willow Pond over there, it would nice if the record had their names. They swore, but who swore? I didn't hear no name from either one of them. Now, if we're going to have a procedure and- "

Supervisor Kozakiewicz: "Chris Keegan was the one fellow, his name was identified and- "

Steve Haizlip: "But it's too late, Bob. He didn't say it so that it would go into that record."

Supervisor Kozakiewicz: "All right. I think the record reflect it, but keep going."

Steve Haizlip: "All right. I didn't get no report back yet from the Department of Transportation on Edwards Avenue and Route 25, that horrible condition and those close poles there but I wrote another letter and maybe I will get one back for the 3rd- next meeting the 3rd? Yeah. Get one back for the 3rd on there."

And, on Resolution 306, I can't understand why you are accepting a certificate of deposit. I thought the banks accepted certificates of deposit. What are we going to do? Take the certificate of deposit from Mr. Meier and give him interest on it or something? I'd like to know a little bit- "

Supervisor Kozakiewicz: "No, we- "

Councilman Kent: "No. He's just pledging- he's pledging the CD as security that he's going to complete the work."

Steve Haizlip: "Oh- "

Supervisor Kozakiewicz: "We accept certificates of deposit in conjunction with site plan approvals. Under the code, we require an applicant to file a 5% bond letter of credit or other form of security in order to go forward with site plan work that they've received site plan approval on. And Mr. Meier was the one who not only received the

special permit from the Board but site plan approval as well. So this is to clear him to start working, well, once his building permit and all his other issues get cleared away.”

Steve Haizlip: “Maybe we needed the word collateral or I wouldn’t ask the question.”

Supervisor Kozakiewicz: “All right.”

Councilman Kent: “Steve, just to clear one thing up. Not that I’m defending the payment, but the \$382,000 settlement regarding Mr. Mayo-“

Steve Haizlip: “Oh, I know it’s here, we’ve got to deal with it.”

Councilman Kent: “No. But he’s not- the money’s not going to Mr. Mayo.”

Steve Haizlip: “I know. It’s going to Massachusetts-“

Councilman Kent: “It’s going to the Mellon Bank which is holding the note that it should have been paid to the hospital by the insurance company.”

Steve Haizlip: “Yeah, right. It was all in the paper there. I just didn’t bring that out. I’m infuriated with the management for letting this take place and when they had something (inaudible) they should have dealt with it.”

Supervisor Kozakiewicz: “Eve Kaplan. You-no? Okay. Anybody else who would like to address the Board? I have no other cards. Yes, Rita Hodun.”

Rita Hodun: “Rita Hodun, Calverton. There was something that you are planning to purchase Raffe’s house across the street?”

Supervisor Kozakiewicz: “We’ve had an appraisal done on it, or authorized an appraisal to be done. I think we’re waiting for that.”

Rita Hodun: “Why are we-why is the town looking into that house?”

Supervisor Kozakiewicz: “The possibility of using it for office space, additional space.”

Rita Hodun: "What's going to happen with the nutrition center across the street when the senior center is done? Why do we have to take more property off the tax roll?"

Supervisor Kozakiewicz: "We're looking- we're just looking at this point in time. We haven't made a determination, Rita. It's just to see if the value is there and whether it would make sense to do that. It's got office space set up."

Rita Hodun: "And then you're going to give the people all the information of how much it would cost to buy it and how much it would cost to renovate- "

Supervisor Kozakiewicz: "I think once we have that information, we can pass it on. At this point, it's just- all we're doing is authorizing an appraisal to be done."

Rita Hodun: "Because a lot of times we don't get this information. Like, there was even people complaining that they never got the information on the incubator. What about this instrument landing at Grummans? Is that going to include fixing the lights and is that going to cost us money?"

Supervisor Kozakiewicz: "If- "

Rita Hodun: "You know, a lot of- "

Supervisor Kozakiewicz: "If we were to undertake that, sure, it would cost us money? Yes."

Rita Hodun: "What?"

Supervisor Kozakiewicz: "Again, we're jumping around. Let's deal with the issue you raised, Mr. Raffe's building. That is only at this point to authorize an appraisal to see if the value is there for possible use. We're busting at the seams here. We have an inability to locate everybody within the Town Hall. We have people who are sitting basically on top of one another. So it's just a thought, the opportunity came up. We thought we'd pursue it, see if the appraised value is such that it makes sense. We haven't made a determination. We don't even know what the appraised value is going to come back."

Rita Hodun: "So then, what would you do with the nutrition center after that's empty?"

Supervisor Kozakiewicz: "Well, again, I don't think we've actually moved forward with the senior center yet, so before we decide that we're going forward in that direction, which I think the Board is inclined to go along with. The senior center can offer some space for all the offices that are presently downstairs and there's other opportunities. Again, there- these are possibilities. We haven't talked about these, but thank you for bringing them up."

Rita Hodun: "Okay."

Supervisor Kozakiewicz: "Okay?"

Councilman Lull: "Rita, you can also- you have to remember, that if we are in the position to purchase any property using tax money, it's going to mean a public hearing. So, that will- all that information would always be brought out at a public hearing."

Rita Hodun: "Okay. Thank you very much."

Supervisor Kozakiewicz: "Thank you, Rita. Tim Yousik."

Councilman Densieski: "Let me check my watch for the five minute rule."

Tim Yousik: "Thanks, Eddie. Tim Yousik, business owner downtown. Tail end of last week, I got together with Councilman Densieski and brought him over to Grangibel Park and I don't know how many of the other Board members are aware of it at this point. I know Ed's had some conversation with the Supervisor, but I just want to bring out the seriousness of what I believe is happening over there so that everybody is aware of it and bring everybody up to speed of what I understand is happening."

The bulkheading, if you are standing on the little bridge at the dam and you are looking at the bulkheading to the right of it looking west, has all collapsed over the winter and the water is now starting to undermine the walking path. If that should let go, which to me it appears to be about three or four trees where the root system is still holding it together but is now constantly wet, if that should let go, Main Street, Riverhead is accessible by canoe only. And although my deck would look really nice at that point, it really would be devastating.

A little further investigation has led me to sit down this morning and speak with Andrea Lohneiss who leads me to believe that

there is \$700,000 of money that's available to do some of this work right now. She would like to- from what I understand, she would like to have been able to add that to a federal grant for the dam, but since that has been turned down two years in a row, this to me is something that needs to be addressed right now.

I understand that Ken Testa is looking into some emergency DEC reports- permits but I would like to see that this entire Town Board take a good look at the problem over there and work together and see how fast we can actually get plans drawn up, go out to bid, and get the work done this year. Because Tim Griffing from the hardware store and I were over there. We are of the belief that if a couple of more decent storms come along, we don't have another year left. And that's going to disappear. And what happened over on Dune Road years ago should never happen to downtown Riverhead when we have the opportunity to catch it.

It is also- after taking another look at it again today, it appears, not that I'm an engineer but maybe Ken Testa can be brought into this, that we're in a position today to dump soil on the grounds part of that berm so it doesn't interfere with the DEC. Nothing to do with the water. To at least strengthen it up a little bit while we buy some time to get the plans drawn up.

Because I think it's only fair to say that now that it has been brought to the attention of the Town Board- it was first brought to the attention to the BID by a BID member. We immediately brought it to the Town Board by getting Ed Densieski involved and I'm up here today to make sure that everybody's aware of it. It will be inexcusable if this should ever let go and we don't take the steps now to prevent it. I mean, I'd like to see us all work together, get that done, and then maybe the BID could play a lead role with Townscape and get that park beautified a little bit. But first obviously it needs to be repaired. So, anybody that's not aware of it, please take a good look at it. That's it."

Supervisor Kozakiewicz: "Yeah, with regard to the comments on any soil, I'm told from Ken Testa that it would in all likelihood require approval of the DEC in order to do that. We do have some good news. We did get back word from the DEC that they approved a prior permit application which was the \$100,000 grant from state parks and \$100,000 match from rec fees, that we did, in fact, just get a permit from the DEC on and Ken has been asked to proceed with getting bid specs drawn up so we can start that project going forward."

Tim Yousik: "Well, all right, then I think it's great, number one that we got the permits and we have some money but that- from what I understand, that \$200,000 now is to be put towards the footbridges which are in dire straits and some other bulkheading.

We also need to at the same time use a little, little commonsense of not putting the horse before the cart here because- or the cart before the horse I should say- what it appears to me a couple is a couple problems. Although the bridges are in dire straits and they need to be done, you would be foolish to put those bridges in when we have the opportunity of losing them if this should let go. And the other thing that really concerns me is the small little island inside that area. All the bulkheading is gone and those trees are ready to come down. If they come down, the footbridges go. We've got to shore up some of the stuff so that we don't end up wasting any money by doing something that ends up being destroyed.

That- I think that the bulkheading that is going to keep the water from ending up on Main Street has to be addressed first. Secondly, we should do something with the bulkheading around that little island because if those trees let go, all the footbridges are gone. So I think everybody should take a good look at it, get together with Ken Testa and make some proper decisions and obviously the sooner the better. Thank you."

