

Minutes of a Town Board meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, August 21, 2001, at 7:00 p.m.

**Present:**

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Christopher Kent,	Councilman
Philip Cardinale,	Councilman

**Also Present:**

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

Supervisor Kozakiewicz called the meeting to order at 7:10 p.m. and the Pledge of Allegiance was recited, led by John."

Supervisor Kozakiewicz: "All right. Is there a motion to approve the minutes of the Town Board meeting of August 7<sup>th</sup>, 2001?"

Councilman Densieski: "Motion."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Motion and seconded. Vote, please."

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

Supervisor Kozakiewicz: "At this point, I'd like to go down front, we have Employee of the Quarter, and if the Town Board would join me down below. Maureen- While they're stepping up, it's that time of the year again. We are recognizing an employee who has been with the Town for quite some time now. Sometimes we tend to forget about the staff that's downstairs because they're locked in a dungeon and forgotten about. But they are being recognized or at least one of them is being recognized for their contributions to town and to the government, that is Jean Miloski. Jean, would you come up and join us?"

Congratulations, Jean. I'm going to pass the mike down to Maureen- oh, Madeline first. See they keep me straight and Madeline

is going to have a few comments."

Madeline Sendlewski: "Thank you, Supervisor. Jean, congratulations. Before Maureen presents Jean with her official proclamation, I would like to let you all know this was by unanimous vote of the members of the Labor/Management Committee and she was nominated by her boss, Jack Hansen. It said John - I wasn't familiar with that- who's also up here.

And I just want to say also that the Accounting Department is one group of people that really- they just stand for their team down there because they always show up when somebody from their Department is being awarded something, so I congratulate you guys as well and some of the other staff that's here that are associated with them.

I also would like to ask Mr. Miloski to come down with daughter, Kelly, they're going to join us. And an excellent employee and an excellent mom who reminded me to please mention her son who is not here, Mark, Jr. Okay? So I'm going to pass it along down to Maureen Fagan to make the formal proclamation."

Maureen Fagan: Whereas, it is both fitting and proper that the Town Board and residents of the Town of Riverhead join with the Riverhead Town Labor/Management Committee in recognizing an individual who provides excellent and professional service above and beyond the standard while executing her responsibilities as a Senior Account Clerk of the Town of Riverhead; and

Whereas, Jean Miloski has spent the last 17 and a half years as a valued asset to the Town of Riverhead in various responsibilities in Town Hall including secretary to former Joseph Janoski, Senior Count Clerk and as coordinator for implementing safe procedures throughout the government of the Town of Riverhead and has been further responsible for monitoring all workman compensation and liability cases as well as insurance claims filed against the Town of Riverhead; and

Whereas, Jean Miloski has demonstrated initiative and creativity in carrying out the responsibilities of her office with a cheerful, caring and enthusiastic attitude.

Now, therefore, be it resolved, that the Town Board of the Town of Riverhead wishes to congratulate Riverhead town employee Jean Miloski for being chosen by the Riverhead Town Labor/Management Committee as Employee of the Quarter in consideration of her efficient

and courteous performance while fulfilling her professional obligation to the Town of Riverhead.

Be it therefore resolved that I, Robert F. Kozakiewicz, Supervisor of the Town of Riverhead, do hereby proclaim this day to be Jean Miloski Day."

Jean Miloski: "Eighteen and a half years, what can I say. First of all I'd like to thank Lori Pipcinsky (phonetic) for nominating me, long time co-worker and friend; Jack Hansen, my boss for always keeping in interesting; the Labor/Management committee; the Supervisor; the Town Board for presenting this to me; and to my co-workers who do a great job and without their help and support, this award wouldn't be possible for myself. Thank you."

Supervisor Kozakiewicz: "She's orchestrating up here."

Madeline Sendlewski: "Jeannie will also be getting a day off with pay, that includes a Friday or Monday, and (inaudible), and she also gets a \$100 savings bond."

Supervisor Kozakiewicz: "Keep us in line, Madeline. Barbara, Reports, please."

#### REPORTS:

Juvenile Aid Bureau	Monthly report for July
Sewer District	Discharge monitoring report for May

Barbara Grattan: "That concludes Reports."

Supervisor Kozakiewicz: "Applications?"

#### APPLICATIONS

Parade Permits	Block party on Roberts Path in Wading River, September 8
	Block party - Meadowcrest on August 25
	Eric & Heidi Wold - 6 <sup>th</sup> Street in Wading River

Marlene L. Frazer - September 9<sup>th</sup> at 1:30 p.m.

Maureen Rottler - Roberts Path on September 9

Shows & Exhibition Permit

Martha Clara Vineyards for an Oktoberfest on September 15 & 16

Site Plans

VerDerBer Nursery - amending site plan

Dynamic Radiator - amending site plan

Knightland, Inc. - build a 100 seat restaurant and 50 room country inn

Barbara Grattan: "That concludes Applications."

Supervisor Kozakiewicz: "Correspondence?"

**CORRESPONDENCE:**

Petition

461 names in support of re-locating the proposed burn building and tournament race-track

Susan Knopp

Re no right turn on red signs to be placed at the east end of both North Railroad and South Railroad Avenue in Jamesport

Barbara Grattan: "That concludes Correspondence."

Supervisor Kozakiewicz: "Thank you, Barbara. 10 public hearings on tonight and I know that some of you were here, may still be here, with respect to the first one that was noticed for 7:05. There's two of them on for 7:05. But the first one that appears on the agenda is the special permit of Soundview Associates. We have received a request from counsel; it arrived at 3:01 p.m.- "

Barbara Grattan: "3:01 p.m."

Supervisor Kozakiewicz: "-- to adjourn this and reschedule it so we will not be conducting that public hearing tonight. So if there is anyone who's here for Soundview, we apologize to you. It is going to be adjourned and renoticed and everybody will be receiving a- the people who are within the mailing radius will receive a certified mail. But in light of that request, in light of the fact that it will have to go through the process again to be renoticed, it will be a later date.

Mr. Nicolazzi, there's no public hearing, we're not going to open it up for comment today unless the Board feels differently. But they've asked for an application- they've asked for an adjournment. They will need to renotify it. They will need to republish it, they will have to post the property and send certified mailings. If you wish to stay and comment after we conclude with the other public hearings, I will let you do that. I will give you the first opportunity as soon as we conclude with the others. Okay? Excuse me. I would like to continue through with- in light of the fact that it's- "

(Inaudible from the inaudience)

Supervisor Kozakiewicz: "Oh yes, the letter from the attorney. Yes. Okay, okay, thank you, sir."

Barbara Grattan: "August 21, 2001, Town of Riverhead, 200 Howell Avenue, Riverhead, New York. Attention: Mrs. Grattan, Town Clerk. Regarding the special permit application and site plan application, Fox Hill Golf Resort and Country Inn, Soundview Associates.

Dear Mrs. Grattan: On behalf of the applicant, Soundview Associates, we respectfully request an adjournment of the public hearing scheduled for this evening. If possible, we request that the application be rescheduled for September 18<sup>th</sup>, 2001. Please advise the undersigned of the adjourned date.

We will submit the affidavits of posting and mailing under separate cover. If you should require additional information, please contact the undersigned. Very truly yours, Jane Ann Kratz."

Supervisor Kozakiewicz: "Thank you."

(Unidentified - from the audience): "Thank you very much."

Supervisor Kozakiewicz: "Thank you. Let the record reflect that the time of 7:20 p.m. has arrived. Barbara, would you please read the affidavit of publishing and posting for the second public hearing which was also noticed for 7:05 p.m.? That's the special permit of Joseph Scotto."

Public Hearing opened: 7:20 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 21, 2001, regarding the special permit petition of Joseph Scotto to allow an existing building located at Route 25, Jamesport, to be used as a professional office."

Supervisor Kozakiewicz: "Is there anyone here who is representing the applicant? Okay. This is a single family dwelling that's to the east of Century 21 Real Estate office, what used to be the Bookmiller real estate office."

The proposal is to turn this structure which is presently boarded up into a dentist's office or a dental office. Is there anybody who would wish to comment either for or against this particular special permit application?

Okay. Not seeing anybody wish to speak, I declare the public hearing closed at the time of 7:22 p.m."

Public Hearing closed: 7:22 p.m.

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Public Hearing opened: 7:22 p.m.

Supervisor Kozakiewicz: "The time still being 7:22 p.m., Barbara, would you read the affidavit of publishing and posting for the second public hearing which is the special permit of Calverton Enterprises?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 21, 2001, at 7:10 p.m. regarding the special permit petition of Calverton Enterprises to allow the construction of a gasoline service station, inspection facilities and accessory

convenience store upon property located at Route 25, Calverton."

Supervisor Kozakiewicz: "This- okay, you're here for the applicant or you're the owner? Okay."

Unidentified: "Yeah, I'm the architect. I was planning on presenting- "

Supervisor Kozakiewicz: "Good. Under our procedures, we swear the witnesses in so you'll have to be sworn by the Town Attorney."

Glen W. Graham: "Glen W. Graham, Graham Associates."

Dawn Thomas: "Mr. Graham, do you 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?"

Glen W. Graham: "Yes, I do. Good evening. First, I'd like to just drop off the certified mailings and affidavit of posting."

Barbara Grattan: "Thanks."

Councilman Kent: "Ed, put it as close to the microphone so in case he has to- "

Supervisor Kozakiewicz: "You've got to pull that up. There you go. That's all right. Let the public see it, we can look at it. Thank you, Ed."

Glen W. Graham: "Good evening. I'm Glen Graham with Graham Associates, 19 Deer Run in East Islip. I'm representing Calverton Enterprises. Calverton Enterprises would like to demolish and rebuild the existing gasoline service station on the corner of Route 25 and Route 25A in Calverton. Currently there exists a three bay service station with a 1200 square foot repair shop.

There was previous gasoline sales. The tanks were removed and disposed of and it's been not pumping gas for several years now. The property is zoned Industrial B. It's on just shy of an acre, it's about 39,000 square feet. It has 200 feet of frontage along Route 25A.

There's virtually no neighbors. To the north, there's State land; to the south is the Riverhead Community Development; to the west, we have the Calverton cemetery; and to the east is undeveloped

private land.

We'd like to build a 3100 square foot building that holds a "C" store and a gas station with three service repair bays. In the back of the gas station will be located the service bays, in the front is a convenience store. They split the building about 1600 square feet for the "C" store and 1500 foot for the repair bay.

We'd also like to put four pump islands under a 46 foot by 34 foot canopy that will also have a feeder canopy connecting the pump islands to the building.

Landscaping on the property is about 45%. The building is going to be split faced block with a smooth block on the top. I have elevations here if anybody would like to see. We would also like to install three underground storage tanks that would be approved by Suffolk County Health Department. They're double fiberglass tanks with leak protection alarm systems, high level probes, so they're very environmentally sound.

The Town requires 21 parking spaces; we've provided 27 and the repair business will be open 7 to 6; the "C" store we're expecting to be open from about 5 to 11.

If anyone has any comments or questions, I'm here to answer them."

Councilman Densieski: "Mr. Graham, could you put the elevations up, please?"

Glen W. Graham: "Sure. Right now, it's proposed to be a Hess service station. They have a very clean imagine with white with a small green stripe. We have the smooth block here with split face on the bottom, separated by a small green border."

Supervisor Kozakiewicz: "Are you concluded, Mr. Graham?"

Glen W. Graham: "Yes."

Supervisor Kozakiewicz: "Any questions from the Board? The site plan would need to go to Architectural Review."

Glen W. Graham: "We have, I believe, were approved last night by the ARB and it's also been approved by the Planning Department."

Supervisor Kozakiewicz: "Okay, thank you. Mr. Kestling. Dawn, would you have Mr. Kestling sworn?"

Dawn Thomas: "Mr. Kestling, do you 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? I think I got that right."

Rolph Kestling: "I do."

Dawn Thomas: Spit that out quick, okay."

Rolph Kestling: "Rolph Kesting, Wading River. I know the site quite well. First question I want to ask, when were the tanks removed?"

Supervisor Kozakiewicz: "When?"

Rolph Kestling: "When? The old gas tanks."

Glen W. Graham: "I don't know for sure. I would imagine the early '80's."

Rolph Kestling: "I don't remember them being removed and I'm quite familiar, but it could have been. All right. The second thing which worries me a little. What worries me is when you go traveling west, passing the station, right where 25A goes, there's always the green light. Traffic whizzes down there past that station like mad to make that turn onto 25A so the only thing I'm saying are they investigating the traffic station? It is quite a busy intersection.

And then second of all around there is the Otis Pike Preserve and that's sort of sticking in the middle. I think it would be much nicer if somebody else bought that and made it part of the Preserves. Thank you."

Supervisor Kozakiewicz: "Thank you. Bill Kasperovich, and then the gentleman in the back."

Glen W. Graham: "With respect to the traffic. We had addressed that with-- the Fire Marshal had some good comments similar to yours about that corner. It's an odd intersection. And we are planning on making the westernmost curb cut of the property an exit only so it would alleviate some of the problem at that corner but we do understand that there- it's an existing problem but we really don't have any control of whether or not we can put up a light or so on.

And, I really can't address the second part."

Supervisor Kozakiewicz: "Bill?"

William Kasperovich: "Is this yours? Is this yours? William Kasperovich from Wading River."

Dawn Thomas: "Mr. Kasperovich, do you 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?"

William Kasperovich: "I swear under protest that I don't feel that you are the person to administer it by your past conduct and history. I do swear to tell the truth, the whole truth, and nothing but the truth, so help me, God."

Now, I've been fighting concealment and deception for many years around here. I was in and out of this Town Hall the entire day but I didn't see any of this. I am one of the public and I have not been shown this. Now, what are they hiding? I say if you don't inform the public on what the hearing is to be about, you should postpone it until such time as the public is informed.

Traffic-wise, this is no place for a more active gas station because of the traffic. And since the State modified and repaired this general area, we can't expect money to be spent in this particular area in the near future or maybe not even in the far future. So we are bringing in a lot more traffic in a difficult area and I hear the man say the solution hasn't been solved. And I say that if a solution hasn't been answered, the problem hasn't been addressed and solved because it hasn't been studied. It hasn't been conferred with the State.

So why are you hoodwinking the public by permitting this to go on? If the man's ashamed to put it up before the public out in the hallway, he should be ashamed to stand up here and talk about it. And I say put it off to the next meeting so that he could inform people and come up with solutions to the problem because the way this thing is, it will aggravate a difficult situation. It won't maintain the same, it will make it a lot worse and we shouldn't permit. Thank you."

Supervisor Kozakiewicz: "No, no. Yes. Dawn, I'm sorry."

Dawn Thomas: "Would you state your name, please?"

John Griffin: "John Griffin, Baiting Hollow."

Dawn Thomas: "Do you 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?"

John Griffin: "I do. The only question that I have on this is first of all, if it's going to be a gas station, I believe there was a gas station there in the past, I'd rather see the building that's being used than one that's abandoned.

The only question that I have is the lighting that they're going to use. The lighting has to be downward facing. As somebody that leave here in the dark of the morning and doesn't get home until the dark of night, when you pass the Fed Ex building, when you pass the new gas station on Route 71- no, entrance to 71, at the LIE, you are coming out of the dark, into the bright, back into the dark, into the bright, back into the dark. Your eyes can't get adjusted to it.

There are lights that can be downward facing and that's what should be used. Thank you."

Supervisor Kozakiewicz: "Thank you."

John Griffin: "I would also- so not to interfere with the F-14 monument that's highlighted at night."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Bob, I have a question that was asked- "

Supervisor Kozakiewicz: "Larry- I saw Larry come up- Larry- "

Councilman Kent: "Bob, can I just ask one question of the applicant and then Larry can speak."

Supervisor Kozakiewicz: "Sure."

Councilman Kent: "Is it currently operating as a repair shop? I know Tom's Country Motors or something like that."

Glen W. Graham: "Yes, it is."

Councilman Kent: "It's currently operating, right? So it's not vacant."

Glen W. Graham: "No."

Councilman Kent: "Okay."

Councilman Densieski: "It looks vacant."

Glen W. Graham: "We're planning on keeping the same operator there."

Councilman Kent: "Okay, thank you."

Supervisor Kozakiewicz: "Larry."

Larry Williams: "Larry Williams, Calverton National Cemetery."

Dawn Thomas: "Mr. Williams, do you 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?"

Larry Williams: "So help me, God. I just want to ask, I guess three questions. One is the cemetery will have a concern about the noise level. Though that property isn't developed right now, eventually the veterans and their dependents will be interred there. The second one is as the two gentlemen that spoke previously, as you know, Calverton, we have there between 30 and 40 burials a day and once that corner is developed, you are going to have additional traffic in that area. And the third thing is, I know recently the Federal government was required to go to aboveground storage tanks. This gentleman spoke about the in ground storage tanks. Could he speak about that more specifically? Thank you."

Supervisor Kozakiewicz: "Is there anyone else who would like to address this either for or against before I have Mr. Graham respond to those comments? Not seeing anybody, Mr. Graham, would you respond?"

Glen W. Graham: "Okay, I'll try to work backwards. With respect to underground storage tanks, Suffolk County Health Department has Article 12 and Article 17 which requires us to install double wall fiberglass storage tanks. The Town's Fire Marshal her does not even allow the above ground storage of gasoline. It's hazardous and I believe NFPA law doesn't allow it either. So we are required to put in double wall fiberglass tanks under ground."

With respect to the traffic, we had done our own study regarding similar sites. Currently we have an undeveloped site here but we're

predicting roughly about 80 cars an hour which is between the convenience store and the gasoline sales, but if the Town Board would prefer, we would be willing to adjourn the hearing until which time we could get a certified traffic study done.