Councilman Densieski: "Thanks."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Bob, do we have \$700,000 that's clear to spend? I mean that's the first- "

Supervisor Kozakiewicz: "We'll verify that. You- I'm sorry, I don't know your name. Yeah, you wanted to come up and speak? Come on up."

Jackie Madvin: "Jackie Madvin, Calverton. Just hoping I could get an update about the motorized racetrack, if any. Any kind of update?"

Supervisor Kozakiewicz: "Nothing formally before us."

Jackie Madvin: "Nothing?"

Supervisor Kozakiewicz: "No."

Jackie Madvin: "Okay, thank you."

Supervisor Kozakiewicz: "You're welcome. Anybody else who would like to talk- address the Board? Anybody else? Steve Haizlip again."

Steve Haizlip: "Steve Haizlip, Calverton. Second time up. I meant to explain about the light at Route 58 and Harrison. I believe it will definitely get under way in April. They said they needed good weather and I don't think there's going to be any further postponement or excuses for it. So I wanted to get that in."

And with all this metropolitan traffic and the school buses can't get across, you can't get to your credit union, it's much needed."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Yes, I was kind of paying attention, I'm sorry, Steve. Eve."

Eve Kaplan: "Eve Kaplan, North Fork Environmental Council. What's new with TS Haulers?"

Supervisor Kozakiewicz: "We've been sued."

Eve Kaplan: "Okay."

Supervisor Kozakiewicz: "We got the papers yesterday."

Councilman Cardinale: "I think the question is, has the town taken any action to enforce the permanent injunction on the business or are we just waiting to be sued?"

Supervisor Kozakiewicz: "We are sued."

Councilman Cardinale: "Well, why haven't we moved in the last month?"

Supervisor Kozakiewicz: "We can take that up at another- "

Councilman Cardinale: "Well, I've been asking that question at work sessions- "

Supervisor Kozakiewicz: "I've asked the Town Attorney to do it. I- we obviously we can file that as part of our response papers and see what the Court will do."

Councilman Cardinale: "I don't think we're precluded from making a permanent injunction motion- "

Supervisor Kozakiewicz: "No, we're not."

Councilman Cardinale: "-- any maybe we should do that. Quickly and diligently."

Supervisor Kozakiewicz: "We have asked for the papers. We've been in communication with Twomey, Latham, Shea & Kelley to get the file. We had a partial file, we didn't have a full file. It's my feeling it should be handled in house in order to save taxpayer cost and the Town Attorney has inquired of Twomey, Latham in order to get the file from Twomey, Latham so that motion and that action can be looked into and going forward on."

Dawn Thomas: "We are well underway."

Councilman Cardinale: "I'm concerned about the speed with which we're moving and if it as going to delay us this amount I would have left it, if I had made that decision, with the other attorneys."

Supervisor Kozakiewicz: "Thank you. Eve, anything else?"

Eve Kaplan: "So just to clarify it, so the motion that the Town Attorney plans to move forward with is- "

Supervisor Kozakiewicz: "I think it's a litigation item and I think it's proper that we discuss it in executive session as opposed to this open forum."

Eve Kaplan: "But the enforcement measures you plan to take are- "

Supervisor Kozakiewicz: "Again, I think it's a litigation item and I would respectfully defer to counsel. And I believe it should be discussed in executive session. I believe that's the appropriate way rather than discussing it in an open forum such as this. This is a matter of litigation. It involves a philosophy or approaches in dealing with litigation, what we intend to do in response to the papers we received and what our procedures would be or what we intend to do."

Again, not to be disrespectful, but I think since it is a matter of litigation now, it is something that's better discussed in

executive session unless I'm missing something."

Councilman Cardinale: "I think you are missing something. I think that- "

Supervisor Kozakiewicz: "Well, I'm sure you do, Phil."

Councilman Cardinale: "Yes."

Supervisor Kozakiewicz: "Because you seem to be very much on top of this issue- "

Councilman Cardinale: "I think that- right, I've been asking- "

Supervisor Kozakiewicz: "Just like you were with Lebanon."

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "And the Lebanon building is now down."

Councilman Cardinale: "Yeah, that's- "

Supervisor Kozakiewicz: "Over all the years, I kept hearing about how we're not taking it down, not taking it down, not taking it down. First day it's coming down, I hear cries and screams from the community about the fact that we're taking it down improperly. I'm not sure where it's coming from, but it's down now. The Department of Labor was out there. The Department of Labor certified the building was not asbestos ridden. We've also had independent asbestos tests done and asbestos abatement letter and we seem to keep harping on issues instead of going forward."

Councilman Cardinale: "Eve is not asking about Lebanon. She's asking about T&S."

Supervisor Kozakiewicz: "I know very well what she's asking about and, again, I think since it's a matter of litigation, the fact that we've now been sued, it's inappropriate for us to be debating it on the dais."

Councilman Cardinale: "Okay. Let me give you a contrary view. Regardless of the litigation there was a policy decision made by you that you would not pursue the shut down through the police department which was within your rights. That's a policy decision."

Supervisor Kozakiewicz: "Well, that's your opinion, Phil. And you're entitled to your opinion."

Councilman Cardinale: "That was within your rights."

Supervisor Kozakiewicz: "In fact, we did go down this road once before and we did hire outside counsel. We did spend approximately \$8,000 to get an order and that order lasted approximately 48 hours so we spent approximately \$8,000 of taxpayer funds to shut down a business for 48 hours."

Councilman Cardinale: "That was before the vote."

Supervisor Kozakiewicz: "For some reason you have some issue with this particular piece of property that you're not disclosing to us. What's your real issue, Phil?"

Councilman Cardinale: "The real issue is I believe that you do not intend to take any affirmative action to enforce the law."

Supervisor Kozakiewicz: "You can believe what you- "

Councilman Cardinale: "By evidence of your performance to date."

Supervisor Kozakiewicz: "Well, thank you. Let's go forward."

Councilman Kent: "In the lawsuit that we served upon us, I'm just looking at it for the first time, there is no stay of execution even requested in the petition. So I do think we could go forward with executing- "

Supervisor Kozakiewicz: "And, again, the Town Attorney has been asked to do that."

Councilman Kent: "Okay."

Councilman Cardinale: "I think what I'm saying is I'm losing confidence in the Town Attorney's ability to move with vigor and quickly."

Supervisor Kozakiewicz: "You have no confidence in any attorneys, Mr. Cardinale."

Councilman Cardinale: "No. I have plenty of confidence in

certain attorneys."

Supervisor Kozakiewicz: "You have said ill things about Manhattan counsel that has represented us; you have said ill things about local counsel that has represented us, so why don't we just- I mean that's been the truth- "

Councilman Cardinale: "I think we should have left this with the firm that had handled the litigation."

Supervisor Kozakiewicz: "And I disagree and I really think that continuing to expend \$8,000 to \$10,000 for temporary orders that stand for a day or two is irresponsible."

Councilman Cardinale: "That was before the vote, Mr. Supervisor."

Supervisor Kozakiewicz: "Well- "

Eve Kaplan: "So, and my question is, not referring to the litigation but referring to the enforcement actions that you're talking about- "

Supervisor Kozakiewicz: "The Town Attorney has been asked to follow up on it."

Eve Kaplan: "Okay. So you are planning- "

Supervisor Kozakiewicz: "Yes."

Eve Kaplan: "Something in that area."

Supervisor Kozakiewicz: "I've asked here to do that, yes."

Eve Kaplan: "Thank you."

Supervisor Kozakiewicz: "Anybody else? Not seeing any further hands, I would like to take up the resolutions. At this time, the time of 2:47 or 2:48 having arrived, we- I'd ask to adjourn the regular portion of the meeting and go into the Riverhead Development Corporation portion."

Meeting adjourned: 2:48 p.m.

Meeting reopened: 2:52 p.m.

Supervisor Kozakiewicz: "Reconvene into the Town Board portion."

Resolution #281

Councilman Densieski: "Declares lead agency and determines significance of zoning amendment petition of Tanger Manufacturers Outlet Center. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Okay. Any discussion?"

Councilman Kent: "Yeah, I have some discussion."

Supervisor Kozakiewicz: "I assume there might be."

Councilman Kent: "Yes. Is Rick Hanley in the room?"

Supervisor Kozakiewicz: "Rick is not in the room."

Councilman Kent: "Okay. Maybe he can come in. I have just some question as to whether we want to say that this is not- that this project will be without significant impact."

Supervisor Kozakiewicz: "I understand this was- "

Councilman Kent: "On the natural or social environment. I mean this is a decision to alter the code to allow movie theaters in the outlet overlay district. I think it's a big step and I think it's going to have an impact upon at least the social environment if not the natural environment of that area, and I think there should be to whatever limited extent necessary some environmental impact statement prepared.

And we could scope it in a very specific manner to include only those impacts that I think could be identified, Type I.

Supervisor Kozakiewicz: "Well, it's Type I by the very nature that it could affect more than 20, 25 acres of property. We're talking about the Tanger resolution, Rick."

Rick Hanley: "Are you at the point where you are adopting it or is this- "

Supervisor Kozakiewicz: "Well, we're in discussion."