I believe that's most of the questions. With regard to posting the site, the site had been posted, mailings have gone out, so no one is hiding anything here. We've been in front of four or five Board now up until this point and working on this project for a year."

Supervisor Kozakiewicz: "Okay. Thank you, Mr. Graham. Hand in the back. Oh, the noise issue."

Glen W. Graham: "Ah, I wouldn't think there would be any more noise than there is there right now. If anything, the noise may be quieter because the way we situated the floor plan of the building, the entire repair work is located behind the building, behind the "C" store, behind the fence. You actually have to drive into the site and around the back of the building to get to the repair bay so in anything it will be a quieter site."

Supervisor Kozakiewicz: "Okay. Thank you. Anybody else who would like to speak either for or against this special permit? Yes, Mr. Haizlip."

Steve Haizlip: "Steve Hiazlip of Calverton. My only concern is here-- "

Supervisor Kozakiewicz: "Dawn,-- "

Steve Haizlip: "Oop. Yup, hey, Dawn, you and I are sleeping."

Dawn Thomas: "Mr. Haizlip, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you, God?"

Steve Haizlip: "I do."

Supervisor Kozakiewicz: "Thank you."

Steve Haizlip: "My only concern here is the way that road is laid out and people going east and the light is before the station and if they decide to come in and there's traffic going pretty fast to go down 25A and then it's going to be difficult to try and get people to come in there from the- going east. So that's my concern there about

traffic cutting across and possibly getting involved there. Has any consideration been given that?"

Supervisor Kozakiewicz: "Mr. Graham, you have to come up to the mike to respond so we can take it on- that's right."

Glen W. Graham: "As I said earlier, we had looked at that problem and we are planning on having the westernmost curb cut exit only. So if you were coming from the east, it would allow you 200 feet further down the road and you would enter on the easternmost curb cut of the property."

Steve Haizlip: "Not coming from the east, going east."

Glen W. Graham: "Going east. That is correct. I'll show you on the site plan. East this way, you are heading east, the westernmost curb cut would be exit only so you would be entering the site from the easternmost curb cut to allow you 200 feet further to travel from the corner and we are not located exactly on the corner at the light, there is a buffer zone."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board for or against this proposition, this special permit? Not- Mr. Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. Living in Wading River coming to Riverhead I go by this area almost daily. The people that live here on the eastern side of Riverhead might not be fully focusing on where this is. And in case anybody doesn't know, it's the very location where one of our finest men in blue gave his life. This accident by Riverhead policeman was due in my judgment to the nature of the configuration of the traveling path, the green arrow and the frequency or the programmed timing of the red and green for 25 and the green arrow.

Green arrow is almost on continually but it's the same people going from 25 to 25A follow the green arrow, and that's on most of the time. Now, this I think is a major problem that should be resolved before any permit is issued. Thank you."

Supervisor Kozakiewicz: "Thank you. Anyone else who would like to address the Board either for or against this special permit application? Not seeing anybody's hand move, I declare the public

hearing closed, the time of 7:44 having arrived."

Glen W. Gratham: "Thank you."

Supervisor Kozakiewicz: "Thank you."

Public Hearing closed: 7:44 p.m.

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Supervisor Kozakiewicz: "While he's moving the displays and the renderings away, the time still being 7:44, Barbara, would you please read the affidavit of publishing and posting for the next public hearing?"

Public Hearing opened: 7:44 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York, on August 21, 2001, at 7:15 p.m. regarding the Eminent Domain Procedure Law with respect to the condemnation of 210 Court Street, reputed owner Clubhouse of Suffolk, Inc. Tax Map No. 0600-128-03-010."

Frank Isler: "May it please the Board, my name is Frank Isler. I'm a member of the firm of Smith, Finkelstein, Isler, Lundberg & Yakaboski here in Riverhead. We're special counsel to the Town of Riverhead in connection with these eminent domain proceedings. There are five public hearings scheduled on your agenda tonight. They're all inter-related but there are separate hearings on each of the five parcels that are involved.

The first hearing pertains to 210 Court Street and we have here for the record at the front of the room a map of the proposed taking area as well as a public hearing outline that's required under Article 2 of the Eminent Domain Law and we will make a copy of the outline and the map as part of the official record of this proceeding.

The purpose of this acquisition and the purpose of this public hearing is to advise the public as to the public need or necessity for the proposed eminent domain process. The acquisition of this parcel as well as the other ones on your agenda this evening are to complete the Town's acquisition of the block formed by Railroad Street, Osborne, Court Street and the side street that runs between Court Street and Railroad Street.

At the present time, the Town owns half of that block and if the eminent domain proceeding continues accordingly, the Town will be acquiring the balance of that block for the purpose of implementing its Urban Renewal Plan that was adopted in April of 1997 for the Railroad Street corridor.

The proposal- under that Urban Renewal Plan and under this current plan is to acquire these lots and assemble them for public purpose and in most likelihood for public parking in connection with the extension of the courthouse on Griffing Avenue. That's the presentation for this parcel."

Supervisor Kozakiewicz: "Thank you. Anybody who wishes to address the Board? Mr. Danowski."

Peter Danowski: "My name is Pete Danowski. I would like to say that I have had prior communications with Mr. Isler regarding this matter. My client represented by Mr. Michael Stohl is here tonight. I would like to give him an opportunity to speak to explain who the Clubhouse is and to merely say that we've attempted to and I think will continue to attempt to try to successfully negotiate a contract of sale in lieu of condemnation.

We have no objection- with two caveats. One is obviously how much the Town would offer to pay for the property. Obviously there's always the debate about market value. But as important is the need for us to remain in Town and relocate to another location in Town and wherever that location may be, we certainly have to comply with whatever regulations the Town puts us through to occupy the building.

So there is a concern here not just with the act of condemning but the time frame it would take to relocate within the Town.

With that said, I'd just like to have Mike come up here and just explain what his organization is all about. Thank you."

Supervisor Kozakiewicz: "Thank you."

Mike Stohl: "Thank you. I'm Mike Stohl, Executive Director of Clubhouse of Suffolk. We operate a psychiatric rehabilitation and support agency called- we operate under a division called Synergy Center (phonetic) at 210 Court Street.

What we do is provide case management and rehabilitation including vocational rehabilitation of adults over the age of 18 whose

lives have been affected by serious mental illness. We employ approximately 18 people, the majority of whom do live in the Town of Riverhead and about 45% of the people that we serve reside in the Town of Riverhead.

This Board and the Planning Board has been very supportive of our facility and the Town has in general been very supportive of our facility and we look forward for your continued support. If it's the will of the township that we relocate, we look forward to your support to help find a suitable other site within the Town."

Supervisor Kozakiewicz: "Is there a certain area requirement or building size that you're looking for?"

Mike Stohl: "Probably about six to eight thousand square feet and one of the requirements would be that it be near public transportation."

Supervisor Kozakiewicz: "Nobody else for Mr. Stohl? All right."

Mike Stohl: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board with respect to this public hearing concerning Clubhouse of Suffolk? Not seeing anybody move, I declare the public hearing closed the time of 7:50 having arrived."

Public Hearing closed: 7:50 p.m.

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Supervisor Kozakiewicz: "Barbara, would you- 7:50- the time still being 7:50 would you please read the affidavits of publishing and posting for the next public hearing?"

Public Hearing opened: 7:50 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 21, 2001, at 7:20 p.m. regarding the Eminent Domain Procedure Law with respect to the condemnation of 204 Court Street, reputed owned Edwin F. Tuccio. Tax Map No. 0600-128-03-011."

Supervisor Kozakiewicz: "Thank you, Barbara. Mr. Isler?"

Frank Isler: "Yes. This is the second parcel of the five on the public hearing agenda this evening. The reputed owner is Edward Fishel and also just for the record, Dorothy Muma (phonetic) is a part owner of the property.

The purpose of this acquisition is the same as the previous one and rather than take the public's time and go through the same exact presentation I made earlier with respect to the first one, it would equally apply to this one.

I would like to add in response to Mr. Danowski's comment that the Town has been and will continue to be in discussions with the property owners affected in these takings to attempt to achieve a mutual acceptable settlement of the valuation and acquisition of these parcels. We've been successful as a Town to do that with the balance of the properties that we've already acquired and we hope to continue to do that with these. We're just taking one step in a process that is a lengthy one and this is the first step to actually get the condemnation process going.

And I would again for the record indicate that there is a taking map and an outline of the public hearing purposes for this particular hearing as well and I'm going to make them part of the record."

Supervisor Kozakiewicz: "While Mr. Isler is stepping up, is there anybody else who would like to address the Board concerning this particular public hearing, for or against?"

Mr. Isler, would you please just for the record identify where this particular parcel is?"

Frank Isler: "This is on Court Street. It's #204. It's on the corner- it's escaped me the name of the side street there- Cedar Street. It's right on that corner of Cedar and Railroad Street on what would be the- "

Supervisor Kozakiewicz: "Cedar and Court."

Frank Isler: "Cedar and Court."

Supervisor Kozakiewicz: "So it would be the northwest- "

Frank Isler: "On the northwest corner."

Supervisor Kozakiewicz: "All right. Is there anybody who would

like to address the Board? Not seeing anybody indicate- wish to speak on this particular one, declare the public hearing closed, the time of 9:52 having arrived- I mean 7:52. Boy, I want to really get to the later time. Yeah, digital clock."

Public Hearing closed: 7:52 p.m.

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Supervisor Kozakiewicz: "Digital won't still work. The time of 7:53 having arrived, Barbara, would you please read the affidavit of publishing and posting and declare the next public hearing open?"

Public Hearing opened: 7:53 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 21, 2001 at 7:25 p.m. regarding the Eminent Domain Procedure Law with respect to the condemnation of 201 Railroad Street, reputed owner, Kevin and Daniel Conlan, tax map no. 0600-128-03-005."

Supervisor Kozakiewicz: "Mr. Isler."

Frank Isler: "Again, this is the third public hearing you're having on these acquisitions of the Railroad Street corridor. This property is owned by Kevin and Daniel Conlan. It is located on Railroad Street. The proposed taking is for the same purposes as the other two we've discussed this evening so far.

For the record, we have the public outline of the purposes of this taking in the front of the room as well as the taking map of this parcel and that being said, I'd adopt the comments we made earlier with respect to the other two takings to expedite the public hearing."

Supervisor Kozakiewicz: "This property is located on Railroad?"

Frank Isler: "Okay. Anybody who would wish to address the Board concerning the Eminent Domain Procedure Law hearing concerning property of Kevin Conlan? Not seeing anybody wish to speak, declare the public hearing closed, the time of 7:54 p.m. having arrived."

Public Hearing closed: 7:54 p.m.

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Public Hearing opened: 7:54 p.m.

Supervisor Kozakiewicz: "The time still being 7:54 p.m., open the next public hearing and ask Barbara if you would please read the affidavit of publishing and posting."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 21, 2001 at 7:30 p.m. regarding the Eminent Domain Procedure Law with respect to the condemnation of 217 Railroad Street, reputed owner, Kevin Conlan, tax map no. 0600-128-03-004."

Frank Isler: "May it please the Board? This property is adjacent to the west of the prior piece we just discussed. This address is 217 Railroad Street. It is located on Railroad Street pretty much across from the railroad station under construction. The owner of this property is just Kevin Conlan. The other piece was owned by the two of them together."

The purpose of this public taking is the same as the purpose described in the prior hearings we've had this evening. For the record, we do have before the public, the public hearing outline and a copy of the taking map for examination and rather than repeat the purposes again for this taking which is the same as the prior ones, I step aside."

Supervisor Kozakiewicz: "That being the case, anybody who would like to address the Board either for or against this particular public hearing? Not seeing anybody wish to speak, declare the public hearing closed, the time being 7:55 p.m."

Public Hearing closed: 7:55 p.m.

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Supervisor Kozakiewicz: "The time still being 7:55 p.m. declare the next public hearing open and ask you if you would, Barbara, read the affidavits of publishing and posting."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 21, 2001, at 7:35 p.m. regarding the Eminent Domain Procedure Law with respect to the condemnation of 207 Railroad Street, reputed owner MRH Realty, tax map no. 0600-128-03-006."

Supervisor Kozakiewicz: "Mr. Isler?"

Frank Isler: "Again, members of the Board and the public. This is the last of the parcels that complete the block made up of Cedar, Osborne and Railroad Street and Court Street. This property is located on the corner of Cedar and Railroad Street, that would be the southwest corner there.

The property is owned by MRH Realty and the purpose of this acquisition is the same as the purpose behind the other four we've held hearings on this evening. We have the public hearing outline and the taking map in front of the room for the public which we'll make part of the official here and that being said, I'll conclude."

Supervisor Kozakiewicz: "Anybody who would like to address the Board either for or against this particular public hearing? Mr. Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. We've gone through- this is the fifth unit- "

Supervisor Kozakiewicz: "Fifth parcel."

William Kasperovich: "-- fifth parcel that we're going to take off the tax rolls and we're going to put out money which with multiplying by five, you have a considerable sum and I don't know if the public is aware of how much that Riverhead township has got to put out for this. This is certainly not the appropriate or proper place to discuss the needs because we have gone so far and everybody seems to have swallowed the plan as inevitable but seeing as time has gone by that they forget just how much money this is going to cost.

We're talking now about a couple million bucks that we'll never see again. And this is a definite loss in the tax roll. It's not like somebody was doing something that the taxes would increase by virtue of whatever is being built. This is something that is going to disappear and I thought that the public should be aware of this as it goes on year by year. Since nothing was said four separate times, I thought at the fifth time I would bring it to everybody's attention. Thank you."

Supervisor Kozakiewicz: "Thank you. Is there anybody else who would like to address the Board with respect to this particular public hearing? Not seeing anybody indicate they wish to speak, declare the

public closed, the time of 8:00 p.m. having arrived."

Public Hearing closed: 8:00 p.m.

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Supervisor Kozakiewicz: "Thank you. The time still being 8:00 p.m., Barbara, would you read the affidavits of publishing and posting for the next public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 21, 2001, at 7:40 p.m. regarding the increase and improvement to the Sewer District concerning the purchase of a vacuum tank truck system for use by the District."

Supervisor Kozakiewicz: "Good evening, Michael."

Michael Reichel: "Good evening. My name is Michael Reichel, Superintendent of Riverhead Sewer District. The first public hearing that I'm on for tonight has to do with the increase and improvements to the Riverhead Sewer District namely the purchase of a vacuum tank truck system.

What that actually is it's a big pumper truck, okay. The purchase price is not to exceed \$65,500. It's to replace a 1971 vacuum tank truck that we presently have. Half of the purchase will come out of sewer; half will come out of scavenger because they both share it. And I'll be happy to answer any questions."

Councilman Densieski: "It's only 30 years old? It's worn out already?"

Michael Reichel: "It's served its useful life."

Councilman Kent: "Are we going to get half of the half from the Town of Southampton?"

Michael Reichel: "That's your job."

Supervisor Kozakiewicz: "Thank you, Michael. Anybody who would like to address the Board regarding the increase and improvement to the Sewer District for purposes of purchasing the vacuum truck system as described? Mr. Kasperovich. And did I see another hand go up in the back as well? Go ahead, Bill. I thought I did but there's not

anybody."

William Kasperovich: "Do you want me to tell you that I'm going to speak the truth again? It seems that we're in the mood to spend money tonight, that we have found the pot of gold somewhere that is going to pay for all this. Now, for the amount of use that the existing truck has gotten, we've got one of two situations. One, that it was a bad purchase to start with, secondly, that it wasn't maintained well.

Now, I don't think 65,000 will buy an up to date heavy duty Health Department approval that should last us for a long, long time. Now, I'm sure somebody along the line has compared this purchase to renting a unit as we need it. There are several companies with a good approved truck in the general- in the close area that could be available at a moment's notice at a reasonable cost. And it could be contracted as opposed to laying out money and the need of personnel to operate, the need of maintenance and upkeep as well as (inaudible) the initial expenditure.

I think there's merit to contracting with somebody to make up the difference until this 30 year model has gone defunct. That's about my view on this matter. Thank you."

Supervisor Kozakiewicz: "Thank you. A hand in the back. Mr. Griffin."

John Griffin: "A complete vacuum truck for 65,000? Why don't you buy one for me? You're not going to get a better deal than that. If in fact you got 30 years out of this one and he can get it for 65, you guys better jump on it."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board for or against? Mr. Haizlip. That was a pretty emphatic yes, I think."

Steve Haizlip: "Steve Haizlip of Calverton. Mr. Reichel, I guess after 30 years of use, this thing is beyond economical repair. Second question, is the dealer that you're buying from going to give you any trade-in allowance?"

Michael Reichel: "Actually he said he would charge us to take it away."

Supervisor Kozakiewicz: "Anybody else who would like to address

the Board? Michael, just a couple questions. The truck that you're looking to replace, how often was that truck used and what was the purpose for its use?"

Michael Reichel: "Probably two or three times a day we would use it. We would use it for moving sewage from one location to another. If we had to take a tank out of service, we would use that to pump it down. We would use it to vacuum any water that had drained from screening material, things like that. The boat pump out behind the river, behind Swezey's at the river, things of that nature."

Supervisor Kozakiewicz: "And this is a new truck we're talking about."

Michael Reichel: "This is brand new. It's a 19- I'm sorry, it's a 2001. Okay? The truck itself that we have right now is a '71, the tank is a 1962. The pump is a 1975."

Supervisor Kozakiewicz: "Thank you. Anybody else? Hand to the right."

Gregory Haupt: "My name is Gregory Haupt. This isn't in my area per se but out of curiosity do you also use this truck to, you know, pull out excess floodage and what have you? What is the capacity of the truck and also has it been fully depreciated? And, if so, then obviously the economic demands would dictate that we would need a new vehicle. If you use this truck to pull out excess flooding, you know, we have a lot of flooding problems in this community, South Jamesport especially. If you use this to pump out areas, it would be ideal to- based on the age of the truck- obviously fully depreciated."

I'm an Accounting and Comptroller in the private sector. Obviously we need new equipment to maintain our facilities, sewage-wise and publicly."

Supervisor Kozakiewicz: "I know we have a vacuum truck or maybe a couple now that I'm thinking about it with the Highway Department that we use for that purpose which is to take away drainage and flooding problems. This truck I think- I'm going to ask Michael to come up. He'll explain a little more what its capacity and what- I mean, I don't know how he can explain it delicately in further detail, but what is the capacity, Michael, since it's been asked."

Michael Reichel: "It's a 2,000 gallon truck. The one that we

have right now is a thousand gallon tank. When we use it, you have to make several trips as opposed to a larger tank where you just make less amount of trips.

As far as using it to pump out on flooding situations, it could possibly be used for that in an emergency."

Supervisor Kozakiewicz: "The present truck has not been used for that purpose though?"

Michael Reichel: "We don't even take it out of the yard anymore."

Gregory Haupt: "Thank you very much. I have no more questions."

Supervisor Kozakiewicz: "Thank you. Anybody else? Seeing no one, declare the public hearing closed, the time of 8:10 p.m. having arrived."

Public Hearing closed: 8:10 p.m.

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Supervisor Kozakiewicz: "And the time of 8:10 p.m. still being here, declare the last public hearing open. Barbara, would you read the affidavit of publishing and posting, please?"

Public Hearing opened: 8:10 p.m

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on August 21, 2001, at 7:45 p.m. regarding the increase and improvements to the Sewer District regarding the purchase and installation of an alarm system for the District."

Supervisor Kozakiewicz: "I think this one's a little bit of deja vu. Michael- Superintendent Reichel."

Michael Reichel: "What we did was we went out to bid on upgrading the alarm system at the treatment plant and at the pump stations and the bids came in at \$37,500. What we've done is we've taken the equipment that was in the bid and we changed the specification to include backup equipment for the alarm system. So if the first alarm was to fail, your backup would take over. Okay. That

change- we did do a public hearing on the first amount. The new amount of \$57,500 so it's an increase of \$20,000. And that's to be paid for from existing funds."

Supervisor Kozakiewicz: "Would you please explain the purpose of the alarm system that you're looking to utilize or obtain for the plant? What does it do? What- how does it help you run your operation?"

Michael Reichel: "The way the system works right now is we're alarmed for burglar, fire and high level alarm and that's at the pump stations. If there's an alarm, we have to leave where we're at, go down to the treatment plant, look on the panel, find out where the problem is, which pump station it's at, and we don't know what the problem is until we get to the pump station. So then you've got to drive from there to the pump station, find out what the problem is and then assess it and correct it."

What this system will do is it will be able to tell us when it first calls us at home, you have a fire alarm at plaza pump station, you have a high level at Elton Street pump station, you have an entry alarm at Ostrander pump station. It tells you what the problem is and what location it's at so you can act on it a lot faster and avoid health hazards and for, you know, greater health hazards."

Supervisor Kozakiewicz: "So you're looking to be able to identify the exact location of the problem and what type of problem it is right from the get go rather than having to go to the treatment plant and look at the signals or the dials?"

Michael Reichel: "That's correct."

Supervisor Kozakiewicz: "Okay."

Michael Reichel: "A lot of time is saved with this and the potential for hazard is greatly reduced. The public hearing for tonight though is for the additional funds. Okay? We told the public that we were going to spend \$37,500. We've changed the specification for the backup alarm system and now we need to spend \$20,000 more so that's the purpose- "

Supervisor Kozakiewicz: "So it's a total of- "

Michael Reichel: "It's a total of \$57,500."

Supervisor Kozakiewicz: "Thank you."

Councilman Kent: "Michael, is this alarm designed to detect any shut down in the system that would allow a discharge of untreated effluent or is that a different system?"

Michael Reichel: "This would also tell us any failures at the plant and what those failures are so that we, you know, we know what to do when we get down there. As far as preventing those things, we take all those measures that we can to prevent those things from happening in the first place. We're on a 16 hour shift now where we used to be only be on an eight hour shift. Okay? So all the precautions to prevent any untreated discharge has already been taken. But this is a much more efficient system to let us know is something is going the wrong way so to speak."

Supervisor Kozakiewicz: "You say there would be a call made out when a problem would arise. Who does the call go to or does it go broadcasted it to all the people who would receive the call?"

Michael Reichel: "Well, first the alarm would go first to the central station, the monitoring station. The monitoring station has a list of phone numbers for a call out for who gets- who gets dispatched to go and check out the problem."

Superviosr Kozakiewicz: "Okay, any other questions from the Board? Anybody else who would like to- yes, Mr. Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. Excuse me. It's not a happy moment for me to get into or make a comment about something that I've been harping on from way back when. From the original installation of the units. This is a concession that the sophisticated world of control has passed us by and we're trying to catch up to it.

I-- from the description made- I don't know what measurements are made for what units to set off alarms. Is all this on the electrical aspects of the units or is it only for the flow? Now, flow in velocity and volume is a variable thing and the cost of units to measure any one type is very expensive. So what (inaudible) we are putting our fingers on to answer us electronically that we have a problem in this item? This we have to catch up to no matter what it costs us. We cannot tolerate a disruption of the sewage system.

At the same time when I hear a gentleman say it comes up on the

main panel and then somebody finds out who to call, then it's confusing. You are going from a sophisticated control back to the human element. If that man is not there or something befalls him or he is on his way to the location and something happens in transit, you're back to the human element again. You're going from the mechanical and electrical down to the basic human function.

Now, I think this is overlooking one of the major concerns of getting a man to the troubled place. That link seems to have been lost. And thank you."

Supervisor Kozakiewicz: "Thank you. Anyone else who would like to speak either for or against this particular- yes, Mr. Griffin."

John Griffin: "John Griffin, Baiting Hollow. The- \$37,000 I'm assuming- can I address- just ask one question?"

Supervisor Kozakiewicz: "I'll ask him to come up as soon as you- "

John Griffin: "Okay, \$37,000 was already proposed- "

Supervisor Kozakiewicz: "There was a 202B hearing for that expenditure."

John Griffin: "Right. And that was- I'm assuming that what we have now is a local alarm because what was mentioned was communication to a central station. So I'm assuming that's an upgrade. Okay? That's one question. The other question- another question I have is \$20,000 additional for a backup system. I haven't heard what the backup system is. Okay? What does that mean? Battery backup? That's an awful expensive battery. I don't know.

And the bids were received. How many bids were received and how many were sent out? Because that \$20,000 backup seems like an awful lot of money."

Supervisor Kozakiewicz: "Okay. I'll have Superintendent Reichel explain- address both those questions."

Michael Reichel: "Okay. The system that we have right now, it uses dedicated phone lines. All right. These phone lines have been in place for a long time. We pay around \$360 a month for these phone lines. We are switching over to radio controlled frequency so we won't need those leased phone lines anymore so there's going to be

about a \$360 a year- a month savings."

Supervisor Kozakiewicz: "Now when you say the dedicated phone line- the dedicated phone lines do what? Just so we're clear that they pick up the problem at the plant- "

Michael Reichel: "They pick up the problem at the location. They send the signal to the treatment plant through a single wire, not through multiple user wire. These are dedicated circuits. It goes to the treatment plant. The treatment plant sends a signal to right now a central station, okay? We are going to eliminate these lines. We are going to be using a radio controlled frequency. We were - "

Supervisor Kozakiewicz: "So each site would have a- "

Michael Reichel: "Has a little transmitter with a little antenna that sends out a signal and it poles, and it sends the signal back and forth to the central station every 30 seconds just to do a handshake to make sure it's still working."

Supervisor Kozakiewicz: "Okay."

Michael Reichel: "And when it activates it sends a full blown signal to the central station telling them what the problem is. Okay. If that system was to fail, the equipment that we're looking to put in that we changed in the spec, would allow for a telephone line as a backup system. The first system didn't have the back up system. The equipment in, the equipment that's to be installed at the station. Did I explain that all right?"

Supervisor Kozakiewicz: "I- I'm not sure. So there would be a transmitter that would be at each of the pump stations and at the plant, the grounds themselves. And if there's a failure at any one of those for some reason, then it would go back to a dedicated line?"

Michael Reichel: "If- right. If there's a failure with the transmitter equipment and there is an alarm condition, it will send a signal through the phone line."

Supervisor Kozakiewicz: "Is that what the back up is that's being referred to earlier?"

Michael Reichel: "Yes. The backup is the phone line, okay? It's not a dedicated circuit. Right now we have two phone lines going in and out of the station, one is a regular dial up phone line the

other is a dedicated circuit line that we use for the alarms. All right?

The equipment that was originally proposed would not read through a phone line. The addition to the equipment that we're installing would accommodate the telephone line."

Supervisor Kozakiewicz: "And this is the \$20,000 that's additional? This backup for the phone line?"

Michael Reichel: "Right. That's correct. This is additional equipment that has to go into the panels. There's 18 different sites between the treatment plant and the different pump stations throughout the district. We did go out to bid three times- sorry, four times."

Supervisor Kozakiewicz: "That was going to be the next question because, I think, that question was asked, how many times have we gone out to bid? How many bids have we received?"

Michael Reichel: "Right. We went out to bid the first time and we received one bid. We changed the specification. We went out to bid, we got one bid from a different vendor who was from Scarsdale, New York. Then we went out to bid again, we got no bids. We went out to bid a fourth time, we got a local- well, not a local bidder, but a bidder from Bohemia. And that's where the central station will be. The signals will go from the individual pump stations to the central pump station and they're the ones that are going to be monitoring it. Okay?"

Supervisor Kozakiewicz: "Did that address it adequately, Mr. Griffin, or did you have other questions?"

John Griffin: "The RF signal- the RF signal is going to be your primary. The RF signal is a line of site communication. It is affected by weather, it's affected by wind, it's affected by the trees. And at best it's only 90% efficient. So you've got that 10% that's going to fall back on the \$20,000 phone line. There's something wrong here. It doesn't make- my company- the company that I work with does this stuff. It's just not making- it's not adding up."

Supervisor Kozakiewicz: "Anybody else who would like to- or, Michael, do you want to comment to that, or anybody else who would like to comment with respect to this particular public hearing, either for against it?"

Michael Reichel: "Because right now, the phone lines that we have we're finding those to be more faulty, that's why we're switching over to a radio controlled frequency that doesn't deal with any physical wires that go from one station to another. And if we call the phone company, let them know that we have a phone line problem, it's two or three days by the time they come out to make the repair. For those two or three days, the system isn't being watched. There's no alarm on it that system for the time that that system is down."

Supervisor Kozakiewicz: "Okay. My- anybody else? Any further comments for or against? Not seeing anybody, I declare the public hearing closed at the time of 9:26 p.m., and I think that- I mean 8:26, I'm sorry. I want to keep going for some reason to 9:00 tonight. 8:26 p.m. I know we're going to be here at that time. I guess I just presume- "

Public Hearing closed: 8:26 p.m.

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Supervisor Kozakiewicz: "That brings us to the open comment period. I do have some cards here. I'm going to try and go through the cards. I've been asked to be a little bit more stringent on the application of the five minute rule so that we can get through all the speakers and let everybody who has come here tonight have a chance to be heard. I'm going to ask you to give the speaker at the podium their respect, let them say what they've come here to tell us as far as what they believe to be an important issue for us to hear, and hopefully we'll be able to get to all of you in a quick, courteous and expeditious fashion. Saying that, the first card I have on top is Vasso Patrikis. Yes?"

Vasso Patrikis: "Okay. I'm going to talk about Resolution 866. Okay? I think you have your sections mixed up. 594 applies to a new franchise agreement and 591 is the one that you should be talking about which is for renewal. It's a renewal agreement. When you go to renew your driver's license, if you need glasses, they're not going to tell you you have to take the road test again and get a new license. So, that is an example that I'm giving you to understand what I'm trying to say. That we already have an agreement and that agreement automatically renews every six months by law. All right.

For section 591, you don't even need a committee that you're talking about. You are starting with whoever you want to replace Zabby and that's the whole thing. You're asking for big headaches.

The more people you are going to have, the more headaches you are going to have, I think. I bet you didn't even check with your attorneys in Florida if you should go with Section 594 or 591, the correct one, for renewal.

I want to know and you can answer me later, that I don't lose any of my minutes, I want to know why you want to get rid of Zabby. She's caught between your political football. She worked so hard in this Cablevision matter and she's constantly under attack. Everything that she pointed out to you was ignored and you know that it was right.

Now, I'm going to go back here and I'm going to read something about the first channel which we have, 70, is the channel that we already have and that's supposed to be a public educational governmental channel but you took the government out when you took the Board meetings out and you put them on 88 and 86, whichever applied, you have a box or if you don't. And there is no governmental problems on television on channel 70 now. Sometimes you put them and sometimes you don't.

I believe that according to law 595, this channel 71 that you negotiated, Bob, is the one that we should have gotten free upon signing the new franchise agreement. So, which one took the time to check everything about Cablevision as much as Zabby did? You should- you cannot throw out the whole situation about this and I don't know if you will. You should please table it and be a little bit more informative.

According to the Federal Communication- Federal Communication fact sheet here, it says that the town- franchise authority of Cablevision is the one that should make all the changes and everything. You don't really need to have a committee. But the reason that you're having the committee, I believe 417 and I recall that date because it's my daughter's birthday, I believe you (inaudible) away with a committee that you already had. And now you want to create a committee and I don't know why you want a committee if you already said you don't need a committee. The only thing is- that I can think of is because you want to get rid of Zabby. Ed tried for five times, he was unsuccessful. And now is the sixth time and I just hope that you will think about it and you will table it and talk a little bit more about it because as I see this resolution here, you're mixed up with the 94 and 91.

Most of the municipalities make those decisions. You don't need and over here in one of them here, 594, there's no 594. It's 595.4.

I think something is wrong here. Am I correct?"

Supervisor Kozakiewicz: "It is 595.4"

Vasso Patrikis: "Right. So, if this is the case I think you haven't done your homework- right, and I think you need to table it to do your homework. That's what I think. I mean, I think we are a family here and should work together not against each other. If somebody has a little more knowledge- she took a lot of time to investigate certain things and I know you're looking at the time, Bob."

Supervisor Kozakiewicz: "I've been asked to be a little more consistent in that and not treat people differently."

Vasso Patrikis: "I understand- I understand that. And I'm not here- I'm not for a Party- I don't care if somebody is a Republican or a Democrat. I'm- I go for the person, okay? And I think it's very, very important that we work together and not against each other and I think by trying to have this committee you are trying to replace Zabby and I think according to 591, you have to have the public represent a committee. You have a committee. You do not need a committee for 594- 94.5, whatever. You don't need a committee. To have a committee, I- "

Supervisor Kozakiewicz: "I'm going to ask you to sum up."

Vasso Patrikis: "All right. I will sum up. My point is that I'm not represent- I'm the public. By taking Zabby out it's like going against the public. And I think that will be a big mistake. You better think about it, put your hand on your hearts, and just think what is right. And I don't think you should vote on that tonight. I think you should have a little more time since you have everything mixed up with the numbers here."

Supervisor Kozakiewicz: "Okay, thank you."

Vasso Patrikis: "94."

Supervisor Kozakiewicz: "Thank you."

Vasso Patrikis: "Okay? Thank you very much."

Supervisor Kozakiewicz: "Gus LaPorto."

Gus LaPorto: "Gus LaPorto. I am speaking about R&R Mobile Park. I spoke to you about 18 months ago. Nothing is being done, Bob, nothing. They're putting in oversized mobiles in there now. Nothing is being done in 18 months. Can you tell me why?"

Supervisor Kozakiewicz: "I don't want to eat up your five minutes. I believe you are wrong. We have been in there. We've done enforcement; we've done Chapter 54's; we've done other enforcement tools. We have them in court often, if not almost always. Therefore, I have to respectfully disagree with your comment or observation that nothing's being done."

Gus LaPorto: "Well, I'll disagree with you."

Supervisor Kozakiewicz: "Fine. Thank you."

Gus LaPorto: "You and I take a ride there tomorrow."

Supervisor Kozakiewicz: "Okay."

Gus LaPorto: "They've got 80 foot mobile homes. The property is only 40 by 90. Eighty foot mobile homes. Three stacked up side by side. You tell me is that legit? Is that legit?"

Supervisor Kozakiewicz: "Have you spoken with the Building Department or Code Enforcement on this issue?"

Gus LaPorto: "Him and I don't get along."

Supervisor Kozakiewicz: "All right. Because I mean they are the department that I'm going to take this under and then take under advisement and then go to tomorrow to get the question."

Gus LaPorto: "I wish you would."

Supervisor Kozakiewicz: "I am receiving a note from the Town Attorney that they paid already thousands in fines and were in compliance. So- "

Gus LaPorto: "That's only peanut money they are paying you. For what they have, they're going on. Those mobiles are oversized for that property. Let's get with it. You make the bylaws. You go to the office, Building office, it doesn't state that. You've got to have so many feet from each mobile, 15 or 25. You don't have that. You're letting them come in with oversized mobiles. Right now. Right

now. Thank you."

Supervisor Kozakiewicz: "Okay. We'll- thank you. Ann Morrow."