Rick Hanley: "Okay."

Supervisor Kozakiewicz: "We have- there's been a motion to take it up. There's been a second and Chris has asked the question whether we should consider- not- he doesn't have I problem I believe with the Type I designation but he has a problem with not requiring an environmental impact statement."

Rick Hanley: "Right."

Supervisor Kozakiewicz: "I understand this was taken up at the Planning Board level."

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "They did, in fact, take it up at their last work session which would have been what, the 15th?"

Rick Hanley: "They had it in front of them at their last work session on the 15th and they did, in fact, resolve to recommend approval of the zoning amendment, which is a text change. You should be aware that they have not recommended that the text change be identical to what the applicant has proposed. I think the application is to provide for theater indoor as a permitted use."

What the Planning Board has suggested is that rather than it be a permitted use, it be an accessory use such that a principal use would have to occur on the site prior to the theater being constructed or used on the premises. Part of what was proposed to the Planning Board at their session was a number of examples of other outlet centers throughout the country where theaters are, in fact, on the premises and their thought was well, if that's the case and they are appropriate recreational use, that's fine but why provide it as a permitted use- "

Supervisor Kozakiewicz: "So it wouldn't be a main use, it would be an accessory use."

Rick Hanley: "It would not be a principal use, correct."

Supervisor Kozakiewicz: "Right. And it's the argument similar to what's happened with gas stations and service stations- "

Rick Hanley: "Pretty much in terms of convenience stores, right."

Supervisor Kozakiewicz: "The industry has evolved such that- "

Rick Hanley: "Right. Yes."

Supervisor Kozakiewicz: "It's part and parcel of retail destination areas."

Rick Hanley: "I would agree with that."

Supervisor Kozakiewicz: "Okay. Now there was also an expanded EAF provided."

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "Was it not?"

Rick Hanley: "There were documents presented to the Board relative to traffic and parking and the Planning Board was satisfied with those documents as an EAF as opposed to an EIS full well knowing that there would be a site plan that would have to be approved by this Board, and at that time we would be taking up the issues- the parking issues were more than the traffic impacts in terms of on the roadways. We had some concerns about are there enough stalls on the site to support a use in this building, but they saw that as more of a site plan issue than a SEQRA issue."

Supervisor Kozakiewicz: "Okay. Now, you've had a chance to review the documents provided and you are comfortable with a Type I- "

Rick Hanley: "I'm more comfortable with it as an accessory use without an impact statement than as a permitted use. One of the concerns I had was the fact that we're changing zoning texts, there are other parcels throughout the corridor which could- this Board or another Board could, in fact, apply this district upon and I think once you get into those kinds of zoning questions, it might make sense to have an impact statement because we can't look into the future with a crystal ball and know what other Boards might do in terms of other parcels. So to have it as an accessory use to a principal use I think answered that question."

Supervisor Kozakiewicz: "Which means that we'll have to renote another public hearing- "

Rick Hanley: "I don't know."

Supervisor Kozakiewicz: "-- if the Board decides to go that way because I think our public hearing noticed it as a permitted use- "

Rick Hanley: "Yeah, you might want to think about another public hearing, yes."

Councilman Kent: "It also says it in the resolution by the way, in the Resolve clause- "

Rick Hanley: "That's because the application was made."

Councilman Kent: "Right."

Rick Hanley: "That's why it says it that way."

Supervisor Kozakiewicz: "Okay."

Rick Hanley: "The Planning Board doesn't propose this change; it just recommends this change to you."

Supervisor Kozakiewicz: "Right."

Rick Hanley: "That you would adopt the zoning amendment as you saw fit."

Supervisor Kozakiewicz: "Right. Okay."

Councilman Cardinale: "Rick, when we requested the Planning Board to review the matter, did we ask for a recommendation as to whether an environmental impact statement would be required?"

Rick Hanley: "Yes, you did."

Councilman Cardinale: "Did they address that issue in their resolution?"

Rick Hanley: "Yes, they did. Yes, they did."

Councilman Cardinale: "And what was that recommendation?"

Rick Hanley: "They did not believe that an EIS was necessary to measure the impacts on this particular zoning amendment given the change that they recommended which was the use as an accessory as

opposed to the permitted use. That was their main concern."

Councilman Cardinale: "But that- the application is still for a permitted use?"

Rick Hanley: "Yes. But I don't think you necessarily have to act on the application as requested by the applicant. You could ask him to revise his application or just amend the ordinance as you see fit which would be an accessory use. The Planning Board not only limit it to accessory but they also limit it to size of the use in terms of the maximum building area on a site. There was a 10%-- "

Councilman Cardinale: "But I think what you're saying and more importantly what the Town- Planning Board is saying is if the application remains as it is and we consider it as it is for a permitted use, we should have an environmental impact statement."

Rick Hanley: "Aah- "

Councilman Cardinale: "If the application is amended- "

Rick Hanley: "Yes- "

Councilman Cardinale: "-- or if our determination is to amend it to a special permit use, then there's no need."

Rick Hanley: "That's correct."

Councilman Kent: "Accessory."

Councilman Cardinale: "Yeah."

Rick Hanley: "As an accessory use. They saw the accessory use as a mitigating measure."

Councilman Cardinale: "Thank you."

Councilman Kent: "Let me ask you something. A couple questions."

Rick Hanley: "Sure."

Councilman Kent: "Because I'm trying to keep track of my history here. Text changes the court has found may require an environmental impact statement."

Rick Hanley: "The SEQRA regulations provide that any text change or any change in the number of type of uses within a zoning district that is greater than- covers greater than 25 acres is a Type I action."

Councilman Kent: "Right."

Rick Hanley: "That's the regulation. It's been found in the courts that Type I actions presume the preparation of an EIS not that it requires it but there's a presumption. So that's the issue that we have to get over. I think by dealing with Type I issues in terms of mitigating measures such that in this particular case the mitigating measure is a change to what the applicants proposed to the accessory use, in my mind, that's a mitigating measure that would allow the lead agency to adopt a neg dec on this."

Councilman Kent: "Okay. Now, in our EAF or the EAF that's on file with this application- "

Rick Hanley: "Yes."

Councilman Kent: "Are any of the boxes checked that say this might be a significant impact or there may be an impact here?"

Rick Hanley: "In terms of the Type II? I'd have to look at it."

Councilman Kent: "Because as I recall we did this on one other text change and the courts ruled that an EIS was necessary for the text change."

Rick Hanley: "It was the adoption of the planned development district, yes, and there was at least one box checked which- I recall which it was- which had to do with a fairly global zone change on 58 which could have resulted in a great number of additional motor vehicle trip ends. Yes, you're correct."

Supervisor Kozakiewicz: "There's a little bit of difference between the PDD though and this."

Rick Hanley: "I would say this is as global as the PDD. Right."

Councilman Kent: "I understand that. And that's why I thought an EIS might be prepared for a very limited purpose."

Rick Hanley: "Well, the Planning Board looked at it and they felt that with this mitigation measure or mitigative measure of the accessory use, that they're comfortable."

Councilman Kent: "As an accessory use within an manufacturer's overlay zone?"

Rick Hanley: "Yes. So the principal use would have to exist, be built- "

Councilman Kent: "You'd have to have the overlay zone."

Rick Hanley: "The overlay- the district would have to exist on the premises."

Councilman Kent: "Right."

Rick Hanley: "The principal use would have to be in place, the accessory use could be approved as a use permit after site plan approval- "

Councilman Kent: "Now after the text change- "

Rick Hanley: "The alternative the way it was proposed was that the theater could exist on the premises as a permitted use without the outlet center which they didn't think made any sense because they saw it as a- not a customary accessory use but certainly an accessory use."

Councilman Kent: "Now, after the text change, the application then would have to be reviewed, that may require an EIS or no?"

Rick Hanley: "What was the question again, Chris?"

Councilman Kent: "Whether the actual- this is just a textural- "

Rick Hanley: "This is a text change."

Councilman Kent: "Right."

Rick Hanley: "An accessory use would need nothing more than a use permit and a site plan approval. I don't know that we have- we would rely on- in the site plan approval, we would rely on this-- whatever SEQRA determinations you make on this, I think, would follow

for the site plan as well."

Councilman Kent: "So at what point would we study whether there is any impact- social impacts by locating the town's only movie theater- "

Rick Hanley: "You would do that in an EIS."

Councilman Kent: "-- at the outlet center rather than in any of the other zones- "

Rick Hanley: "You would do that in the EIS."

Councilman Kent: "And that's the only time and the only time to do it would be right now during the text change? Because you just told me that an accessory-- "

Rick Hanley: "Once you've amended the zoning you're out of the zoning issue. You're into a technical site plan issue not a use issue with respect to this parcel and other similar parcels within the vicinity."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "I think that's it. Can we take it up for a vote?"

Councilman Kent: "Sure."

Supervisor Kozakiewicz: "All right."

Rick Hanley: "I think- did Joey give you copies because I think he's supposed to give- bring in another copy. Can I just find out what he wants to do about that?"

Supervisor Kozakiewicz: "There's another copy- "

Rick Hanley: "He said he was bringing another one in. Would you rather not deal with that?"

Supervisor Kozakiewicz: "Well, I think we have this one in front of us."

Rick Hanley: "Okay, deal with it."

Supervisor Kozakiewicz: "All right. Thank you. Vote, please."

The Vote: "Densieski."

Councilman Densieski: "I supported the theater at Riverhead Center, I support the theater at Tanger. I support a theater at the Hazeltine property. I support a theater downtown. I'll support a theater anywhere because the people of Riverhead don't have a movie theater. I would like one. I'd be happy with one theater. So I'm going to vote yes."

The Vote (Cont'd.): "Cardinale."

Councilman Cardinale: "The support of a theater, it occurs-- it seems to me is not really the issue here. Most people in town would love to see a theater but I- and I would, too. However, I think I heard the Planning Director say the following. That if we adopt the recommendation of the Town Board to amend this application from a permitted use to an accessory use, then no environmental impact statement is required. It seems to me logical and inevitable that we must determine that if before we vote on this resolution, that is, we must determine if we are going to adopt their recommendation and then as the night follows the day if we agree with their analysis we do not require an EIS. But we have not determined that if. And until we do it seems to me the proper vote is to abstain."

The Vote (Cont'd.): "Kent."

Councilman Kent: "I think that we should have an environmental impact statement on making this text change because this is our only opportunity to have an environmental impact statement that's why I asked these questions. I did not see this resolution prior to the meeting. When we sat down up here, this resolution was handed to us. If we had had the opportunity to discuss this at a work session or even when we were reviewing the resolutions, I would have voiced my opinion that we should have some environmental impact statement on this text change even for the limited purpose of deciding whether there would be any social impacts."

Basically what's going to happen in town, everybody here on this Board supports a movie theater in our town. The first one to be there are now four applications, four separate applications or four proposals to build theaters on four different pieces of property in our town. And there's a fifth opportunity or an idea anyway to locate a movie theater in the Business D district which is downtown and

although we don't have an application before us, there had been a prior proposal to restrict movie theaters to only Business D which would be downtown. Some people believe that that would be a great way to revitalize downtown, to build a movie theater.

So with the four different proposals that we actually have and the concept that we should have our movie theater downtown, I think that we should be looking at the impact of locating the first movie theater at the outlet overlay district. Because once that's built, I can tell you all the rest of the theaters will not be built. And I don't know if we want to locate our one and only movie theater in town at Tanger outlet. A further slight to the downtown area; further ignoring all other districts within the town that already allow movie theaters. And I think that before we do that, before we make a text change that will allow it as an accessory use, I think we should decide whether this is going to impact the other zones that already exist, that already allow movie theaters. And how it will impact downtown which although it does not currently have a proposal for a movie theater, how it will affect possibly getting a movie theater downtown.

So before we jump to make this text change, I think we should have an EIS for the limited purpose of deciding the social impacts of allowing it as an accessory use in a manufactures overlay zone. So I'm going to vote no without that change."

The Vote (Cont'd.): "Lull."

Councilman Lull: "There are several technical issues here that the Planning Board faced. One of them is the fact that the PDD does allow for a large- a single big box use that's quite aside from outlet zoning. That's one of the uses that's allowed in the PDD. Given that, if somebody wishes- would wish to build a theater and get the PDD overlay, they would simply have to use that big box use and that would be sufficient. Facing that is to- the way to face that is to make it an accessory use. Making the theater an accessory use does, in fact at least as far as theaters do the thing that I've been suggesting right along about the PDD and that is we should amend the PDD to get rid of the big box use, the second use on that property.

The second thing is that the Planning Board has limited it to size of the project and in limiting to size of the project will be, in fact, in part at least, an answer to any traffic question, but traffic congestion- traffic questions at the corner of the expressway probably is a nonsignificant issue.

Anyway, I think it is a wise idea to move on at this point. We will have time to see- we will see this again as we did with use permit- dealt with- a use permit is dealt with and as we deal with site plan and at that particular time we can deal with parking issues. So I vote yes."

The Vote (Cont'd.): "Kozakiewicz."

Supervisor Kozakiewicz: "I think for the purpose of conducting the SEQRA review, what has occurred, there's been an analysis done at the request of the Town Board. We heard from our Planning Director that there were information- there was information provided in conjunction with this textual change to deal with this question of whether an environmental impact statement should be required. And I think we've also heard that based upon his review of those documents, based upon the review by the Planning Board, we would not need an environmental impact statement to be prepared.

I believe that there's no question it should be designated- to be a Type I since it involves more than 25 acres. And I believe that based upon the analysis that's been provided to us, we should proceed forward. I'm sure there will be some discussion on this issue at the point when we hold this for public hearing from all the residents and other locations that are looking to establish movie theaters. Based upon that, I vote yes."

Barbara Grattan: "The resolution is adotped."

Resolution #282

Councilman Lull: "282 I have a recommendation for an amendment- 282 adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead Town Code. It deals with two things in Mesta Vista, the development known as Mesta Vista. One is a stop sign and the other is parking hours.

The stop sign- the stop intersection has its history in a petition by the residents of Mesta Vista last year asking for three stop signs and one intersection. The traffic committee and the police department went out and took a look at that, suggested that the three traffic signs were not necessary but that one traffic sign would make a safe flow of traffic and so, therefore, it passed, that one traffic sign and erected and it is now there.

This resolution asked for a second traffic sign at that same

corner and that is according to the traffic committee and the police department an unnecessary stop sign. So I would like to amend that, this resolution, to omit the 103A and have the entire issue be the 102- 101-10.2 which is hours of parking."

Councilman Cardinale: "Jim, in regard to that, I recall this public hearing. Wasn't there some opposition within the community to- "

Councilman Lull: "There were two people who spoke against it, Phil. One person who spoke against it but who had signed the petition in favor of it- "

Supervisor Kozakiewicz: "Actually her husband."

Councilman Lull: "Right. Sure."

Supervisor Kozakiewicz: "Her husband signed the petition in favor of it and I think they may have forgotten that it had been signed because the petition went back to 1999."

Councilman Lull: "Yes. It was a while. And the other person was somebody who does regularly park on the street."

Councilman Cardinale: "From 3:00 a.m. to 6:00 a.m."

Councilman Lull: "All night."

Councilman Cardinale: "So you're closer to this with the parking committee, that this appears to be a need that the community perceives as a whole."

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "In fact, the people who signed a petition- "

Councilman Lull: "They feel it's close enough to the beach to make it safer not to have parking there early in the morning."

Councilman Kent: "Who parks there between 3:00 a.m. and 6:00 a.m.?"

Supervisor Kozakiewicz: "Well, it's people who park when they came home at work, and because they park there and they don't move

their vehicle until the next morning, it does include that time period."

Councilman Kent: "So these people who live in this neighborhood."

Supervisor Kozakiewicz: "I think that's what's going on. I think they're trying to keep the streets clean and no other people."

Councilman Kent: "Okay. So people- "

Supervisor Kozakiewicz: "But, they're very adamant about it."

Councilman Kent: "There will be people setting their alarms for 2:50 a.m. so they can run out and move their car?"

Supervisor Kozakiewicz: "Probably. No, no, I don't think that's going to happen."

Barbara Grattan: "So, Jim, you want to amend 101-3A?"

Councilman Lull: "101-3A, I- "

Supervisor Kozakiewicz: "Is there a second with that amendment?"

Councilman Kent: "So this is to remove the stop sign at Timothy- "

Supervisor Kozakiewicz: "Right. Is there a second- "

Councilman Kent: "Wasn't the Chief- I'll second it. Wasn't the Chief- discussion."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Didn't the Chief come before us and speak about this? Is he in support of the stop sign? He was here."

Councilman Lull: "No. As a matter of fact he came to us when the petition was given to us for three stop signs and recommended one."

Councilman Kent: "He recommended this one?"

Councilman Lull: "No."

Supervisor Kozakiewicz: "There was another one that was placed up already."

Councilman Lull: "The one that's already up there at that corner."

Councilman Kent: "Oh, okay."

Barbara Grattan: "This is going to be gone."

Councilman Kent: "How did he feel about the no parking?"

Councilman Lull: "I don't remember."

Supervisor Kozakiewicz: "It was pointed out to me that there are some other areas in town where we've already done this. In fact, the Highway Superintendent who had a chance to visit with me was of the mindset that we should do this for the entire town."

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "I don't agree with him as far as that analysis but he felt it was appropriate for this particular community."

Councilman Lull: "It may be an appropriate zoning section."

Supervisor Kozakiewicz: "So it's moved and seconded with the amendment which deletes 101-3. Vote, please."

The Vote: "Densieski."

Councilman Densieski: "I know this is kind of a minor issue but you can't even park in front of your own house anymore? I know it went to committee- "

Councilman Lull: "It's their house, yeah."

Councilman Densieski: "I know it went to committee and I know we had a public hearing but I just can't vote. I'll have to vote no on this."

Councilman Kent: "Is it a snow removal issue?"