Ann Morrow: "Good evening, gentlemen. My name is Ann Morrow. I live in Baiting Hollow. I wish I did not- I was not up here speaking to you tonight but at about 3:30, 4:00 this afternoon, a woman died quite tragically, quite horribly, quite horrifically in an automobile accident at the corner of Edwards Avenue and Sound Avenue where we have pleaded with this Board and previous Boards for a traffic light. Her husband I believe was airlifted to Stony Brook. The driver of the truck, I don't believe was injured.

All of us who were there in the neighborhood at the time, and there were a lot of neighbors who saw the after effects were greatly affected by this. As one neighbor who has been there for many years said it was the worst that she's ever seen and we've seen a lot of horrible accidents.

Now I was led to believe- I believe by a previous comment that that light would be up by June 15<sup>th</sup>. You didn't?"

Supervisor Kozakiewicz: "No, I think I said Fall."

Ann Morrow: "Okay."

Supervisor Kozakiewicz: "Because we were looking to negotiate easements and agreements with the property owners on the respective corners in order to place the light. The idea was to place them back or set them back so that future expansion or widening could be done at that location."

Ann Morrow: "Well, I don't mean- the story is dramatic enough. The need is horrific. And this is an intersection that I am telling each of you tonight has got to be addressed as a priority and something has got to be done because the Fall traffic will only pick up, it will only get worse. It is a horrible intersection. There has got to be something done as a priority to address the situation with the pressure on whatever parts.

We are busy condemning buildings and we are busy doing things all over town to make areas better to look at. We need to make sure that the corners and the intersections are safe to drive through. And I offer that. And that woman's name tonight, I don't know who she was but it was a horrible accident and I plead with you, once again,

please attach a sense of priority and whatever emphasis you have to get a solution to the traffic at that corner.

The neighbors are in agreement, including, I believe, at least three of the four corners that that light and whatever a solution has to be worked out. So I urge you to do that. Thank you."

Supervisor Kozakiewicz: "Thank you. Kathleen Maglavede."

Kathleen Maglavede: "Good evening. My husband and I own a parcel of property which is about 300 feet from where you are proposing the burn building."

Supervisor Kozakiewicz: "Where the fire district is proposing the burn building."

Kathleen Maglavede: "Right. We put our entire life savings into that house. When we first bought it we were only told that they were going to put up a fire house there. A fire house would not affect us in the least. A burn building would. We put up with a lot of racing up and down our street. We have to, we bought the property on a main road.

But when we bought the property, we checked around us for farm preservation. A fire house was okay with us. We're very disappointed. We pay a lot of tax for that piece of property and we feel very hurt that they would do something like that after the original agreement was just a fire house. And I'm one of the names on the petition that you received and we would like you to reconsider- have them reconsider looking for a different piece of property to put that house on. Thank you."

Supervisor Kozakiewicz: "Thank you. John Griffin."

John Griffin: "Sound Avenue and- that intersection is terrible. I didn't know about the accident. It's tough to compete with that. So be it.

A couple of things that I have- a couple of questions for the Town Board. I was at a Town Board- as I told you before, I leave here in the morning and I get home at night in the dark so the lighting at that place affects me. What also affects me is that I don't get a chance very often to come down to these Town Board meetings. I was down at a Town Board meeting some time ago when the Town Board told one of the citizens that was having a problem with the sanitation

pickup, which is what I'm having a problem with now. That they would have to go- call- that they should call Crown Recycling to straighten out the problem. Crown Recycling is the company that's awarded the Town contract for picking up the sanitation in Baiting Hollow, or at least in my area. Is that correct?"

(Unidentified): "Yes."

John Griffin: "All right. SO they are the people I've got to call?"

Councilman Densieski: "No, you can call here."

Supervisor Kozakiewicz: "No, you should call- you can call here. What is it, extension 391?"

Councilman Densieski: "Yes."

Supervisor Kozakiewicz: "391 and if you have a problem. What type of problem are you experiencing, Mr. Griffin? Is it that they are not picking up on particular days?"

John Griffin: "Yeah, it seems like they don't see my house."

Supervisor Kozakiewicz: "And you have it out by 6:00 in the morning?"

John Griffin: "Oh yeah, I leave at 5."

Supervisor Kozakiewicz: "Okay. Okay."

John Griffin: "Okay."

Supervisor Kozakiewicz: "And this is the MSW or the paper or the other days, what is it the first pickup of the week or all of them?"

John Griffin: "Pick a choice. Pick a choice."

Supervisor Kozakiewicz: "Okay."

John Griffin: "It's random. It doesn't happen every day."

Supervisor Kozakiewicz: "Okay."

John Griffin: "But it just seems to, you know, happen.

The next question that I have is about this Cablevision issue. Again, I work during the day. I don't get the opportunity to come down to the Town Board meetings that start at 7:00 p.m. I happened to get off early today, thank goodness, but the meetings at 2:00 in the afternoon are very difficult, if not impossible for me to attend.

I used to watch the meetings on channel 70 at 7:00 on Friday night and as Martha (inaudible) would say, that's a good thing. Because I could get to see them, okay. Unfortunately, on channel 70, I wound up seeing it move to 8:00. The next time that I went to look at it on channel 70, it started at 9:45. Something- I don't know. Something happened to that 7:00 time.

Then I got told that it moved to channel 88, which I can't get. So I called Cablevision and they told me that I can't get it. But and then it was on Friday at 4:00 which is as good as me not being able to see it at all. I can't get channel 88; I can't get channel 86. They told me I could get it if I paid \$2.97 for a converter. Then I was told I had to move to channel 71. You all know what's on channel 71 when they're not there.

If I had children and I do not, but if I had children, I would want them to get involved with the town political process but I am not going- I would not let them watch it when there's a chance of pornography on the same channel. You've got to get these things back to our own channel so we can see them and I would suggest that you have them at- I don't know, maybe at 10:00 in the morning and 7:00 at night to people who work nights can see them in the daytime. People who work in the daytime can see them at night.

I was down at- that's number two. I was down at another Town Board meeting that I was able to make and that you approved some money to be spent for the web site. Do you remember how much money that was about?"

Supervisor Kozakiewicz: "I don't recall. No."

John Griffin: "It was pretty expensive. It was somewhere, probably around- "

Supervisor Kozakiewicz: "Seventy five hundred?"

John Griffin: "I think it was around 75 or \$10,000, in that

range. Okay, to upgrade the site. The site was revamped maybe two to three months ago and it is impressive. I look at it from my office, pictures, changing over, and the time and the date and all of that stuff. And it's really nice. But I started to look into it and there was some errors that I think you guys need to be made aware of so that you can square them away.

The Town Hall calendar, we don't do anything in Town Hall. It's a perfectly white calendar for the whole year."

Supervisor Kozakiewicz: "Okay."

John Griffin: "The budget page, we do have a 2001 budget, I'm assuming."

Supervisor Kozakiewicz: "Yes, we do."

John Griffin: "We're showing the 1999 budget. Okay? I don't know why- "

Councilman Densieski: "Things were cheaper then."

John Griffin: "I'm assuming we had one."

Supervisor Kozakiewicz: "We do."

John Griffin: "Okay. The Town Hall meeting page. I heard last- when I watched this thing on television the other night, the Town Board meeting, last Friday night, that a woman wanted to talk on a subject you're about to vote on. I don't remember what it was. And she was told that the meeting started at 2:00 which it did. And the comment portion was ended. She stated that she was told that the meeting was scheduled for 7:00 p.m. Well, this is exactly what you're saying on the public meeting page and I'll quote from the Board meeting.

The Board meetings first and third Tuesday of the month at 7:00 p.m. This information is incorrect but it's being announced to everybody.

Okay, as far as I know there are seven meetings that start at 2:00."

Supervisor Kozakiewicz: "That was adopted by the first resolution. The organizational meeting of this year, there were

specific dates and times which were made part of the public record and they're posted on the various bulletin boards around Town Hall."

John Griffin: "Except the Internet which is posted to everybody."

Supervisor Kozakiewicz: "Right. Right."

John Griffin: "The public hearings page, I hope you guys are taking notes because- "

Supervisor Kozakiewicz: "I am. I am."

John Griffin: "Okay."

Supervisor Kozakiewicz: "I don't know if I'm going to be in trouble because I'm not enforcing the five minute rule on you."

John Griffin: "All right. The public- well, if you want, I can just give you this."

Supervisor Kozakiewicz: "If you could."

John Griffin: "The public hearings- I'll e-mail it to you, Bob, I'll get your address."

Supervisor Kozakiewicz: "Okay."

John Griffin: "The public hearings page, the last posting here was from March 22, 2001. I know we've had public hearings since then and this is August. Okay? What is printed on that page is a press release; it's not a public hearing. Okay?"

Supervisor Kozakiewicz: "Okay."

John Griffin: "The resolutions that are coming up for public comment should be placed on this page in advance so that we can get to see them and in their entirety, not just the numbers, so that we have to line up here at 7:00 at night trying to scrounge up to see who is going to- you know, to see what we're looking for."

Lastly, I discovered that we had a Sanitation Department head. That's listed on the web site. And he probably has an assistant. Most Department heads do. Crown Recycling is my contractor. Why do we have a Sanitation Department head. I don't understand. And he's

obviously making a salary and benefits and possibly a car. I don't know. Okay? And his assistant, what is the Department costing me in taxes?

To sum it up, I'm aware that you guys can't do all of the every day things that has to be done in Town Hall but you have Department heads that are supposed to be doing that for you. Their not doing it. As you saw tonight, I don't mind you guys spending money when it's worthwhile, but if it's not being spent- and you're spending my money not worthwhile, then something is wrong. And I work hard for my money and I hope you guys have some respect for it.

And I'll e-mail you this whole thing. Okay, Bob?"

Supervisor Kozakiewicz: "If you want to, you can- I can get a copy of that today and have it- would you make a copy of that?"

John Griffin: "No, you can't have my notes."

Supervisor Kozakiewicz: "I'm just saying the information you just gave. You read from the page."

John Griffin: "They're my notes. I've got notes on them."

Supervisor Kozakiewicz: "All right."

John Griffin: "Okay?"

Supervisor Kozakiewicz: "Thank you. Robert Bogo (phonetic), am I getting it right? This is on the Country Inn, he may have left. David DiCeasar- Rolph Kestling."

Rolph Kestling: "Rolph Kestling, Wading River. On the Hulse Landing parking lot on the Sound, remember those seven trees had died and most graciously you planted four of them at \$200 apiece. Well, one of them was destroyed this weekend. A car ran right over it. I hear there was a big wild party down there Saturday, the police were called and they came down 45 minutes later, I understand, and nothing actually was done. So you lost a \$200 tree because of the poor design of the parking lot.

Okay, second. You know that great big sign with the town code on it says no parking hours such and such and such and such. There's graffiti all over the thing. You can't read it. So I guess that means anybody that gets a ticket down there says, well, you can't read

the sign and it will be dismissed and they'll get away it.

Number three. The town replaced some signs that are continually being destroyed down there. I would suggest that if you put any more signs on there, wait until the season is the over and the people on the Sound, kids go home. Because they're the ones that are doing most of the destruction down there.

On Cedar Road, you replaced the sign. Only happens, the sign says Cedar Drive; it's not Cedar Road. I mean the town doesn't know which- the name of their roads and on the pole right out there- right across from it, the Cedar Road sign is still visible. But here it says Cedar Road and there it says Cedar Drive.

Okay, let's go about people parking down there without stickers. Now generally depending on weather and my health between- somewhere between 6 and 7:00 I take my walk down to the beach. If there are quite a few cars down there, I'm always sure to find one or two without a parking sticker. And they park there overnight sometimes. No parking sticker. Police don't go down there? Well, maybe they do go down there. Well, for God sakes, let them get out of the car and take a look especially when the cars are parked with the front end up against the woods. If you go past with a car, you don't see what's on the sticker. Normally I would say on a Saturday, we go down- probably go down twice, you've got at least a half a dozen cars without stickers down there. Why don't you enforce the laws down there? You're supposed to.

People call up. I have some people that have a bird's eye view of it and they call up when they see something, sure, the police come 45 minutes later, a half an hour later, whenever they feel like. They come and they talk in cars, no tickets. You see these cars that don't have the bumper sticker on, you don't see a ticket sitting on the windshield. What's happening?"

Supervisor Kozakiewicz: "Well, I don't know about Hulse Landing, I wasn't up there. But Sunday I did take a ride up to Roanoke Avenue beach which is north of Roanoke Beach and I did go down there for a moment and there were four or five cars parked without permits and all four or five of those cars had yellow uniform traffic tickets on."

Rolph Kestling: "Yeah, that's Roanoke Beach. But come on down to Hulse Landing. I will pass it along. I don't know does anybody register this information with the police department?"

Rolph Kestling: "Well, they say they call up the police department and they do show up a half an hour, forty-five minutes later. By that time, everybody's gone."

Supervisor Kozakiewicz: "Well, you just said they were there all night."

Rolph Kestling: "The cars are there- "

Supervisor Kozakiewicz: "You just said the cars are there all night, so- "

Rolph Kestling: "Yeah, okay, some of the cars."

Supervisor Kozakiewicz: "So if they're there for all night, then clearly if they arrive a half an hour late, they're going to have plenty of time to ticket them."

Rolph Kestling: "Yeah, there was one car that was parked down there, I think my wife seen the car pull up I think it was Saturday afternoon- yeah, she seen the person get out of the car. He didn't go down to the beach. He went up to visit somebody up in Wildwood Hills. The car was still there in the morning."

Supervisor Kozakiewicz: "Okay."

Rolph Kestling: "Okay. Did my five minutes. Thank you."

Supervisor Kozakiewicz: "Thank you. Steve Haizlip."

Steve Haizlip: "Steve Haizlip from Calverton. I- yesterday the 20<sup>th</sup> of August at 11:00, Mike Carraciola and myself turned the power on, the light at Harrison Avenue and 58. It was two years and 13 days in the making, but it's there and I do hope and know that it will prevent accidents and save lives. I was hoping that I would be able to get to Sound Avenue and Edwards Avenue within the next 40 days which I- you said from your seat there that it would be in in September, but no specified date, so I would give you until the end of the month. And I was hoping that I would be able to do the same there but a fatality has occurred. On the 12<sup>th</sup> of January I put in all the documentation and diagrams and sketches and turned in pictures of an accident on that day. And the County maybe they've got to take longer, but in the Town, as small as we are, why do we have to take so long? We're already something like 18 months in this here endeavor, make it 19. All right."

We've going- the abandoned post office. I got a letter here from the postal system. All it says is the contractor defaulted and they're now in litigation. But to me that don't stop the postal service with the money they're getting on our postal fees and the sales that they're making in their lobbies, to get somebody in there and at least cut them bushes down and clean up a little bit. No, they didn't want to address that. But I did, and they didn't want to address it.

So, it seems like the Town- we have got you and we are the Federal government and you can go you know where. That's what it boils down to.

The next scheduled blood drive for the Golden Donors is the 4<sup>th</sup> of September. Whether or not they'll invoke those extended hours that you spoke about, I'm not quite sure. Now- "

Supervisor Kozakiewicz: "What time would that be?"

Steve Haizlip: "Well, they always usually go 8:30 to 2 but you- "

Supervisor Kozakiewicz: "So you don't know yet whether they're going to- "

Steve Haizlip: "I don't know yet."

Supervisor Kozakiewicz: "Okay."

Steve Haizlip: "I put a call in to Linda Mugerford (phonetic) today and- but she hasn't got back to me when I got down here. And I wanted to ask her those very things.

George Schmelzer called me. He said he's not able to come down tonight; he's not feeling that well yet but he wanted me to extend his usual complaint, extend the expressway."

Supervisor Kozakiewicz: "Even when he's not here."

Steve Haizlip: "Now, on Resolution 866, I hate to see (inaudible) invoked from one of our prior Supervisors which if he didn't like something, he didn't like somebody, he didn't like what they were doing, he'd get them removed. I think Denise Civiletti mentioned that in her column that she had a battle once with a former Supervisor against her better wishes and she wouldn't do it again.

So, I remember from the company, when someone is doing a good job and yelling and hollering to get something, they don't like them too much. They try to replace them. I hope that don't happen here.

I have another. Resolution 910. On July the 16<sup>th</sup>, everybody except Mr. Cardinale was at the Ramada Inn and the invite was by Cablevision and it was chowing up and watering down. Now, I certainly hope that this little luncheon deal didn't get people pumped up for Cablevision to get in your best pocket without consideration of channel 70 or 71, whatever they want to select, but come on at a proper time, 7:00 so people can see it that's not able to get here as Mr. Griffin pointed out in there.

Then also my last comment would be the senior citizen discount. We've been promised it. I'm not going over that again. You've heard me before. They lied and they're going to connive again if you don't fight for it. All right.

The last one, quickie, the word demonstration in 903. I don't understand-- Riverhead landfill reclamation demonstration project. Does this mean demolition? I don't know. That's what I'm asking."

Supervisor Kozakiewicz: "It's a mining project where we'll be taking waste out of the sand but the reason it's called a demonstration project is because it's on a smaller scale so that we can prove to ourselves, further contractors down the road and to the DEC that the material in the cover material which is the sand, is adequate to allow for the mining operation to continue.

When we use the word demonstration, we are using it almost as a word of a pilot study or a pilot project."

Steve Haizlip: "Will the bidders be estimate bidders then until they get the feeling of what's going on?"

Supervisor Kozakiewicz: "It's going to be a reduced scope. It's going to be for a 60 day period or thereabouts with a reduced amount of soil that's going to be taken from the easterly border of the property so that we can determine what is exactly in the ground so we have a better idea when we go to the next project which we attempted to bid earlier which was a 16 month project designed to take away 500,000 cubic yards of material in order to meet the side yards and setbacks."

Steve Haizlip: "I get you. Feel your way and (inaudible)."

Supervisor Kozakiewicz: "We want to make sure that this is the right way to go and this is the first step."