Councilman Densieski: "No, not at 3:00. 3-6."

Supervisor Kozakiewicz: "In a snow emergency it probably would be, yes."

Councilman Lull: "Yes, it would be in a snow emergency."

Councilman Densieski: "I know in Russia you're allowed to park in front of your house."

The Vote (Cont'd.): "Kent- Cardinale."

Supervisor Kozakiewicz: "Phil?"

Councilman Cardinale: "On the theory that the government that governs least governs best, I vote no."

The Vote (Cont'd.): "Kent."

Councilman Kent: "Yeah, I'm a little- I don't really understand it. I don't understand the three hours, 3:00 a.m. to 6:00 a.m. I mean I could understand maybe 12:00 midnight to 6:00 a.m. or- is there some- are people going there and parking at 3:00 a.m. to 6:00 a.m.? I know it's close to the beach."

Supervisor Kozakiewicz: "The residents have been in to see the Highway Superintendent and apparently he has felt strong enough about it to ask us to take it up but- "

Councilman Kent: "For the purpose of not having this be voted down today, I would move that we table it just to have further discussion. Maybe we could have some of these individuals from that neighborhood come in and speak to us to justify- "

Councilman Lull: "Some of them were here today."

Supervisor Kozakiewicz: "They were here last week on Thursday and Friday but I'll- we'll send them your way."

Councilman Kent: "Okay. But I would move to table it because I don't think this is going to pass."

Supervisor Kozakiewicz: "Is there a second to table? It's been seconded to table."

Councilman Cardinale: "Second."

Councilman Lull: "I'll second to table."

Supervisor Kozakiewicz: "All right. Moved and seconded to table."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes."

Councilman Kent: "And if you live in Mesta Vista and want to talk to me about this no parking, please come in and see me or call me."

The Vote (Cont'd.): "Lull."

Councilman Lull: "I'll give you a copy of the petition if you want."

Councilman Kent: "Okay."

Councilman Lull: "Yes, I'll vote yes to table, sure."

Supervisor Kozakiewicz: "No, to table."

The Vote (Cont'd.): "Kozakiewicz, no."

Supervisor Kozakiewicz: "Let's go forward."

Barbara Grattan: "Resolution is tabled."

Resolution #283

Councilman Cardinale: "283 approves temporary sign permit of Quikconnex. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Cardinale, yes. Resolution is adopted."

Resolution #284

Councilman Lull: "Approves temporary sign permit of Marquee

Cinema. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent."

Councilman Kent: "They're going to put a sign up on a different location, not at Tanger, at a different location, they're going to build a movie theater. And I'll tell you, once Tanger builds his movie theater, this movie theater will not be built. But I will vote yes for his temporary pie in the sky sign."

The Vote (Cont'd.): "Lull."

Councilman Lull: "That's exactly what it is. It's the third temporary movie theater sign that we will have had. The first two didn't come to anything. Yes."

The Vote (Cont'd.): "Kozakiewicz, yes. The resolution is adopted."

Resolution #285

Councilman Kent: "Now, Jack's gone. No, Jack's here. Jack, could you come up because we're going to discuss 285. Go ahead."

Barbara Grattan: "Councilman Kent."

Supervisor Kozakiewicz: "Is there a motion- "

Councilman Kent: "Resolution #285 is a public interest order in the matter of the increase and improvement of the facilities of the Riverhead Water District in the Town of Riverhead, Suffolk County, New York. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded. Discussion."

Councilman Kent: "Jack, come on out. This resolution still contains the district-wide SCADA or SCADA system."

Jack Hansen: "Right, Gary's on his way."

Councilman Kent: "It should not be paid out of this fund."

Jack Hansen: "I figured you would ask this question and Gary is on his way here now."

Councilman Kent: "So should- can we reduce it? Oh, is he going to try to convince us that we should include it?"

Jack Hansen: "I couldn't tell you- "

Councilman Kent: "No, when I spoke to- when I spoke to Gary about this, he told me it would not be in there."

Jack Hansen: "Right."

Supervisor Kozakiewicz: "Yeah, I think that was the understanding. That although it had been noticed for the public hearing with that SCADA system included, we would actually be adopting a resolution which had that particular item deleted."

Jack Hansen: "Like I said, he should be here- "

Councilman Kent: "Okay. So I'll move that we table this resolution."

Supervisor Kozakiewicz: "Tabled. All right."

Councilman Lull: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded to table."

Barbara Grattan: "Who seconded it? Densieski?"

Supervisor Kozakiewicz: "No, it was Jim Lull and Chris moved to table."

The Vote (To table): "Densieski, yes; Kent, yes; Cardinale, yes; Lull, yes; Kozakiewicz, yes. The resolution is tabled."

Supervisor Kozakiewicz: "Well, wait a minute. Gary's here."

Barbara Grattan: "Gary's here. Untable now."

Councilman Densieski: "Oh, Gary's here?"

Councilman Kent: "I'll call it off the table."

Supervisor Kozakiewicz: "It's taking longer than I was hoping it would today."

Councilman Kent: "I know. Sorry. It's all my fault."

Supervisor Kozakiewicz: "All right. Gary. Resolution 285."

Barbara Grattan: "All right, wait a minute. We have to untable it."

Supervisor Kozakiewicz: "Why don't we move to take it off the table?"

Barbara Grattan: "Kent did. Is there a second?"

Supervisor Kozakiewicz: "Is there a second to take it off the table?"

Barbara Grattan: "Lull."

Supervisor Kozakiewicz: "All right."

The Vote: "Densieski, yes; Cardinale, yes; Kent."

Councilman Kent: "Well, I was actually moving the resolution."

The Vote (Cont'd.): "Kent, yes."

Gary Pendzick: "You will also have to remove 294 then."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. This resolution is untabled."

Councilman Kent: "What's 294?"

Gary Pendzick: "Awards that the bids for plant #12 which can't be awarded without this resolution being passed."

Supervisor Kozakiewicz: "Well, I think the Board is of the mindset to move forward with it, Gary. What we'd like to do is we understood you were coming here to talk to us about the SCADA. It's

in the resolution and I think there are concerns that it will not be included in the resolution and it shouldn't be included in the resolution."

Gary Pendzick: "It's not. It's part of the original wording from Willke Farr back when this was first offered about two years ago and we've talked about removing it. Unfortunately it just hasn't been done yet."

Councilman Kent: "Yes. Why don't we- can I strike it today and what I'll do is reduce the total cost from 3.743 million- I'll reduce that number by \$495,000 and everything should be- I'll vote for it."

Gary Pendzick: "I really couldn't tell you with respect to redistributing the funds. The overall number has to remain the same with respect to the grants and the monies put into by the District. That project if you recall from about two years, SCADA was dropped. It was never authorized by the Board and it's not been part of this project ever since. I think all of the funding has been redistributed to cover wells, distribution mains, transmission mains some two years ago.

It's just a matter that the wording SCADA is there, that the wording of the resolution itself that's in error."

Councilman Kent: "So let's just strike it everywhere it's made reference to."

Gary Pendzick: "It's only one place, I believe- "

Councilman Kent: "No, it's two places."

Supervisor Kozakiewicz: "Well let me ask the next question. The total amount should stay the same though is what you're suggesting."

Gary Pendzick: "Right."

Councilman Kent: "So we're not going to reduce the amount. I got that."

Councilman Cardinale: "How's that for an illusory victory, Chris? You get to strike the language but they've already spent the money on other things."

Councilman Kent: "Well, I'd like to know where then because there's a breakdown showing the SCADA."

Supervisor Kozakiewicz: "That was- I believe we had that as part of the hearing when Mr. Scheiner (phonetic) was here."

Gary Pendzick: "That's right."

Supervisor Kozakiewicz: "And he had suggested how the monies would be redirected at that particular public hearing. I'm not sure; maybe that was the night you weren't here, Chris."

Councilman Kent: "Do we have to put- no, I was here for that."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "I remember bringing up the SCADA thing at that time, too."

Supervisor Kozakiewicz: "Right."

Councilman Cardinale: "I think the engineering fees went up."

Councilman Kent: "Not that I'm stuck on this or anything."

Gary Pendzick: "No, no. It's a matter of proper etiquette. It shouldn't be there. It should have been changed from the original wording from the original resolution from a few years ago."

Councilman Kent: "Okay. So, how do we want to correct this?"

Councilman Cardinale: "Cross out SCADA. Leave them their money because they'll spend it anyway."

Councilman Kent: "Or else you'll have it in a fund or you can buy something new for yourself."

Gary Pendzick: "It's got to be spent within the scope of this project, transmission mains, much of the work has already been done. The wells, the construction of the new wells and the Grumman wells themselves."

Councilman Cardinale: "We really got value for that \$495,000, didn't we?"

Supervisor Kozakiewicz: "All right, so what- "

Councilman Kent: "Let me ask you this, Gary, wait a second, let me ask- I'm sorry, Bob- "

Supervisor Kozakiewicz: "Well- "

Councilman Kent: "If we leave it in, will we get it?"

Gary Pendzick: "No."