Steve Haizlip: "I get you."

Supervisor Kozakiewicz: "All right? Charles Tramontana."

Charles Tramontana: "Good evening, Charlie Tramontana from Wading River. You may recall that on July 17<sup>th</sup> I addressed the Board in Wading River concerning the flooding problem I have in front of my property and I showed you pictures of the problem and this is the problem after the draining project was completed. So that project as good as it is does not help me. And at that time, I asked for some relief. You took my phone number--"

Supervisor Kozakiewicz: "And I passed it along to the Highway Superintendent and to the Town Engineer. I hope they've been in touch with you."

Charles Tramontana: "No, I'm sorry to say--"

Supervisor Kozakiewicz: "No? Okay."

Charles Tramontana: "-- I've been trying to contact Ken Testa for almost a month but he's been on some code training and other training. Last week I came, I visited the Town Hall to talk to Ken, he was out again, because I wanted to make an appointment to speak with him. On the way out, I thought I'd stop at your office and see whether you could help me. I spoke to your Executive Assistant, Mr. McClellan, very pleasant man who invited my wife and I into his office and listened very attentively to our plight and told us that he would get back to me before the 21<sup>st</sup>.

I hope he's not sick or anything worse has befallen him, but I haven't heard from him, and that's what I'm here for tonight. I've sat and listened to all kinds of expenditures that the Town is proposing. My problem is minuscule compared to the expenditures that have been proposed. Could you please provide me with some relief?

I think the pictures speak for themselves. I bought the property almost three years ago. We're trying to beautify it. I'm getting a little bit tired of acting as the Town sanitation engineer because every time it floods, I get all the debris over my lawn and driveway. Could you please help me?"

Supervisor Kozakiewicz: "I will do the same thing I did last time which is immediately pass this over to the Highway Superintendent and the Town Engineer, telling them it's got to be addressed. I don't know the solution, I'm not an engineer. I'm not a Highway Superintendent. They must address it and I will tell them again that they must get in touch with you in order to address the problem. I could go out there, I think I could walk the property with you, walk the site, but I'm not going to be able to give you the answer and the solution that you're looking for because, again, I am not an engineer.

I think what needs to be done and, again, I will ask Mr. Testa and Mr. Kwasna, the Highway Superintendent, to contact you, set up a meeting, meet with you at the site, and discuss solutions. Now I do know that I did have a chance to speak briefly with Mr. Kwasna, and he was aware of the problem. He mentioned your particular property. He mentioned this particular street as one that he must address and he was aware of it.

Why he didn't get a hold of you, I can't say. I don't know if he got otherwise distracted or otherwise- I can't answer for him, but I can tell you that I will pass it along to him. His extension, I'm sure you know it, is 227."

Charles Tramontana: "Oh, sure."

Supervisor Kozakiewicz: "So I hope- and I'll stress to them the urgency of it."

Charles Tramontana: "Thank you very much."

Supervisor Kozakiewicz: "Okay. Mr. Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. I'll put aside all the comments I could present on the resolutions that are coming up tonight and, hopefully, use my full five minutes to convey to you people my displeasure, my disappointment, my unhappiness that I have to face up to concealment, deception and possibly fraud and this is not good for me or the township. That is all the people that live here.

Yesterday and today I looked in all directions, inquired to all the people I knew that my (inaudible) tell me, with the exception of yourself, Mr. Kozakiewicz, looking for some direct statement that we have conveyed approximately 50 yards to the Stony Brook College-University of New York at Stony Brook. I have not found anything and

I have copies of everything in the Town Clerk's Office and there's nothing here that is part of an agreement or transfer or a quit claim deed or any kind of conveyance of property from one agency to another.

Now, all my life with all the schooling in the direction of law and people and lawyers that I have come in contact with, when they instill in me the fact in concrete that when it comes to land and anything affixed to the land, it has to be in writing. Things that are verbal, things that are displayed, if not documented, are nothing. It's a pretty picture. And there are enough precedents in this State and other States to so indicate it.

So to my knowledge as I stand here, we have not transferred property to anybody in the University of New York. Now, if I'm wrong, please correct me. But here are all the papers in the Town Clerk's Office and there is nothing there to say we have transferred property to University of New York.

Going back to the public hearing of last meeting in which I talked about the water service to this property and the sewer service to this property, and I find the resolutions 885 and 886 most inadequate. And I don't see where you can legally or in good faith make any such resolution without having a bona fide agreement with the University of New York.

The various statements in the resolutions I point my finger at the Town Attorney who tolerated the issuance of these two resolutions, maybe not personally but certainly her office. But you refer Whereas a map and plan detailing the proposed extension both in the water and in the sewer. There's no such plan or detail in the public hearing. Consequently, as I tried to explain my best way by bringing up the different aspects that the numbers, the dollars, weren't right because they were not even a good estimate but guess, and here you introduce a map and plan in detail. Now, is this concealment or is this deception? I find I can't believe that you people are trying to perpetrate a fraud."

Supervisor Kozakiewicz: "Bill, I am going to ask you to sum up. You started at 9:07, the time of 9:13 has arrived."

William Kasperovich: "Now, we apparently didn't learn a damn thing from the scavenger waste process that started some decade- two decades ago that is costing us money to this very day and here you are going down the same path and doing absolutely nothing to safeguard the people here and the people paying taxes to run this town.

How in good conscience you could put forth these two resolutions is the most disgraceful thing that I have come up since the scavenger waste system."

Supervisor Kozakiewicz: "Thank you, Bill."

William Kasperovich: "That summation without getting violent or putting on antics for you or going down George's road for the TV audience, can't do. This- "

Supervisor Kozakiewicz: "Bill- "

William Kasperovich: "-- disturbs me no end that our elected officials are of such a low caliber to present this type of resolution for tonight's vote."

Supervisor Kozakiewicz: "Anybody else who would like to address the Board? Sid Bail, please."

Sid Bail: "Good evening. Sid Bail, Wading River Civic Association. I believe you are going to address the tabled resolution on the professional building- "

Supervisor Kozakiewicz: "That's of Tsunis."

Sid Bail: "Tsunis."

Supervisor Kozakiewicz: "That's correct and it should be- there should be a marked up copy that's eliminating the access point on North Country Road."

Sid Bail: "I just have one other observation, not to muddy the waters more than I've already done in this thing- "

Supervisor Kozakiewicz: "Right."

Sid Bail: "The drawing out in the hall shows a 50 foot zone- "

Supervisor Kozakiewicz: "It's non-disturbance?"

Sid Bail: "Non-disturbance around the perimeter and non-disturbance zone should be called a formerly non-disturbed zone or the obliterated zone so that's the- he has preserved the perimeter around the other portions of the property, so will that have to be re-planted?"

Supervisor Kozakiewicz: "I would think so. Rick, if he's disturbed it-- "

Councilman Densieski: "They're in violation (inaudible)."

Supervisor Kozakiewicz: "-- he's going to have to re-plant, right?"

Rick Hanley: "Right."

Supervisor Kozakiewicz: "Okay."

Sid Bail: "And if he re-plants- "

Supervisor Kozakiewicz: "Restore it, okay."

Sid Bail: "Yeah, could- is it possible to- rather than to put in something that's consistent with the natural vegetation because the project to the east of him has kept the frontage intact so that would be greatly appreciated."

Supervisor Kozakiewicz: "Thank you, Sid."

Sid Bail: "Thank you."

Supervisor Kozakiewicz: "Pastor Coverdale."

Pastor Coverdale: "I won't be long because I heard the issue about the proposed burn building and the tournament racetrack has been tabled following a conversation with the Board. However, I would like to mention that as Pastor of the First Baptist Church located on Northville Turnpike and many of my parishoners who live around and about that area, we are quite concerned and want some input early before a decision is reached and want you to really encourage our fire department not to place that tournament track and burn building in that area.

We also want you to consider the accident rate on Northville Turnpike, the young people from the ranch that was killed at Middle Road and all and on Sunday we've had accidents where we have services of people flying down that highway and when the ambulance come, we have problems, they come through there like nothing and we see that burn building, the tournament track- racetrack, will just add another overlay to an already difficult situation of traffic in all that area.

Last but not least, I really just want to talk for all the homeowners in that area as well as the golf course management which certainly are not, you know, my best friends but they live there and they have things that are worthwhile there and to put a burn building, a race- and the whole tournament racetrack in that area, I believe will be a total destruction to the well-being of that community and to the economic viability of that wonderful national golf tournament.

And I think that people need to think real clearly and we need to sit down as best we can with those who are in the department and get them to consider some other place to put that building. Thank you."

Supervisor Kozakiewicz: "Thank you. Joan Griffin."

Joan Griffin: "Good evening, Joan Griffin, Baiting Hollow. I just have a couple of questions in general. How are committees formed?"

Supervisor Kozakiewicz: "Either by resolution or by a directive by myself. In the beginning of the season every year, I assign different Councilmen to different committees."

Joan Griffin: "Okay. So the committee about the Cablevision thing, Resolution 866- "

Supervisor Kozakiewicz: "It's going to be by resolution."

Joan Griffin: "That will be by resolution and how are the people picked to be on that committee?"

Supervisor Kozakiewicz: "These are the number of people who have served previously. On the prior committee."

Joan Griffin: "Okay. So all five people involved in this particular resolution- "

Supervisor Kozakiewicz: "Some- no, not all five. Mr. Kenter did, Mr. Prusinowski did. I don't believe Diane Jost- is it Just or Jost- Jost, did not."

Joan Griffin: "Okay. So you are supposed to be on a committee before but now four out of five were on committees and not the fifth. Do committee people get paid?"

Supervisor Kozakiewicz: "No."

Joan Griffin: "Okay. And last question, Zabby, was she paid by Cablevision or the Town?"

Supervisor Kozakiewicz: "Neither."

Joan Griffin: "So she was doing it- "

Councilman Densieski: "I think she had private sponsorship."

Joan Griffin: "Private sponsorship?"

Supervisor Kozakiewicz: "She was not paid. Not paid by the town and I don't believe she was paid by Cablevision because she certainly spoke against them."

Joan Griffin: "Okay, thank you very much."

Supervisor Kozakiewicz: "You're welcome. Anybody else who would like to address the Board? Mr. Haizlip and then Vicky."

Steve Haizlip: "Steve Haizlip. I think I over (inaudible) the place where the Golden Donor Blood Drive- "

Supervisor Kozakiewicz: "You did not."

Steve Haizlip: "The Ramada Inn, I didn't put it in there."

Supervisor Kozakiewicz: "Okay. Vicky."

Steve Haizlip: "I just wanted to make sure the camera picked it up."

Supervisor Kozakiewicz: "You did not say it. That's right."

Steve Haizlip: "Oh, oh, did not say it."

Supervisor Kozakiewicz: "I don't think you did. So I'm glad you got back up and did identify it."

Victoria Vourakis: "Victoria Vourakis, Riverhead. If Resolution No. 869 is ratified and approved, what will the monetary increase be on Resolution No. 873? The difference that is."

Supervisor Kozakiewicz: "When those increases take effect?"

Victoria Vourakis: "Right. But on-- specifically on 873? What's the difference in the increase?"

Supervisor Kozakiewicz: "I don't know the answer as we sit here. I can look at it and we can calculate it out but I don't know right at this moment what it will be."

Victoria Vourakis: "So you gentlemen are going to vote on something that- "

Supervisor Kozakiewicz: "Well, I know it's October 1 but it doesn't take effect today. October 1 is the step increase so it doesn't take effect today."

Victoria Vourakis: "And was this budgeted for?"

Supervisor Kozakiewicz: "I'm sorry, what was that?"

Victoria Vourakis: "Was it budgeted for?"

Supervisor Kozakiewicz: "The increase?"

Victoria Vourakis: "Right."

Supervisor Kozakiewicz: "My understanding is that we did have some budget surplus, yes."

Victoria Vourakis: "Okay, so this Department Head had the foresight to see this employee was seeking employment elsewhere?"

Supervisor Kozakiewicz: "No. I don't think he saw that, no."

Victoria Vourakis: "Okay. All right. Thank you."

Supervisor Kozakiewicz: "Vasso."

Vasso Patrikis: "Yes. I just want to tell you once again to try to agree to table 866 and approve 910 because that is the important thing about the Cablevision agreement. I think it's very, very well done and I think you should really go for that and you should table 866 so you can do your homework a little better. This way there will be no problems. Okay? I think- "

Supervisor Kozakiewicz: "Thank you."

Vasso Patrikis: "That's all."

Supervisor Kozakiewicz: "Okay."

Vasso Patrikis: "And you didn't answer all my questions that I asked you. I asked you some questions before but you - "

Supervisor Kozakiewicz: "Well, I was trying to keep it to five minutes and you said we could address them later."

Vasso Patrikis: "Well I understand. Well, you didn't address them. I hope you keep notes when somebody talks."

Supervisor Kozakiewicz: "I do."

Vasso Patrikis: "And you didn't answer any of my questions. I had some questions and you didn't answer them. And I think you should have."

Supervisor Kozakiewicz: "I want to try and let everybody speak today- "

Vasso Patrikis: "Okay, and then I hope you will."

Supervisor Kozakiewicz: "And I'll talk to you after the meeting, Mrs. Patrikis. Thank you. Yes, anybody else who would like to address- yes, Mr. Griffin."

John Griffin: "I'm only here twice a year. I've got to get it all in."

Supervisor Kozakiewicz: "I hope my Board members don't mind me."

John Griffin: "I owe you four minutes; I'll take one minute."

Supervisor Kozakiewicz: "All right."

John Griffin: "Good. The burn building. Why can't that go in the back of Epcal? That's an area that nobody seems to want, nobody seems to be able to do anything with it."

Supervisor Kozakiewicz: "It's been suggested."

Councilman Densieski: "Yeah, it crosses fire department lines."

Supervisor Kozakiewicz: "It is one of the alternatives that have been suggested."

Councilman Densieski: "There are some monkey wrenches involved in that, but- "

John Griffin: "The post office, Bill mentioned the post office."

Councilman Kent: "Steve."

Supervisor Kozakiewicz: "Steve Haizlip."

John Griffin: "Steve mentioned the post office. Guys, we've got to do something. This has been like two years that I've talked about this two years ago. I've sent letters into the government. Steve has sent- obviously sent letters into the government. They're not listening to us. I'm assuming you guys have sent letters into- "

Supervisor Kozakiewicz: "I have."

John Griffin: "Okay, they're not listening to you. What are we going to do? We need another revolution? It happened before. We can tear it down ourselves. We've got to do something."

Supervisor Kozakiewicz: "Self-help is a thought."

John Griffin: "Right? Something's got to be done. Cablevision. I was not aware that Elizabeth somebody was Zabby."

Supervisor Kozakiewicz: "Yeah."

John Griffin: "Okay. So from what I understand- from what I can gather is you're taking- this resolution, you want to remove Zabby out of the picture who sort of has been telling you for two years that we need to get our own channel and replace her with five people who are going to tell you the same thing. I don't know- why would you want to do that?"

Supervisor Kozakiewicz: "It's a- we're allowed to appoint a committee. Under 595.4 as pointed out, we're allowed to do that. I spoke to Carol McTague (phonetic) from PSC. She confirmed that we had a right to do this. We had a committee established. Because there was inactivity, they stopped meeting and rather than- I think "

John Griffin: "I don't mean to interrupt you but I don't need, you know, I don't need a justification from you."

Supervisor Kozakiewicz: "Right."

John Griffin: "It's just an observation."

Supervisor Kozakiewicz: "Okay."

John Griffin: "The timing may not be very good."

Supervisor Kozakiewicz: "Thank you."

John Griffin: "Thank you."

Supervisor Kozakiewicz: "Eve Kaplan."

Eve Kaplan: "Eve Kaplan, North Fork Environmental Council. I appreciate the comments of- a lot of people have made here about the burn building which is an issue that we've also been asking you about about what kind of leadership efforts you are making to look for alternative sites and how you plan to resolve some of the legal issues regarding the incapability of this development with the zoning in that area."

Supervisor Kozakiewicz: "It's going to be a Town Board determination. Obviously, we have to do this as a Board and I have been meeting with them and I spoke to the Commissioner as well as the counsel late last week. We're still looking at alternative sites. The letter that we received from Mr. Gatz and I think it's Bruce raised some interesting issues as far as the case law. They're being looked at and analyzed to determine if the balancing test that they suggest we apply is the correct one, so we're looking at that and I have been in discussions a number of times with the Fire District, their Commissioners and as well as Mr. Gatz and both parties agree that it would make some sense to put this over so that we can analyze the case law and look at alternative sites, alternative sites that do not include ones that we've previously looked at."

Eve Kaplan: "Okay. So you do not expect that site plan approval resolution to come up-- "

Supervisor Kozakiewicz: "Not today."

Eve Kaplan: "Do you expect it to come up within the next month

again?"

Supervisor Kozakiewicz: "It could come up in the next month but we have to first address the legal questions raised in that letter and then in the interim we'll look at alternative sites."

Eve Kaplan: "Okay. Um, as you know, obviously Calverton Motor Sports was passed through the RDC to the Town Board and I wanted to find out what you plan on doing with this project."

Supervisor Kozakiewicz: "We will be discussing it at a future work session. We haven't talked about it as a Board yet."

Eve Kaplan: "Will it be discussed publicly?"

Supervisor Kozakiewicz: "Absolutely."

Eve Kaplan: "Okay. And, I understand there was another proposal recently made by Petrocelli for an air club, a new version."

Supervisor Kozakiewicz: "That's correct."

Eve Kaplan: "Um, originally he had said that he needed both runways to be- to operate and be profitable."

Supervisor Kozakiewicz: "I don't recall him ever saying that."