Supervisor Kozakiewicz: "No. The bottom line is the resolution has to reflect that amount. We had Mr. Scheiner explain to us how the monies would be redirected so and I think we have- as Gary has pointed out, another resolution that's on later--294 I think it is- "

Gary Pendzick: "That awards the contract-- "

Supervisor Kozakiewicz: "-- that we need to proceed upon or move to table it unless we move on this one."

Gary Pendzick: "This resolution approves the redistribution of funds within this project- "

Supervisor Kozakiewicz: "Right."

Gary Pendzick: "-- to work on plants 12- on plant #12 which is the rehabilitation of wells 2 and 3- "

Councilman Lull: "Line 6, page 2. Page 2, line 6."

Supervisor Kozakiewicz: "So what we're doing is we're going to delete the words new district-wide SCADA control system."

Councilman Lull: "And on page 2, the fourth from the bottom, letter e."

Councilman Kent: "Yeah, the total is about 427."

Barbara Grattan: "Well, page 2, you also have it one, two, three, four from the bottom, Jim."

Councilman Lull: "That's what I have."

Supervisor Kozakiewicz: "Okay, with the amendment, are we ready

to take up the vote?"

Barbara Grattan: "Is that the only place that this is in?"

Councilman Lull: "Yes."

Barbara Grattan: "Okay. Who's going to pass this now? Who's going to introduce this?"

Councilman Kent: "Actually, I'm not sure if- was SCADA part of the original grant, too, the grant approval?"

Gary Pendzick: "I don't- I think SCADA was part of plant 11, part of the control system and which what we just simply did was scale it back."

Councilman Kent: "Because it's in two places in here. There's a Whereas that just says that we obtained a grant for a bunch of things and in that language it also says the SCADA control system. Which we may not have to change because that may be true that that's what- we did receive a grant for that."

Councilman Densieski: "Motion to move 285."

Supervisor Kozakiewicz: "Well, it's been moved."

Councilman Kent: "As amended."

Supervisor Kozakiewicz: "There's been a second and it's been amended. Vote."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes."

Councilman Kent: "You can rest easy now."

Gary Pendzick: "Thank you. We're trying to get these wells rebuilt for the summer. I really appreciate it."

Councilman Densieski: "Thanks, Gary."

Resolution #286

Councilman Densieski: "Sets administration fee for Chapter 54 and Chapter 96. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Cardinale- "

Supervisor Kozakiewicz: "Nope."

Barbara Grattan: "Sorry, it was written- "

Councilman Densieski: "Me?"

Supervisor Kozakiewicz: "Vote, please."

The Vote: "Densieski."

Councilman Densieski: "Okay. Just to give you briefly what this is about. The Chapter 54's which are the boarded up building or demolish a building, the fee is going to be set a \$2275 and for a Chapter 96, it's going to be \$740. These are to cover the expenses that it costs the town to get these things done. So, I'm going to vote yes."

The Vote (Cont'd.): "Cardinale."

Councilman Cardinale: "I'm going to vote yes as well. There's an attachment which indicates the breakdown of expenses the town endures when it has to order a Chapter 54 and a Chapter 96. I've reviewed it and I think it's reasonable. I vote yes."

The Vote (Cont'd.): "Kent, yes; Lull, yes; Kozakiewicz, yes.
The resolution is adopted."

Resolution #287

Councilman Kent: "Resolution 287 approves the modified site plan of Kamco Supply Corporation. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Discussion. Did we see a site plan? I know we were supposed to. Did anybody get to see it?"

Councilman Cardinale: "I don't recall seeing it."

Councilman Kent: "This is the one we didn't see."

Supervisor Kozakiewicz: "No. This is the one we did not see."

Councilman Cardinale: "Motion to table."

Supervisor Kozakiewicz: "Well, before we do that, let's put it aside. We'll have Rick come in because I think this one is something we've already- we've already authorized the license agreement to be entered into with this party. We've asked him to file a site plan. We've held him up for a half of a month now with this issue or actually more like six months. And they're doing the right thing. They've complied, they've filed the site plan application and we should try to address this today rather than put the particular company off for another two weeks. So if we could set that one aside and we'll come back to it."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "All right. 288."

Barbara Grattan: "Hold on just one second, my tape recorder."

Resolution #288

Councilman Densieski: "288 rejects bids for security, fire and telemetry control systems for the Riverhead Sewer District. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent- "

Supervisor Kozakiewicz: "He just stepped away."

Barbara Grattan: "Okay."

The Vote (Cont'd.): "Lull."

Councilman Kent: "Oh, I'm sorry- what are we- "

Barbara Grattan: "Are you going to vote?"

Supervisor Kozakiewicz: "Rejecting bids on the system."

Councilman Kent: "Yes, I vote yes on that one. 288?"

Supervisor Kozakiewicz: "Yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #289

Barbara Grattan: "Okay, now we have an error on this Resolution #289."

Supervisor Kozakiewicz: "It's on the notice."

Barbara Grattan: "If you look on the notice to bidders, the copies of the documents say April 19th. That should be changed to Thursday, March 22, 2001. Somebody want to amend it?"

Supervisor Kozakiewicz: "Okay. With that- motion to amend?"

Councilman Densieski: "Yeah, motion to amend."

Councilman Cardinale: "Seconded."

Councilman Kent: "Thursday, March 22nd."

Barbara Grattan: "Thursday, March 22nd."

Supervisor Kozakiewicz: "Actually we've got to take it- move it- "

Councilman Kent: "No, we can just move it as amended."

Supervisor Kozakiewicz: "Okay, who's moving to amend it?"

Councilman Densieski: "I'll move to- "

Supervisor Kozakiewicz: "That's Councilman Densieski."

Councilman Densieski: "Approve the amended resolution."

Supervisor Kozakiewicz: "And the second is from Jim Lull. Okay. Vote, please."

The Vote: "Densieski, yes, as amended; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #290

Barbara Grattan: "Resolution #290."

Councilman Kent: "Well, do we want to take up 287 since we have Rick- "

Rick Hanley: "I think there was a question on the site plan of Kamco."

Supervisor Kozakiewicz: "Let's go back to that. This is becoming chaotic, guys. Go ahead."

Councilman Kent: "This is the Kamco site plan."

Rick Hanley: "I received a report today from Raynor's office in support of the approval on Kamco. This is a property that's owned by the Town of Riverhead CDA at Calverton for the reuse of a warehouse facility, existing buildings, and a proposed outdoor storage area."

Supervisor Kozakiewicz: "And the comments from Mr. Raynor were favorable?"

Rick Hanley: "Were in support, favorable and there are conditions in the resolution that deal with fire marshal conditions in terms of the height of the lumber in the outdoor storage areas as well as distances between the piles and the distances between the piles and buildings."

Supervisor Kozakiewicz: "And I know there was also certain comments about the no smoking area or zones. Those have been addressed as well?"

Rick Hanley: "He also suggested that. I didn't put that in the resolution, Bob. If you- you can amend that if you'd like. But I saw more of a condition on the use permit for the no smoking. I don't how we would enforce that in the site plan."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "Rick, are they going to be storing any hazardous materials around there?"

Rick Hanley: "No. It's strictly lumber yard."

Supervisor Kozakiewicz: "It's lumber."

Rick Hanley: "Existing warehouse facilities and proposed outdoor storage area to be suitably screened."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "They show a fence. Is that going to have some kind of a screening?"

Rick Hanley: "Yes. It would be- there should be a mark up on that one. It could be on another one. But it says as marked. We're going to show fence as well as screening material that will reach a height of 20 feet to hide the piles."

Councilman Kent: "Any kind of awning or anything? No."

Rick Hanley: "No. It's just vegetation and fencing."

Supervisor Kozakiewicz: "Any other discussion? All right. Let's go- okay. 287, take up the vote. Oh, no, we need to move it and second. I'm sorry. Is there a motion to move 287? Chris?"

Councilman Kent: "Yes. I'll move approves the modified site plan of Kamco Supply Corp."

Supervisor Kozakiewicz: "Okay, is there a second?"

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Okay. Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #290

Councilman Cardinale: "Resolution 290, an authorization to publish bids for water service materials. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #291

Councilman Cardinale: "291 is a resolution to publish bid for janitorial supplies. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #292

Councilman Densieski: "292 is an authorization to publish bid for grass seed and lawn chemicals. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #293

Councilman Kent: "Resolution 293 is an authorization to publish a bid for chemicals. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #294

Councilman Cardinale: "This is a resolution regarding construction of Plant No. 12 contract No. 1 well and well pump work general construction and contract electrical work. I don't know what it does though. Moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #295

Councilman Cardinale: "295 awards a bid for mobile electro-hydraulic jacks."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #296

Councilman Densieski: "Awards bid for snack vendor services. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #297

Councilman Lull: "Awards bid for propane. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #298

Councilman Lull: "298 is a \$10,000 budget adjustment to the Suffolk Theater curbs and alleyway improvement budget project, I mean construction project. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #299

Councilman Kent: "Resolution 299 is a budget adoption for the municipal garage renovation project, \$1.5 million dollars. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Discussion."