Eve Kaplan: "He did say that though."

Supervisor Kozakiewicz: "I don't recall him ever saying that to me."

Eve Kaplan: "Okay. Well, he said it to- he said it. It's in the proposal. And he was actually turned down by the RDC because the 7,000 foot runway is not zoned for aviation use. So what I'd like to know- "

Supervisor Kozakiewicz: "It is zoned for certain aviation uses. So it would be exact, there are aviation uses explained and spelled out in the planned recreation use district. So that's not accurate. There are certain uses which are defined and allowed for in that zoning use."

Eve Kaplan: "So are you saying he received some kind of assurance from the Town Board that that runway will also be available

for his use?"

Supervisor Kozakiewicz: "No, I didn't say that. You said there were no aviation uses provided for in the zoning district within the 7,000 foot runway. I was just making a correction to that comment which was not accurate, that there are certain aviation uses which are, in fact, allowed for in the planned recreation district."

Eve Kaplan: "Well, it's- you can correct me if I'm wrong here, but it seems apparent to me that he must have received some kind of assurance or information that those uses will be made available to him on that runway which are not right now open aviation."

Supervisor Kozakiewicz: "He has not received any assurances such as that. I don't know what you are trying to suggest."

Eve Kaplan: "Okay, thank you."

Supervisor Kozakiewicz: "All right. Anybody else wish to address the Board? Hand in the back."

Phillip Allen: "Phillip Allen, Riverhead. Approximately two years ago I came before the Board, I had a problem with drainage and a solution was proposed and some work was done and I was told if it didn't solve my problem that, you know, it could be approached again. So I had been in the past six to eight months dealing with someone working in the Town Engineer's office who no longer works with the Town, so I'm kind of like, you know, caught in the middle here. I don't really know where to go and what to do. So I do need some help."

Councilman Lull: "Let me answer, Bob."

Supervisor Kozakiewicz: "You know the issue?"

Councilman Lull: "Yes, I do. Phillip, that job was done by the Highway Department."

Phillip Allen: "Okay."

Councilman Lull: "And if you give the Highway Department- the work was done out of funds from our sidewalk bond, and if you give Superintendent Kwasna a call at 3200- 727-3200, extension 227 or 228. Give him a call and explain the situation there."

Phillip Allen: "It's on Ostrander Avenue."

Supervisor Kozakiewicz: "I was going to ask if you can just explain the location again or to tell us where the location is."

Phillip Allen: "Ostrander Avenue, south of the Northville Turnpike, north of the railroad tracks. It's the only house that actually the elevation of the house drops below the road grade so all the storm water runoff runs into my basement."

Councilman Lull: "You've got a combination of things. The combination was the fact that the house is set quite a bit down from the road and the driveway slopes down. Plus there was a long run between drains at that particular case."

Phillip Allen: "Right."

Councilman Lull: "And so they wanted to do- they did some work on some of the sidewalk- "

Phillip Allen: "In the meantime, I had an engineer out and he's made some suggestions as to what he feels would alleviate the problem and, you know, I don't know whether this is something the Engineer's office has to deal with or the Highway Department."

Councilman Lull: "I would ask you first of all to call Mr. Kwasna, call Superintendent Kwasna and tell him the situation. He remembers the job, I was talking about it with him the other day. After you called I talked about it the other day. And just talk to him. And if he wants to come down and see you or take a look at the drawings you've got or have you refer them to the Town Engineer, whichever. Okay?"

Phillip Allen: "Okay. Thank you very much."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board before we take up resolutions?"

Councilman Kent: "Actually I can respond, I think, to one of- Vicky posed a question about- "

Supervisor Kozakiewicz: "Resolution- "

Councilman Kent: "What impact 869 would have on 873."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "Um, I believe it would have about \$1,530 of impact."

Victoria Vourakis: (From the audience, inaudible)

Councilman Kent: "Well, so you want to know what the impact is from what she is today to where she would be- if we passed that resolution, to where she would be is we passed the contract. Is that basically the question. You probably know her current salary; I don't. I don't know it off the top of my head."

Councilman Densieski: "Makes a lot more than that, Chris."

Councilman Kent: "No, I know. I'm just saying, I was just talking about the impact of the step increase from the two resolutions. I don't know the current salary off the top of my head. I can give you the salary of what it would be if we passed the resolution today and what it would be after the passage of the contract. It's about half of what she was offered by the other town. Okay. I'll put it on the record when the time comes for the vote."

Supervisor Kozakiewicz: "Okay, that being the case, I guess we can take up the resolutions."

Councilman Kent: "Actually I have a question if Michael Reichel is here or if anybody can answer- "

Supervisor Kozakiewicz: "Michael is no longer here."

Councilman Kent: "He left? Okay."

Supervisor Kozakiewicz: "Okay, all right."

Barbara Grattan: "Bye-bye."

Resolution #866

Councilman Densieski: "Establishes Town of Riverhead Cablevision Advisory Committee. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Cardinale: "Discussion."

Supervisor Kozakiewicz: "Discussion."

Councilman Cardinale: "The- I'm going to ask that this- based largely on the statements made by Ms. Patrikis that we table this for further review. The- it is clear from what she said and from my reading of this resolution that there are incorrect sections cited. It is clear for example and I have the sections here that in the first section of the Whereas clause we cite 594 which is the franchising procedure. We should be citing 591 which is the franchise renewal procedure."

That is important because it is not necessary to have a committee to negotiate a renewal of a franchise. It may be necessary to have one for an award of a franchise but not for a renewal. And that's clear if you read as I have this franchising procedure Section 594 and renewal procedures 591.

The committee that I- that was in existence until- from 1990- oh, before we got here, so '96 or so through 2000 was, in fact, by this Board, I believe in April, pursuant to Resolution 384 terminated and so to reestablish it seems to me to be inconsistent and wrong-headed and I believe a bad policy decision because the committee is a less workable structure than the Board doing it itself with the advice of a liaison and possibly and advisor.

I also think that the timing as was stated by Mr. Griffin is woefully poor to do this this evening in view of the fact that it cannot have been- cannot be lost on anyone here or anyone who takes the effort to watch our Cable broadcast of these meetings that the individual alluded to at Whereas clause #4, there is no further need to maintain Elizabeth Chamberlain also known as Zabby in an advisory capacity who is the very individual that was escorted by the police from the meeting two weeks ago at the direction of the Supervisor after calling for his removal as Supervisor due to the incompetence in his negotiation of the Cablevision issue.

So whether or not you have the votes to do this, it is certainly a bad timing attempt to do it at this time and if you are going to do this, you ought to be more knowledgeable about the sections you are citing than you obviously are.

The- this issue- my- I'm sincerely trying to get this tabled. I am not trying to annoy anyone on the Board but my position in regard on how we should deal with Cablevision and I've dealt with them for three and a half years, both in the Vilella administration and until last November for the- or thereabouts for your administration, is quite clearly set forth from dozens of letters I've written to the Supervisors over the last three and a half years, public statements to the press, and if you don't know my position you can read it very readily at Resolution 910 tonight. That is my position on how you deal with a bully and with a predator who breaches their agreements.

As Mrs. Patrikis said, and I endorse much of what she said, this need not be a political or a personal thing. It should not be. We need to act as a Board to get the best possible team, to get the best possible resolution of the Cablevision issues. The key to this is knowledge and persistence and had we had that kind of knowledge and persistence, had we listened more to Elizabeth Chamberlain, I believe we might have avoided a series of costly and unnecessary mistakes, should have been embarrassing and dangerous to the town in the last few months.

This resolution, Bob, is not ready for prime time and we- and this committee is not ready for prime time to do battle with Cablevision. We need to keep our heads and retain as much knowledgeable advice as we can. I'm not suggesting that Zabby isn't an unusual person. I am suggesting she is extraordinarily knowledgeable on this issue for one reason because she is obsessed by this issue and I know she's difficult to deal with at times but she is a volunteer, she's free of charge to the town. She should not be summarily beheaded for trying to insist that we get it right and losing her head two weeks ago and perhaps calling unnecessarily and certainly undiplomatically for your removal.

I would ask that this be tabled for those reasons."

Supervisor Kozakiewicz: "Any other discussions?"

Councilman Kent: "Yes, I'd like to- "

Councilman Densieski: "Yes."

Councilman Kent: "Well, I'll second the motion to table."

Councilman Densieski: "We're still in discussion, Chris."

Councilman Kent: "Well, we just made a motion to table the resolution."

Councilman Densieski: "I thought he said discussion, I'm sorry."

Councilman Cardinale: "Well, we can continue the discussion but I appreciate the second."

Councilman Kent: "All right. I was just going to actually make some discussion also but- "

Councilman Densieski: "Go ahead, I'll follow you."

Councilman Kent: "I just have some questions because I'm a little confused by the resolution. Is it the right section?"

Supervisor Kozakiewicz: "It's- it's- I spoke to Carol McTague from PSC. The PSC regulations which are from the federal regulations do allow the establishment of a committee, whether it's a renewal or whether it's a new franchise agreement. The committee can be charged with a needs assessment as well as an assessment which we all talked about the past breaches that have been discussed and talked about ad nauseam from Cablevision.

Based upon my telephone conversation with this particular individual from PSC, the committee or a committee or a commission is, in fact, something that's permitted under their regulations as well as the federal rules."

Councilman Cardinale: "Permitted but not required."

Councilman Kent: "Is that- "

Supervisor Kozakiewicz: "Not required, that's correct."

Councilman Kent: "You had said earlier- I thought you said section 595.4."

Supervisor Kozakiewicz: "595.4 is the one I was told and then I think Phil is referring to 591 as far as a renewal."

Councilman Kent: "So this section would have to be amended to read 595.4. If I'm getting confused, I'm sorry. I'm not."

Supervisor Kozakiewicz: "595.4 C I think it was, is what it was."

Councilman Kent: "Okay. Since I have only really been involved with the Cablevision when we discuss it as a Board, I have not been involved with the negotiations, it's not my committee. I kind of believe in the committee system. I have my own committees to deal with. Our agreement has expired, correct?"

Supervisor Kozakiewicz: "Yes, the- as pointed out earlier, it gets renewed on a periodic basis every six months."

Councilman Kent: "Every six- renewed automatically?"

Councilman Cardinale: "Yes. Until we either have a new one, Chris, by agreement, or we begin a proceeding to remove them as our franchisee."

Councilman Kent: "And we haven't begun that proceeding yet, I know that."

Supervisor Kozakiewicz: "No."

Councilman Cardinale: "No."

Councilman Kent: "That's why your resolution is calling for either to have them cure the breaches or commence the proceedings to remove them as our franchisee."

Councilman Cardinale: "No. I haven't. That's- that would be an even more serious move than I'm suggesting. I'm just suggesting that we show them our gumption by suing them on the existing agreement which continues in effect. To try to do a disenfranchise proceeding is a really big deal and I don't think we should do that because for one thing there is no competition to step in at the moment."

Councilman Kent: "I'm going to ask kind of a scary question because I think I know the answer but I usually only ask questions that I know the answer to, how long have we been negotiating a renewal of our Cablevision franchise agreement?"

Councilman Cardinale: "The contract was signed October 18, 1983 and expired in '94, I believe."

Councilman Kent: "1994?"

Councilman Cardinale: "Yeah."

Councilman Kent: "And I believe some of these people that are on the committee were on the committee when- "

Councilman Cardinale: "When I entered- '98."

Councilman Kent: "-- expired. Okay."

Councilman Cardinale: "Incidentally on that question, Phil Kenter (phonetic) have you spoken with him?"

Supervisor Kozakiewicz: "I have not talked to him recently but I did receive a letter from him which explained some of the reasons why he lost interest in the committee and that he still has an interest because of his past knowledge with respect to the industry."

Councilman Cardinale: "Yeah, Phil is knowledgeable and I appreciated the year or so he served on the committee. He resigned and it's my understanding that he would not be willing to serve as a volunteer on a committee so I think we should check that."

Councilman Kent: "Can I ask one more question? On the fourth whereas clause which is basically saying we have no further need for Elizabeth Chamberlain. Can we re-think that and can she be included as part of the advisory committee? Because I do think although she can be- she's annoying to me, I know she's annoying to others, and I think she's annoying to Cablevision. Could she be included on the advisory committee because even though she's annoying, I believe she's got more information on this issue than any of us do."

Councilman Cardinale: "I think that would- "

Supervisor Kozakiewicz: "I'm afraid to say anything for fear that because after last meeting I was told that I had libeled and slandered people and I'm fearful of saying anything that's going to subject me to libel and slander. What I will say is an opinion so I'm safe, I think if I am giving an opinion. I believe that the disruption to my office and to Town Hall has been considerable. It's been consistent and I appreciate the fact that I think your word was obsessed, is that the word you used?"

Councilman Cardinale: "Yes."

Supervisor Kozakiewicz: "And that she is knowledgeable on the

public access issues. However, the downside is the disruption to Town Hall has been considerable over the last year or I guess it was about August when it occurred and while I'd like to tap into the resource, my fear is what it does to Town Hall operation. It's considerable. I have to tell you. It's many, many times a day, constant interruption office, use of the town resources, use of other items, and it's just very disruptive.

This has nothing to do with politics, it has to do with trying to set a new path. We've been negotiating. We have an opinion from counsel, August 17<sup>th</sup>, talking about where we should go. Should we disenfranchise, should we sue? And the recommendation from counsel is that we've made progress. We've piggybacked on the Southold agreement and that they are not foregoing or giving up the prior breaches and the residents' concern about the current and future cable related needs and interest. And therefore I think that there's been a lot of movement based upon our tapping into legal counsel who is working with Southold on this and therefore curtailing our costs.

I for one would not vote for that amendment to the resolution if that was what you are proposing to do and it's not at all because of the last meeting. It's just because of what has occurred over the last few months as far as disruption to Town Hall operations."

Councilman Cardinale: "I think Steve had indicated that in his experience in private industry sometimes people who are trying to get something right, desperately trying to get something right and see the ignorance and misunderstanding surrounding them on an issue which is complex, they get downright annoying, they get axed. The management can't take them. I think we should endure the annoyances because of the free volunteer benefit we're getting for the town.

I also think, Bob, honestly that to say that this has nothing to do with politics when the woman has served the town has a volunteer for over a year and a half and she's being removed at the very next meeting after you have the police escort her out of the building, is strange credulity."

Supervisor Kozakiewicz: "Well, there's been prior resolutions attempting to do that. Let's not forget about the efforts- "

Councilman Densieski: "That Bob has--"

Supervisor Kozakiewicz: "-- that have been made previously. I did second that prior motion that had been tabled. Then there was a

big discussion about whether I had the authority or the right to second that resolution, so again there has been prior movement, well before the incident we've talked about and, again, it's due to the disruption and the problems caused."

Councilman Cardinale: "What is the public to believe that at this point she went beyond the bounds by what? By saying that she felt you were mishandling it and she was calling for your removal by one of the other candidates?"

Supervisor Kozakiewicz: "She has said that numerous times. She's left notes on my car window. She has followed me around town. She has called my house."

Councilman Cardinale: "She is persistent."

Supervisor Kozakiewicz: "What she feels or what her opinion of my negotiation of Cablevision agreement is or was is not the factor. It's just that there's a certain point in time that the disruption to town and, again, this is my opinion, this is an opinion and I have- no it's not, it's not a personal attack. Anyway, please. I would like to please address, there's discussion by the Board. It has- you can believe it's politics but as pointed out, as discussed there was prior motion to rescind 820 of 2000. It was brought to the table for discussion many, many months ago. There was not a second. It was brought again off the floor if it was tabled, I seconded it. I meant he record speaks for itself."

Councilman Cardinale: "What- who drafted this resolution?"

Supervisor Kozakiewicz: "My office did and, okay, I mean, and, again, if it's incorrect, we can take the sections out."

Councilman Cardinale: "I mean it's emanated from you."

Supervisor Kozakiewicz: "I'll amend to remove the references to the sections."

Councilman Cardinale: "I want to address the- "

Supervisor Kozakiewicz: "But I can tell you that speaking to Carol McTague from PSC, we have the authority to do this. Whether it's required or not, no. But we do have the authorization to do this. It's permitted under the PSC rules and permitted under the federal regs."

Councilman Cardinale: "I guess what I was really asking is that it is my understanding that you actually drafted this resolution yourself and not any other councilman which leads me to believe that the only thing that has happened in the last two weeks different, she's still persistent, she's still knowledgeable, she is still obsessed. The only difference is she's gone over the line by doing what she did last week by calling for your removal. And that is a challenge to all of our free speech.

If we get so upset about something you do and say, Bob, you ought not be Supervisor, and we're going to get axed or shut up or carried out by the police, we're running very close to a police state. That's not right. It's simply not right. The timing is wrong as was pointed out. And I urge you to table this to allow your own temper to cool."

Supervisor Kozakiewicz: "It has nothing to do with my temper. All right, anything- "

Councilman Densieski: "Mr. Supervisor, yes, I've got some comments. I'd like to- "

Supervisor Kozakiewicz: "Well, okay."

Councilman Densieski: "Well, I did ask for discussion."

Supervisor Kozakiewicz: "I recognize, go ahead, discussion. And then let's take up the vote."

Councilman Densieski: "Thank you. Although I thank Councilman Cardinale and his associate Zabby for everything they've done in the last three years or however long it's been, the fact of the matter is not one meeting, not one negotiation was done with Cablevision in the last three years."

Councilman Cardinale: "That's not true."

Councilman Densieski: "Are you talking about the one in Bob's office?"

Councilman Cardinale: "No. I'm talking about the fact that you weren't here between '98 and '99 when there were numerous meetings and we stopped having meetings after they rejected our very closely crafted proposed contract."

Councilman Densieski: "Okay, Okay. I stand corrected. For the

last year and a half or so, I'm sorry, Phil."

Councilman Cardinale: "Right."

Councilman Densieski: "For the last year and a half or so since I've been here not one meeting, not one meeting has happened with Cablevision. Now I appreciate the fact that Phil's sent the 15 or 20 letters but I think that's not working. After 10 or 12 we should realize that that is not working."

Also, in my opinion, I do not think that Zabby is acting in the best interests of the senior citizens. I don't think you'll ever get a senior citizen discount or anything else through Zabby's efforts. Even though she may be knowledgeable on it, I believe that knowledge is for her own special interests and that's public access, her TV shows.

If we sue as I believe Councilman Cardinale would like us to do, if we sue Cablevision for the prior breaches, now this isn't coming from me, this is coming from our legal counsel, if we sue, it will be years, years before any senior recognizes any discount from Cablevision.

Now, I'd like to read- and also the new franchise agreement will be written so they won't be able to breach the contract, not like the old one from the- "

(Unidentified - from the audience: (Inaudible)

Councilman Densieski: "May I speak, please? I didn't disrupt you. Thank you."

Supervisor Kozakiewicz: "Listen, we're in a comment period discussing resolutions, folks. Please."

Councilman Densieski: "And any incorrections in this resolution- "

Supervisor Kozakiewicz: "I mean, this is for the Board, this is not for the public."

Councilman Densieski: "-- can be clarified. That's not a big deal."

Supervisor Kozakiewicz: "I'm sorry."

Councilman Densieski: "Okay. I would just like to read something from Lebowitz & Associates (phonetic). Now, they are a predator fighter. Phil has said that Cablevision are- is a predator. Maybe he's correct. Well, I don't, for myself, do not want to send Zabby to represent you and myself against a predator. If they're a predator, we need a predator hunter and that's Lebowitz & Associates.

Now, let me just read you one thing out of a two page document.

It would appear that the renewal process will in all likelihood be the most effective and efficient way for the town to bring Cablevision into compliance and to establish prospectives, specific terms and conditions that will ensure Cablevision is in compliance in the future. Finalization of the renewal process will be contingent on resolution of all outstanding violations and a final agreement and will not be reached until such violations are cured. Unfortunately the prior franchise agreement fails to provide enforcement procedures for compliance so the renewal process is that much more important.

In conclusion, our firm has negotiated numerous, numerous Cablevision franchise agreements. I don't think Zabby has negotiated or won anything with anybody. And based upon our experience, we believe that although the town has the right to litigate the most expeditious and cost effective way for the town to address prior breaches as well as residents current and future cable related needs and interests is to negotiate a renewal with Cablevision.

Well, to do that you have to have a company that is capable to do that."

Councilman Cardinale: "I point out something the public should know. The breaches began in '93 or '94 and the statute of limitations is six years. Every year we delay we lose a year of recovery on the breaches. That is why since I got here I have urged that we sue on our contract, our franchise contract. Because there's a six year statute of limitations on breaches and even if it's a continuing breach, we are going to lose- we can only go now back to '95, no longer to '93 or '94. I therefore believe that- and I'm hoping Ed will support me on 910 tonight that if we are not- if the negotiation isn't working and I concur with him on that, that the alternative is not this resolution, 866, but 910, which is to proceed with notice to Cablevision and with ceasing of all negotiation with- in regard to the contract of renewal and commencing a litigation if necessary.

If we're going to proceed- I'd like to call at least before we go

to a vote, I'd like to know if I have a third on the table. I don't know. I do know that Jim Lull- "

Supervisor Kozakiewicz: "I think- I don't know, I think we're in discussion. If there's a motion to table and then we're out of discussion. Is there a motion to table?"

Councilman Cardinale: "I motion to table, Chris has seconded."

Councilman Kent: "I'll second."

Supervisor Kozakiewicz: "All right. Vote on the motion to table."

The Vote: "Densieski, no; Cardinale."

Councilman Cardinale: "For the reasons indicated, I ask this Board to table this motion for cooler heads and greater thought to be given to this matter."

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

Councilman Kent: "I will also vote to table based on I think a further need for discussion the appropriate sections and the need for such a committee at this time. So I'll vote yes at this time."

The Vote (Cont'd.): "Lull, no; Kozakiewicz, no. The resolution is not tabled."

Supervisor Kozakiewicz: "And the vote."

Councilman Cardinale: "Are we going to vote- before we vote, I'd like to address some request for changes in this if we're going to vote on it. The section, Whereas #1, we talk about each- 594 where it says each municipality contemplating the award of a cable television franchise. This is not the award of a franchise, it's the renewal so we should be citing a different section and therefore, this whereas clause should be stricken because it is citing an inapplicable section, 594. So I would ask that that be considered."

Also, we have a second Whereas clause which indicates that we wish to designate this advisory committee to further review all programs on Riverhead's educational governmental channel by which I understand that to be channel 71, which is our four hour station, reviewing all programs. I believe that that needs an addition as to

exactly what they are reviewing for. We are giving that committee which I apparently will be a member, that kind of authority. This is getting very close to thought police. What are they going to strike and not allow us to see? What are they going to include and allow us to see?

The third Whereas, the people that have been chosen Victor, our former Councilman, Phil, I would think that we should name individuals not just a representative of an office as we do with the Riverhead Central School District- I'm sorry, with the Supervisor's office, and with the Town Attorney's office. I think we did that. I saw it before but I don't see it now. I think we should name individuals and I think we should talk to these individuals before we name them because they may not be willing to serve as volunteers. I believe that is the case with Phil Kenter. So I ask that we not name representatives from. I would like to have the opportunity to name the individual, not just say as we do later a representative of the Town Attorney's office and a representative of the Supervisor's office.

I believe that the fourth Whereas clause is wrong-headed as I've indicated before and I would ask that that be stricken. That is the one that says we have no further need for Elizabeth Chamberlain.

I would ask that names be inserted for the Town Attorney's office and the Supervisor's office and that the people be spoken to before we appoint them.

I would ask finally on the final resolution, it says that the Cablevision committee shall be responsible for screening programs to be considered for showing on the governmental channel. I do not believe that screening of programming is a proper function. I believe it is in violation of the federal law and I ask that that section be stricken.

So I guess if you did what I have just asked you to do, you would strike- you would amend the first resolve clause; strike the second; and amend the first- strike the first whereas clause and also the second. So you wouldn't have a resolution left. And that's what I'd like."

Supervisor Kozakiewicz: "Understood."

Councilman Kent: "We'd still have the advisory committee."

Supervisor Kozakiewicz: "Is there a second on that?"

Councilman Kent: "We're seconding the amendment is that what--"

Supervisor Kozakiewicz: "A motion to amend?"

Councilman Kent: "So you're amending- you are striking the first whereas clause or you're amending it to read Section 591?"

Councilman Cardinale: "I'm striking- well- "

Supervisor Kozakiewicz: "It should say 591--"

Councilman Cardinale: "If it says 591, we've got to quote 591."

Councilman Kent: "It should say contemplating the renewal."

Supervisor Kozakiewicz: "Shall- may- "

Councilman Kent: "I don't know if it should be in quotes then."

Councilman Lull: "No, take out the quotes."

Councilman Kent: "Take out the quotes that a municipality contemplating the renewal of a cable television franchise may initiate procedures by designating an advisory committee. I don't- period, period after committee."

Supervisor Kozakiewicz: "So we're amending 594 and make it 591. Right."

Councilman Kent: "After the word committee, just period. You don't need that."

Supervisor Kozakiewicz: "That's right."

Councilman Kent: "The rest of that language. Second whereas clause, you want to strike the language about further review all programs on Riverhead's- "

Supervisor Kozakiewicz: "I spoke to them. They can do that. Either the Town Board can do that, screen on educational and governmental or a committee can do that. On public access you're not allowed to do that."

Councilman Cardinale: "We are talking about channel 71, right? Right, on 71 you can- I guess you've got to- with four hours it won't be hard because we can't even get the Town Board meeting on in four hours. So we won't have to screen much. This should be easy."

Councilman Kent: "Are we going to have- Riverhead is going to have its own educational governmental channel? That's what I'm- "

Supervisor Kozakiewicz: "That's the hope, yes."

Councilman Cardinale: "Channel 71. But if it's only four hours, we don't have to screen them."

Councilman Kent: "That would be exclusively Riverhead's?"

Supervisor Kozakiewicz: "It will be- at this point, that's correct."

Councilman Kent: "Or are we saying that we're going to review all programs- "

Supervisor Kozakiewicz: "At this point, it is, yes."

Councilman Kent: "Or you could just put a period after the word committee."

Councilman Cardinale: "It seems that the only thing that this whole thing is going to do is screen programs on a four hour station."

Supervisor Kozakiewicz: "It will change very soon. We've been told by Cablevision that they will make it 24/7. I can't- "

Councilman Cardinale: "So then we'll be screening on a 24/7 station?"

Supervisor Kozakiewicz: "Right."

Councilman Cardinale: "And that's it. That's all that this does."

Supervisor Kozakiewicz: "Correct."

Councilman Cardinale: "So who's going to be negotiating- who's going to be negotiating a franchise agreement?"

Supervisor Kozakiewicz: "Let's just go through the changes just so we can take up a vote and get past this because we've been dealing with this for 25 minutes already which-- the first whereas, we're going to change section 594 to 591; we're going to remove the quote. We're going to say each municipality contemplating the renewal of a cable franchise, television franchise, may initiate the procedures by designating an advisory committee, semi-colon, and- "

Councilman Kent: "Right, yeah, and, okay."

Supervisor Kozakiewicz: "And the second whereas- "

Councilman Cardinale: "The second whereas- "

Supervisor Kozakiewicz: "-- is going to say the Town Board of the Town of Riverhead wishes to designate such an advisory committee. Period. Correct?"

Councilman Cardinale: "Okay."

Councilman Kent: "Or to be known as the Riverhead Town Cablevision Advisory Committee. Period. Then I think you should have a period there, I don't think you need to- "

Councilman Lull: "(inaudible) state the purpose."

Councilman Kent: "You can state the purpose. I thought the team was going to be assisting in the negotiation of the franchise agreement but it's not."

Councilman Cardinale: "No. It's just going to screen the program. Okay, the third- "

Supervisor Kozakiewicz: "Well, they are charged with doing- they can do a needs assessment as well as a review of breach and assist with the renewal process. That is permitted; it's allowed for; it's provided for in the Public Service Commission rules as well as the federal rules."

Councilman Kent: "So we want to state that instead?"

Supervisor Kozakiewicz: "Well, I mean, if you want to strike the additional language in the second whereas to further review all programs on Riverhead's educational and governmental channel, I believe by striking that we authorize them or by deleting that provide

them with the broad authority to do whatever is permitted under 591."

Councilman Kent: "Why don't we say that? To have the broad authority provided under- broad authority provided under whatever section? But I mean, if this- if we are establishing this committee by statute, they'll have the authority that's granted by statute."

Councilman Cardinale: "What is the purpose of this? Now we have- it's not just reviewing the shows, it's doing some broad authority under a statute that nobody's ever read."

Supervisor Kozakiewicz: "I'm saying, why don't we just strike it and move on?"

Councilman Kent: "Okay, then, Committee, period. Okay, then we have the members- "

Supervisor Kozakiewicz: "Right."

Councilman Kent: "Ah, Phil Kenter, this is the father- is he okay, he's agreed. Diane Joist (phonetic), is she Riverhead Central School District representative or is she not?"

Councilman Lull: "No."

Councilman Kent: "She's someone else. Okay. We don't know who the representative of the Riverhead Central School District is?"

Supervisor Kozakiewicz: "No."

Councilman Lull: "They are to choose."

Councilman Kent: "The Supervisor's office, Councilman Densieski and Councilman Cardinale."

Councilman Lull: "That's it."

Councilman Kent: "Okay. The next whereas clause he's asking that to be stricken. Can they act separately? Do we no longer need her in an advisory capacity if we have a committee, is that what we're saying? And she can't serve on the committee?"

Supervisor Kozakiewicz: "Yes, yes."

Councilman Kent: "That's what we're saying."

Councilman Cardinale: "I have a- when you finish I have a suggestion."

Councilman Lull: "And in the second resolve, in the second resolve clause- "

Supervisor Kozakiewicz: "I'll table this one and take your tabled resolution off the floor. Why don't we move forward? I mean, let's stop. This is enough."

Councilman Densieski: "That's fine with me."

Supervisor Kozakiewicz: "And there's a tabled resolution that's been addressed before. It's been on before. I'd rather take that one off the table."

Councilman Densieski: "Okay."

Councilman Cardinale: "I was going to suggest that, that's the one that axes Zabby outright as opposed to trying to cover it by a committee. That's the one we're going to take off now. That just axes her. Why don't we just axe her. If you've got the three votes just let's change the copy, axe her because she's- "

Councilman Lull: "Stop flopping your mouth."

Supervisor Kozakiewicz: "Let's go to- "

Councilman Kent: "Hey, hold on a second, guys. Guys."

Councilman Densieski: "If this was politics, you would be removed- not removing you."

Supervisor Kozakiewicz: "Enough guys, let's just- let's take up the vote."

Councilman Kent: "Can we go back and fix that second resolve- "

Councilman Lull: "You don't think a serious attempt to make a committee means anything? You've got to make fun of everything."

Councilman Cardinale: "No, I don't think this is a serious attempt to make a committee. I think this is a serious attempt to get Zabby because she annoyed you guys by calling for the Supervisor's defeat."

Councilman Lull: "I wasn't here at that meeting. I wasn't here- "

Supervisor Kozakiewicz: "It has nothing to do with that. It has to do with the disruption. Anyone who is here at Town Hall, any employee can testify to what they have to do and put up with. It has become extremely difficult to conduct business here. It has become- and this is my opinion, I mean, ask anyone who has had to- it's something that, quite frankly, when we had the prior resolution, which was brought off the floor, maybe it should have been addressed at that point in time. Maybe the timing is not good. But it's long overdue and either we take it up by this format or we take it up by the other resolution, let's stop this. Let's move on because people are here. It's now been 35 minutes that we've been wrangling around with one resolution and if this is one that we can't get the language agreed upon, let's move on. We'll take up the other resolution and let's conclude business today. This enough."

Councilman Kent: "Okay. So on this resolution, let's get this one correct, how we're going to pass this resolution."

Councilman Cardinale: "Now, he's going to pass the other one, Chris."

Supervisor Kozakiewicz: "No, go ahead, Chris. What are you suggesting? Go ahead."

Councilman Kent: "Well, then are you considering then striking the fourth whereas clause and taking that up by separate resolution?"

Supervisor Kozakiewicz: "No. No. If we're going to take up with this one, let's do it this way."

Councilman Cardinale: "All right, then- "

Councilman Kent: "Okay. Are you going to make any of the changes then? Some of them- "

Supervisor Kozakiewicz: "Yeah, the ones you suggested for the first whereas, the second whereas- "

Councilman Kent: "What about the second resolve clause then, we have to take that up because- "

Councilman Cardinale: "I thought we were going to do the other

resolution."

Councilman Kent: "Some of that language is- "

Supervisor Kozakiewicz: "Hold on, go ahead."

Councilman Cardinale: "That's what you just said."

Councilman Kent: "Some of that language is inconsistent with if we amended the first resolve clause- first whereas clause."

Councilman Lull: "Second resolve clause?"

Councilman Kent: "Second resolve clause has also to be- "

Councilman Lull: "You only have to take out the word screening and replace it with the word considering. Consider is already used in there, sorry."

Supervisor Kozakiewicz: "It should be 591 again."

Councilman Kent: "Yeah, so that's good. It would be section 591, subtitle R, is that correct?"

Supervisor Kozakiewicz: "That's right."

Councilman Kent: "Okay. Responsible for- how about just viewing? Is that what you mean by the word screening? Screening I think has a double meaning. You could view it as blocking or you could view it as watching."

Councilman Lull: "That's why I used the word considering and I think that- "

Councilman Kent: "So why don't we say viewing?"

Councilman Cardinale: "Why don't we just strike everything except for ax Zabby and go on because that's what this is good for."

Councilman Lull: "Well, I'm sorry, but it's not."

Councilman Cardinale: "Well, let's pull up the old resolution."

Supervisor Kozakiewicz: "Let's establish a committee and do this so we can have a bona fide committee to meet, deal with these

issues and discuss them. The fact that they fell into disfavor and were not used does not change the fact that they do wish to meet and have an important part to play. They've been talked to, people are interested in serving on this committee regardless of what you may believe."

Councilman Kent: "Okay. So can we go back to the resolution and how we're going to amend it then? The second resolve clause is going to be section 591. We're going to change the word screening to viewing programs to be considered for showing. Is that what we're doing? Evaluating. Censoring."

Councilman Cardinale: "Censoring is good."

Supervisor Kozakiewicz: "That's not- "

Councilman Kent: "No, no, I just want to know. Because screening- the connotation of the word screening- "

Councilman Cardinale: "Are you suggesting that they're going to pick the ones they want to show? Which I believe is improper."

Supervisor Kozakiewicz: "Under education in government channel this can be done. If it's public access, it can't be. As you pointed out there's no censorship on public access. We're talking about education in government channel."

Councilman Kent: "Okay, so you want to leave it the language as it is. So let's just go with it then. Let's vote on it."

Supervisor Kozakiewicz: "I- unless that's (inaudible)."

Councilman Kent: "I can't give this to you Barbara."

Barbara Grattan: "Could you just do it over because I am so confused."

Councilman Kent: "Do it over? I think Bob has- "

Councilman Cardinale: "Good."