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "I know we were going to talk about the inspection machine. Is this included in this? Do we want to discuss it or- I don't know if this is included in it."

Supervisor Kozakiewicz: "I think we- "

Councilman Kent: "Did we get the bids on this? This was already out to bid."

Councilman Densieski: "Well, there's equipment in here also."

Line 2."

Supervisor Kozakiewicz: "I don't believe that included it. Jack, did this include inspection equipment?"

Councilman Kent: "We're not going to ask you about SCADA."

Councilman Lull: "It doesn't make any difference. We don't have to spend- "

Supervisor Kozakiewicz: "I know."

Jack Hansen: "Well, these are strictly estimates. If we were to go out for an inspection machine, we would have to bid for it."

Councilman Kent: "Right. We didn't bid yet."

Jack Hansen: "This budget is also paying for number 295-- in your resolution."

Councilman Densieski: "The lifts."

Jack Hansen: "The jacks."

Councilman Densieski: "Okay. So that's going to be a later project."

Jack Hansen: "This is going to be overall (inaudible)."

Supervisor Kozakiewicz: "In other words there would be another resolution should we ever embark upon that. If were to go with inspection equipment, there would be a further resolution."

Jack Hansen: "There would be at least two."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "We'd have to go out to bid and we'd award the bid. Okay."

Supervisor Kozakiewicz: "Any further discussion?"

Councilman Densieski: "Nope."

Supervisor Kozakiewicz: "Vote, please."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #300

Councilman Cardinale: "This is a general fund budget adjustment, transfer from the Sewer District to the seed clam program. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #301

Councilman Densieski: "301 is Tall Tree Acres at Wading River Water District budget adjustment. It's developer fees. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #302

Councilman Cardinale: "This is a Riverhead Sewer District budget adjustment, appropriated fund balance, \$30,000, to DEC stipulation expense and transfer to general fund for seed clam program. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #303

Councilman Densieski: "303 is a special trust budget

adjustment. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #304

Councilman Lull: "304 is a 2001 recreation capital improvement budget adoption. One minor change, the second where it says to Bayberry Park parking improvement should read. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded with that amendment."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #305

Councilman Kent: "This is a budget adjustment for the children's playground at Stotzky Park capital project. The total cost is going to be \$116,000 and it's broken down into several different items there. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #306

Councilman Cardinale: "306 accepts a certificate of deposit for Edward Meier. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #307

Councilman Kent: "This accepts a cash security deposit, which I'm going to be holding personally, for Front & Center Properties. So moved."

Councilman Densieski: "Second the motion."

Councilman Kent: "Just kidding."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #308

Councilman Lull: "Accepts a Suffolk County National Bank irrevocable letter of credit of Zoumas Contracting Corp. for road and drainage improvements for The Meadows at Aquebogue. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #309

Councilman Densieski: "Authorizes the Town Clerk to publish and post a notice of a public hearing for a special permit of John and Sandra Reeve for a bed and breakfast. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Cardinale, yes; Densieski, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #310

Councilman Densieski: "Authorizes the Town Clerk to post and publish a public notice for a public hearing regarding a local law to repeal and replace Chapter 64 which is Fire Prevention of the Town of Riverhead. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #311

Councilman Lull: "Sorry, I'll get there. 311 authorizes the attendance of one detective at a training conference. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #312

Councilman Lull: "Authorizes the Supervisor to execute a retainer agreement with James F. Gesualdi for help with the town in connection with the review and revision of the procedural provisions of the environmental review and zoning chapters of our town code. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'm going to vote yes on this. I think even though we're going to an outside consultant I think this is going to make the town money and I'll give you an example. Right now if you were in site plan violation in the Town of Riverhead, it's \$1,000 a day fine. But as the code is defined, guess how many dollars we've

collected to date? Let your imagination figure it out. So I'm going to vote yes."

The Vote (Cont'd.): "Cardinale."

Councilman Cardinale: "This is an approval of the Supervisor to execute what I believe is a one page retainer agreement with attorney James Gesualdi to assist the Town of Riverhead with respect to the Town's review and revision of the procedural provisions of the environmental review and zoning chapters of the Town Code.

I am disinclined to vote for this. Early last year, we brought on a new Town Attorney at an increased rate. In fact, there was some joking about we were getting a Mercedes. We then hired two assistants this past year who there was also some inside joking about they were the Volkswagons. The point of all of this was to, I thought, leave this kind of work within the confines of the office of the Town Attorney rather than having to sign a retainer agreement with outside attorneys who probably, almost certainly, do not know the Town of Riverhead and its procedures as our own Town Attorney. At least we like to hope that.

Now, we're moving to more outside experts and overlooking the resources we have within the office. Furthermore, I have two other reservations. One is that James Gesualdi apparently is an old friend of our current Town Attorney. I do not believe this is a job that calls for outside help.

I also point out that it was indicated to the Board that there was a cap on the services here being retained of \$150 an hour to, again, assist the Town with respect to the Town's review and revision of the procedural provisions of the environmental review and zoning chapters. I'm not exactly sure what that rather imprecise language means. But to assist us with respect to our review and revision of procedural provisions that there was a cap. Well, I read in this agreement that- the following: as discussed as a professional courtesy to assist you in monitoring costs if and when the fees to date reach \$10,000, we will provide an outline of work to be completed and estimated costs of same. That is not a cap.

What you are saying is at a point when he reaches the billing of \$10,000, he will come back to the town and tell them how much more he's going to bill them for. I don't believe that to be a cap. I don't believe this to be well advised. I vote no."

The Vote (Cont'd.): "Kent."

Councilman Kent: "I didn't know- and I don't know Jim Gesualdi but I did review quite a sizeable package that was delivered here with his expertise, you know, what he detailed as his expertise and he seemed very capable of completing a job that probably should have been started two years back. Our code is somewhat out of date and in need of revision. Too bad he doesn't have an opportunity to look at the amendment to the overlay district but I think he will serve a good purpose to the town. I think-- we've been told he's going to limit his total expenses to \$10,000 or our expense to \$10,000, limit his revenue to that amount. I think he'll do a good job."

Again, if you look at his package that he provided us, he's- this is his area of his expertise. This will provide our Town Attorneys time to maybe do some work on going forward with orders such as TS Haulers. That will give them more time on litigation, that they can undertake things that the Town Board would like them to do.

As far as this area of the law, I think it's a very specialized area, it requires someone who's got the knowledge of the code and ways to improve it. So I will vote yes."

The Vote (Cont'd.): "Lull."

Councilman Lull: "One of the most difficult things in dealing with Town codes is you need to be applying these codes, spend most of your time applying and enforcing the codes and in doing that you take very little- leave very little time for yourself if you- if the number of people you have employed is correct. The amount of time that you use to apply and enforce the code leaves very little time for evaluation and in this particular case, the evaluation is better off done by an outside- and outside consultant. In this case, the consultant we're talking about provided us with a very long evaluation of his own background and the project that he wished to do for the town and what he could see that he could do for the town. What he said makes sense. And it's time that we stop complaining as we do frequently, myself included, about the inadequacies of part of the code while we're in the middle of applying it and start evaluating the code itself as an ongoing project. So I vote yes."

The Vote (Cont'd.): "Kozakiewicz."

Supervisor Kozakiewicz: "Anticipating some of the comments that were going to come up today, I, in fact, asked for and did go back a

couple of years to determine how much personal services were in the Town Attorney's offices and what type of outside litigation expense has been incurred. The personal line in the Town Attorney's office remain pretty much consistent, '99 it was around \$100,000; 2000, it's around \$110,000. In 1999 the litigation expense was over \$500,000 and in 2000 it was between 300- it was \$376,000.

I think that all kidding aside, the attorneys, the additional staff that we've been able to bring on board have, in fact, provided us with an ability to keep a little bit more of the stuff in house. However, I think that with regard to this particular project, given Mr. Gesualdi's expertise, the fact that he is a planner by trade as well as an attorney who is familiar with planning issues, who is familiar with the SEQRA process, we would benefit from it as pointed out by prior comments, give our Town Attorneys a little more time to address some of those issues we're asking them to address.

Our code is a bit antiquated. I think that some of the SEQRA issues in cases where we've had problems such as Riverhead Center would have been avoided if some of these issues had been addressed in the past, so I think it's good sound advice to go forward with Mr. Gesualdi. I'm sure that we'll keep his cap at \$10,000. The Town Attorney has assured us that she will keep an eye on this and we will work closely with Mr. Gesualdi during this process. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #313

Councilman Kent: "Resolution 313 authorizes the retention of Dvirka and Bartilucci consulting engineers in connection with the Headriver LLC review of the DEIS."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Councilman Densieski: "I have a quick question. Isn't this going to be borne by the developer? Or is this a town expense?"

Supervisor Kozakiewicz: "It's to be borne by the developer."

Councilman Densieski: "It is. Okay. I'll vote yes."

The Vote (Cont'd.): "Cardinale, yes; Kent."

Councilman Kent: "The reason we're going away from our standard practice is our consulting engineer who generally reviews these types of applications has a conflict and we're going to retain services of another engineering firm and it's paid for by developer's fees. I'll vote yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #314

Councilman Densieski: "314 approves a municipal contracting corporation as a drainlayer for the Riverhead Sewer District. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent."

Councilman Kent: "Where's Bill Kasperovich? Usually he comments on these drainlayer- "

Barbara Grattan: "He's coming tonight."

Councilman Kent: "Oh, tonight. Okay. I'll vote yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #315

Councilman Lull: "315 amends Town Board resolution No. 30 which set the towing and storage fees of abandoned vehicles and the Chief of Police has recommended that the fee be changed from towing fee to impound fee and the current fee does not cover the town's cost and to cover the town's cost, this fee will be increased. So that is the Resolution #315. So moved."

Councilman Cardinale: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "Just a question. Town Board Resolution 30 of what year? I mean this- "

Barbara Grattan: "2001, 2000, 2001."

Supervisor Kozakiewicz: "2001."

Councilman Kent: "Oh, we do it every year, we set the towing fees, okay."

Supervisor Kozakiewicz: "Yes, 2001. So if you want to make that amendment. Okay. So we're going to add 2001 behind- "

Councilman Lull: "2001- 30."

Supervisor Kozakiewicz: "Right."

Barbara Grattan: "Town Board Resolution- "

Supervisor Kozakiewicz: "So it's moved and seconded with that amendment."

Barbara Grattan: "Okay."

The Vote: "Densieski."

Councilman Densieski: "One second. I don't like the part about waiving the fee for the recovery thing, but I'll just vote yes."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #316

Councilman Lull: "Authorizes the establishment of petty cash account for the Riverhead Justice Court. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #317

Councilman Kent: "Resolution 317 authorizes the Town Clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead and owned by Vernon F. Wells, Jr. The property is located- it's 20 acres located on Sound Avenue in Riverhead, New York. So moved."

Councilman Lull: "Second, sorry."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes, definitely."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull."

Councilman Lull: "Can I ask one question? Why this one and not the others?"

Supervisor Kozakiewicz: (Inaudible)

Councilman Lull: "Okay, all right. I thought we changed the dates. Okay. Yes."

The Vote (Cont'd.): "Kozakiewicz, yes. The resolution is adopted."

Resolution #318

Councilman Lull: "Authorize the Supervisor to execute an agreement between the Town of Riverhead and FDS Services for the collection and enforcement and collection of outstanding town parking fees. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Are you going to make a comment about that, Bob?"

Supervisor Kozakiewicz: "On what?"

Councilman Densieski: "Explain it."

Supervisor Kozakiewicz: "You can do it during the vote. What we're looking to do is contract with an outside agency. They will look to enforce our outstanding parking tickets for the past as well as the future. There will be a 30 day period where any fees collected would be entirely payable to the town. Fundamental Business Service would not be entitled to any fee. Any amounts collected thereafter, they would be entitled to a fee. In the past we have been unable to follow up on the parking tickets and violations and, in fact, a number of the parking tickets sit in shoe boxes across the way because the court staff are not able to address them. So this outside consulting agency is going to recommend, I mean deal with that, and they're also going to recommend changes in the way we presently structure our parking tickets so that if they're not paid for within a given time period, we can ask for those fees to be increased."

Councilman Cardinale: "Incidentally where's the- is there an agreement attached to this?"

Supervisor Kozakiewicz: "There was one that was circulated earlier amongst the Board members, probably in the box."

Councilman Kent: "Yes, we saw it yesterday."

Councilman Cardinale: "The- well, this is good. I mean if we keep going with privatizing both the review of our statutes and possibly the passing of them and also this kind of thing, we could privatize the entire government which has always been one of my goals."

Supervisor Kozakiewicz: "So the answer is yes. You're voting--"

Councilman Cardinale: "Yes, I'm going to vote yes for this."

Councilman Kent: "They only make money if they collect."

Councilman Cardinale: "That's right."

Supervisor Kozakiewicz: "Let's- "

Councilman Kent: "That's uncollectible."

Supervisor Kozakiewicz: "No discussion- further discussion? We can go to vote."

Councilman Cardinale: "Yes."

The Vote: "Densieski, yes; Cardinale, yes."

Councilman Cardinale: "I'd like to do what we can to collect. Yes."

The Vote (Cont'd.): "Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #319

Barbara Grattan: "Resolution 319, bills."

Councilman Lull: "So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Is there a second?"

Barbara Grattan: "Yes."

Supervisor Kozakiewicz: "Moved and seconded to pay bills. Okay."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Supervisor Kozakiewicz: "We also have a tabled resolution. Is there a motion to take- do we have a resolution number on this, Barbara?"

Barbara Grattan: "Yes, there is."

Councilman Densieski: "226."

Councilman Kent: "Which one are we doing?"

Councilman Lull: "226."

Supervisor Kozakiewicz: "226."

Barbara Grattan: "226, second page, Bob."

Supervisor Kozakiewicz: "Okay, this is the resolution dealing with the settlement of medical expenses of Augustine Mayo."

Councilman Kent: "I thought we discussed yesterday that we were going to try and bring Tom in just one more time to question whether there was any probability of success in pursuing an action that would go after the monies received by Mr. Mayo directly."

Councilman Lull: "The time period that we were given is running out and we were going to find out if, in fact, there was going to be an ability to get that- "

Councilman Densieski: "I did speak to Tom in reference to it and his legal opinion is that this is the most economical way for the town to get out of a bad situation and he thinks that we should move forward with this and the chance if we do go to court, we're going to be paying all the back interest and everything else. So his advice was to move forward with this when I spoke to him."

Councilman Cardinale: "I spoke to Tom at some length last week and the thing that troubled me as I expressed at the work session is that there were a series of mistakes here- "

Supervisor Kozakiewicz: "Well, before we- "

Councilman Cardinale: "-- and I don't want to add another."

Councilman Kent: "I thought we were going to discuss it one more time at a work session."

Supervisor Kozakiewicz: "If there's not a second- if there's not a motion to take it off the table, then we're engaging in conversation that we don't even need to engage in."

Councilman Kent: "Yes, let's not discuss it any further. I think we just leave it on the table one more meeting."

Supervisor Kozakiewicz: "Is there a motion to take it off the table?"

Councilman Lull: "My only question is do we have the time to do that? I mean if we don't have the time to do that, then we're going to be paying an extra five or six hundred thousand dollars."

Supervisor Kozakiewicz: "I believe that we had received time from (inaudible) and we're probably still within that time period is what I was told. I mean I know it's getting close now. We're starting to eat the clock and I think it's going to get touchy. But I mean if there's a motion to take it off the table, if there's not, then we're- "

Councilman Densieski: (Inaudible)

Supervisor Kozakiewicz: "Huh?"

Councilman Densieski: "If we vote this down, we jeopardize- "

Councilman Kent: "Yeah, let's not vote it today. I think we should bring in Tom one more time. Let's pose the questions directly to him, whether there's any theory whatsoever that we could pursue that we could recover some of the monies that were paid directly to Mr. Mayo. If not, I think we should vote it through. But I don't think all of our questions were answered on it."

Supervisor Kozakiewicz: "Well, if the Board doesn't want- if there's not enough votes to take it off the table, then I'll let it stay there. I know we're running out of time and I did speak with Tom but- on this issue."

Councilman Densieski: (Inaudible)

Councilman Cardinale: "You have enough votes probably to bring it off the table. You don't have enough votes to pass the bond."

Councilman Kent: "Right. There's a bond. It's a bond, it needs four votes."

Supervisor Kozakiewicz: "Need four votes."

Councilman Kent: "Let's just put it- I move to table. If we vote it down, we're in much worse shape."

Supervisor Kozakiewicz: "All right. This- one last resolution which since we're not going to take that one, if we could take one off the floor. I apologize for it. I thought it had gotten into the packet, Barbara. This, we had talked about in the past. We discussed yesterday at work session and for reasons that I can't explain, it wasn't in the packet but- "

Councilman Kent: "Yes. We discussed this. I'll move this resolution. This authorizes- it be Resolution what- "

Barbara Grattan: "320."

Councilman Kent: "320?"

Supervisor Kozakiewicz: "Correct."

Resolution #320

Councilman Kent: "Resolution 320, authorizes the Town Clerk to publish and post a public notice of a public hearing to consider the capital improvements to the Suffolk Theater and the public hearing is scheduled for April 17th at 7:20 p.m. to discuss the anticipated costs of improvements which are \$4,000,000."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Okay. Moved and seconded."

Barbara Grattan: "Who seconded it?"

Supervisor Kozakiewicz: "Cardinale."

Barbara Grattan: "Cardinale."

The Vote: "Densieski."

Councilman Densieski: "Bring your sleeping bag to that one. It's going to be a late one. Yes."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. That resolution is adopted."

Supervisor Kozakiewicz: "Any further business?"

Councilman Kent: "No. Adjourn the meeting."

Supervisor Kozakiewicz: "Motion to adjourn. Second. Thank you."

Meeting adjourned: 3:59 p.m.

Barbara Grattan
Town Clerk