Supervisor Kozakiewicz: "I'm not sure if I do have it the right way. I mean- the first whereas, let's just do it. So the first amendment would be to change 594 to 591 and then change the rest after that to read that each municipality, with the quotes being removed,

contemplating the renewal of a Cable television franchise may initiate the procedures by designating an advisory committee. End of paragraph."

Councilman Kent: "Semicolon- "

Supervisor Kozakiewicz: "Right, whereas the Town Board of the Town of Riverhead wishes to designate such an advisory committee to be known as the Riverhead Town Cablevision Advisory Committee semicolon and whereas the Riverhead Town Cablevision- that- that paragraph is the same."

Councilman Kent: "That stays- "

Supervisor Kozakiewicz: "Although we do either have a representative from the Town Attorney's office or don't because in the next resolve we have the Town Attorney's office, so let's add- go ahead."

Councilman Lull: "I don't think it's necessary."

Supervisor Kozakiewicz: "So let's delete it from both places."

Councilman Kent: "Just delete it from the resolve."

Supervisor Kozakiewicz: "Yup. And then the balance remains the same. Okay, with those changes- "

Councilman Kent: "Except with the change of 591- refer to section 591 in the second resolve."

Supervisor Kozakiewicz: "In the next to the last resolve on the second page. With those changes, let's take the vote up."

Councilman Cardinale: "Can you tell me who is on this board? I still don't understand that."

Supervisor Kozakiewicz: "Let's take the vote up."

Councilman Cardinale: "Well, I'd like to know what I'm voting on. Could you tell me who- is it- "

Supervisor Kozakiewicz: "It's- speaks for itself."

Councilman Cardinale: "Well, it says- "

Supervisor Kozakiewicz: "Victor Prusinowski."

Councilman Cardinale: "Right. Phil Kenter."

Supervisor Kozakiewicz: "Phil Kenter, Sr."

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "Diane Joist."

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "A representative from the Riverhead Central School District."

Councilman Cardinale: "Nameless person representative."

Supervisor Kozakiewicz: "That's right."

Councilman Lull: "They get a chance to choose their own just like- "

Supervisor Kozakiewicz: "The Supervisor's office, Councilman Ed Densieski and yourself."

Councilman Cardinale: "Okay, so you get to choose whoever you wish from your office and Central School District can pick like anybody they feel like?"

Supervisor Kozakiewicz: "That's correct."

Councilman Cardinale: "And we're authorizing that."

Councilman Lull: "That's the way other committees are constituted."

Supervisor Kozakiewicz: "All right. Further- no further discussion, let's take up the vote."

Barbara Grattan: "Okay. But we've got Cardinale wanted to amend it."

Councilman Cardinale: "Yes, I did have a motion to- "

Barbara Grattan: "Did we have a second. Did you second it as

amended?"

Councilman Kent: "We were going to move it as amended."

Supervisor Kozakiewicz: "Move it as amended."

Councilman Kent: "I think, Ed,-- "

Barbara Grattan: "Who seconded the amendment though?"

Councilman Kent: "Well, we're going to take up a separate vote just for the amendment or are we just going to move the resolution as amended?"

Supervisor Kozakiewicz: "Let's move the resolution as amended. Is there a motion to move the resolution as amended?"

Councilman Densieski: "Yes, I moved it already."

Supervisor Kozakiewicz: "And is there a second?"

Councilman Lull: "Yes, I'll second it."

Supervisor Kozakiewicz: "Moved and seconded as amended. Vote."

Barbara Grattan: "Who seconded it?"

Supervisor Kozakiewicz: "Councilman Lull."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "I think this resolution now says the following. I want to summarize it for the people up there. And that's what I'm voting on. That regulations permit a committee to be appointed under a section of law that nobody's read, at least that nobody has got here. That the Town Board wishes to do that, that will name some people even though we haven't ask them yet if they want to serve, and that the purpose of this committee is going to be to screen programs to be considered for this four hour station.

Um, I'm going to- although I believe that the caption should now read boy it was a lot of work to wreak vengeance on Zabby for opening her big mouth, I'm going to vote no because I think that both the action that we are taking here by doing this and the committee that we are appointing here to screen what we will be permitted to view on

public TV are both really wrong, really wrong headed and really reflective of where this administration is taking this town. No."

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

Councilman Kent: "I'll just vote no without any further comment."

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

Councilman Lull: "I will not vote no and I will not vote without any comment. First of all, one very personal thing for you, Steve, I was not at the Ramada Inn no matter what you think, no matter what you say, I wasn't there. Okay? You don't call me on that.

Secondly what authors has taken a look at this contract, at this resolution and said well, why don't we appoint- since we had somebody who knows a lot about it, why don't we put her on the committee? Well, first of all, that isn't the way committees necessarily work. The public parking district committee does not necessarily always have somebody on it from the Business Improvement District. But if we have something that's dealing with business improvement, we call Tim Yousik to come to the meeting. If we have something that's dealing with the finances of the town, we call Jack Hansen to come to the meeting. You make use of, and committees are supposed to do that, they're supposed to call people to come to testify, to offer information.

All these people on this list are Riverhead residents; she is not.

Secondly, Phil suggested that this was not a particularly good group to send to do battle with Cablevision. Well, I certainly do agree with you on that. But we don't need them to do battle with Cablevision. That's not their job. We have a terminator to do battle with Cablevision and their name is Leibowitz and it's not a- anything to do with this particular committee.

Several other- several times a resolution that we passed back in the springtime which did away with the Cablevision committee, the cable television committee, that committee was terminated and it was terminated specifically because we had hired an outside source, we had hired a professional negotiator and it was terminated- it was terminated because it was not meeting. Nothing was happening. So it was abolished since it hadn't met.

It also said in that resolution that the person acting as the public access person for the town does not have and cannot have a voice in the negotiations because the firm that we have hired to do negotiations is handling that. Well, I have heard several things already mentioned up here from the dais about things that our cable access person has said about what should be done and should not be done in terms of negotiations. Even though she accepted the resolution that took that position away from her. I would like somebody who also is consistent.

There is another thing. I'm an elected official. You can throw any tomatoes at me you wish. You have a right to as long as you don't put nails in them or something. Hey, that's my problem. I ran for office, I asked for it. But I also, although I don't represent it up here, I also have a great long standing with the Riverhead Country Fair and the Riverhead Country Fair has maintained a status above and beyond any question of improprieties and yet our present cable advisor, our cable access advisor, on television and in front of this board and in front of me, accused the Country Fair of accepting \$20,000 from Cablevision. That's a lie. Pure and simple. Wholly made up; completely made up.

The entire Country Fair doesn't make \$20,000 in a year. Yes, we did sell advertising and booth space to Cablevision one year for a total of \$500 but they were buying, they were getting what they were buying. And that's the only relationship that exists and has existed.

As a matter of fact, in the comments to me about this issue, what I heard was this, and these are the words: You cannot be beholding to Cablevision just because it is supporting the Country Fair every year. We can get other supporters. I, myself, would raise out of the funds they give- raise out the funds they give. What do they give you? \$20,000? That's a drop in the bucket.

Well, you can read that any way you want. I know how I read it. And it is my opinion that that is not something that is made by someone who has the best interest of the town she doesn't reside in at heart.

Yes."

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

Supervisor Kozakiewicz: "There's been so much discussion with this resolution and it's clear that it's one that is highly emotional

and one that has the Board divided. I spoke to the Public Service Commission. I wanted to make sure that this was an allowed action by the Board. We had a prior resolution that would have removed the particular individual who was serving on our advisory committee. That was not able to gain the necessary votes. Yes, she's obsessed. I think that's what Mr. Cardinale called her. Yes, she's not a resident of the Town of Riverhead as pointed out by Councilman Lull.

I believe that (1) we're going to have very soon 24 hour seven day a week station. I've been fighting to get that for the people. I've been fighting with Cablevision and Cablevision is and shall remain a very difficult entity to deal with. But I believe we must continue to forge ahead instead of saying who will blink first.

I think this resolution is something that's been perhaps overdue. I understand the people wish to serve is what I've been led to believe and accordingly I vote in favor of the resolution 866 as it's amended."

Barbara Grattan: "The resolution is adopted. Hope you have the amendments, Bob."

Supervisor Kozakiewicz: "I have."

Barbara Grattan: "Good."

Supervisor Kozakiewicz: "867."

Resolution #867

Councilman Densieski: "Authorizes the Supervisor to submit a grant application for financial assistance to the New York State Office of Parks, Recreation and Historic Preservation pursuant to Title 9 of the Environmental Protection Act of 1993 and Title 3 of the 1996 Clean Water/Clean Air Bond Act for a project known as the Calverton Enterprise Park Recreation Improvement Project. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "Brief discussion. Just a question on the first resolve clause. Are we saying here that if the project- we're limiting our investment in the project to \$350,000?"

Supervisor Kozakiewicz: "Yes."

Councilman Densieski: "Well, that's the amount of the grant."

Councilman Kent: "I understand, but what I'm saying is if we decide to do more recreational improvements, I don't want to limit our involvement- "

Councilman Densieski: "Oh, no, no."

Supervisor Kozakiewicz: "This is only with respect to the grant."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "This is only with respect to the grant."

Councilman Kent: "Just as long as that's clear. It says that- "

Supervisor Kozakiewicz: "That's only so that when we submit this grant application, we have to contain a recital in the resolution spelling out or reciting the fact that we are going to obligate or commit ourselves should we receive the grant application. I think that's something we'll take up later but that's- this is only with respect to the grant not with the total package- "

Councilman Kent: "Okay. I just don't want to limit ourselves that we'll not spend more than \$350,000- "

Councilman Densieski: "And it's- "

Councilman Kent: "Because I think what we're planning at that park is going to cost us more than \$700,000."

Supervisor Kozakiewicz: "Right."

Councilman Densieski: "Right. And this we can use matching grants of recreation monies."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "Any further discussion? Vote?"

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

Resolution #868

Councilman Kent: "This resolution authorizes the Supervisor to execute a management contract between the Town of Riverhead and the Riverhead Improvement District Management Association (Riverhead Blues Festival). I believe it's committing the town to \$20,000 for next year. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "The gravamen or the essence of this is upon execution of this contract the Town of Riverhead will be obligated to pay the Riverhead, the RDMA which stands for the- well, they've got it- the Riverhead Business Improvement District Management Association, \$20,000 for the next year's blues festival."

I want to comment the BID, Mr. Yousik and Tom Gahen (phonetic) for their efforts. I think it's a wonderful festival for the town. But as I- and I think they've done a good job with it. However, I want to remind the Board as I did at the work session that wasn't here, wasn't part of this Board when it started, that it was understood and stated to us in '98 and '99 that contributions would be made but that this would become a self-supporting, self-sustaining festival within four years.

We have arrived at that four years. It has been a success and Mr. Gahen indicated to the Board on last Thursday that it had become such a success that rather than disappearing the taxpayer contribution to the festival must increase next year. That does not make sense to me. And it concerns me that we've gone from five to 10, to 15, and now to 20.

We are becoming a sponsor with taxpayer dollars of a music festival. That wasn't the way it was explained to me in 1998. Mr. Gahen acknowledged that at the work session and had really no explanation. He was honest enough to acknowledge that the Vilella administration was told that this would be a disappearing five or then ultimately \$10,000 contribution. In fact it's gone up every year.

I, despite the fact that I think that this is a good thing, I do not think it is a good thing to use public funds on a, what is the word- on a perpetual basis to support it. So I vote no."

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

Councilman Kent: "I'm willing to commit our involvement in the blues festival to \$20,000. However, I'm going to talk to Bob, this only authorizes him to execute an agreement. I do believe there are monies available through New York State Office of Cultural Affairs, grant money that can be obtained if we utilize East End Arts Council or perhaps other sources of revenue or other agencies to make such applications.

So I'm going to talk to- I'm going to vote yes on the resolution but I'm going to ask Bob that we make an amendment perhaps to the agreement to include language to the effect that unless the money obligated by the town can be secured from other governmental sources. And I do believe those sources exist and I think an application can be made through another agency to secure this money. So I'm going to vote yes and I'm going to work on the management agreement side rather than at this resolution."

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

Councilman Lull: "And I agree with Chris actually. Pretty much what we were told by Mr. Yousik and Mr. Gahen at the meeting was that they were continuing to work on corporate sponsorships and various other sources of information. Meanwhile the town could work- and Chris could be some help, that would be great, work with the Community Development Office to maybe find some other funds either through them or East End Arts. I vote yes."

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

Supervisor Kozakiewicz: "I don't think I've met a person who went to the blues festival and who attended the three days there or any one of the days who had anything negative to say about it. I know that there was some question about what, if any, economic effect it would have. I know that with respect to one particular shop owner, he experienced direct benefit from it and that people who were walking by at the fair came back and bought merchandise from him.

I- we talked about two alternatives. One would be to go out three years and commit to three years of funding. The other

alternative thrown out was the possibility of doing or the idea of going out one year. And, again, this resolution is looking to do that. Commit it to one additional year. I don't know the history, I don't know what was said when this was first introduced to the Town Board. I believe when it was brought to Mr. Gahen's attention, the reaction was that that may have been said but things change somewhat.

I think the affair and the event was a tremendous success. We have been a sponsor to the event and we have been recognized and I think the- in addition to the economic benefit, there's been the benefit that's been recognized by the town being noted favorably in a Newsday article prior to the event and being discovered by people coming to the town. These are things that, I guess, can't be measured but, once again, are beneficial to the town.

I will work with Chris to see if there are mechanisms by which we can offset some of the costs and-but I vote yes with respect to the resolution that's before us today."

Barbara Grattan: "The resolution is adopted."

Resolution #869

Councilman Lull: "869 ratifies and approves the stipulation of agreement between the CSEA and the town. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, the contract- there certainly are things in there that I don't approve of and that myself in private industry don't give to my employees but I will say one thing. The employees of Riverhead Town are underpaid. The working class employees here, a lot of them are leaving for other townships that are offering them a lot more money and we do have some valuable employees here despite what some people say.

So is this the best contract in the world? Probably not, but I think it's fair for both sides. And I think we have a problem. I think our employees are underpaid. Some of the benefit package in here I do question but if you want good people and you want them to stay and not have to retrain for positions constantly, you have to pay

them. So I will support this contract and vote yes."

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

Councilman Cardinale: "I do agree with Ed that we have excellent employees in many position. This is a three year contract we're approving from January 1 of 2001 through December 31 of 2003 and I do agree with Ed that many of our employees, if you evaluated the job they do, and compare it to the practical reality in other towns and in the private sector, those lines could be raised.

However, I believe that this contract goes about it all wrong. What the contract does for those of you who haven't read it, it basically gives, although it staggers them within the three year, four percent annual inflation increase which bothers me a little because inflation certainly wasn't four percent this year and my guess is it won't be next year with the way this economy is going.

But the thing- when I say that they did this all wrong, our negotiating committee and I commend Matt Hattoff (phonetic) his committee because they did an excellent job for their people. The automatic- the thing that really bothers me about it is in addition to the four percent inflation increase, for the first time in this town's history they have permitted in the words of #35, automatic step movement to the next available step within the group each year.

Which means that each position by virtue of existing in that position for one year, each of our employees will move up a step and receive an average increase of one and a quarter or one and a half percent. This is on top of the inflation increase of four percent. So without considering the staggered dates of these numbers- of these two aspects, you're getting five and a quarter percent over three years each year.

The thing that I think is really wrong headed about this is when they add the automatic annual steps for the first time, so all you have to do is exist and you get that plus, of course, you'll always get inflation or more, they take out in #35 of our stipulation or #32, the merit pay provisions effective upon the complete ratification of this agreement, meaning tonight and the vote by the union, there's no more merit pay increases in this town.

There's no more inducement in this town to do a superior job and to be rewarded for it. That's the kind of thing that I think should happen and it isn't happening. It's coming out, it's not going in.

Now the right way to do this would have been the following in my view. What we did in the library. Library employees were also underpaid just like the town employees. We reevaluated every single line and placed the employee in- and Barbara Blass, who's in the audience was on that Board, and reevaluated each line and made those lines commensurate with the public- with the public jobs in the area like Southampton and Southold, made it commensurate with the private jobs so we could retain staff which we're having a hard time doing.

That's the way to do it. To give automatic step increases isn't going to hold the best people here. It's not going to hold the best people, it's going to hold the people that aren't doing anything. To do away with merit increases isn't going to hold the best people. It's going to hold the people that can't get jobs elsewhere.

So I really believe that this is wrong headed by the termination of merit pay increases and by the imposition or the inclusion of automatic annual step increases. I believe and I commend Matt again that this is a good example of Labor managing Management, this contract. Because what happened here is this is a good agreement from the standpoint of representative of a union but from the standpoint of the management of the town and the people we manage it for, it is not a good agreement.

And it isn't just about the five and a quarter percent a year. It's about the manner in which we are paying it under this contract. So I vote no."

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

Councilman Kent: "There are quite a few things in the agreement that I don't like but I want to reflect them accurately. I believe we should go back. The four percent a year is not really four percent a year. The first year, 2001, goes into effect July 1<sup>st</sup>. So the impact of the four percent is really only two percent to the town for the year 2001.

The step increase is in July- I mean is in October so that's in the fourth quarter which means that the impact of the one and one quarter percent is only one-fourth of that for the year 2001.

The next two percent increase is in July of 2002, followed by a two percent in October, 2002. Again, at the end of the second quarter and at the end of the third quarter. So the impact in the town is not a full four percent for the year. It's something less than that. You

can do the math at home with your calculator.

The step increases are also granted, I believe, in October with the impact being less than full for each year. So while the percentages are stated, the impact over the fiscal year is something less than the percentages stated if you can figure that out because it's half a year rather than a full year.

Those percentage increases, I think, are fair to the town. I think the employees of the town work very hard and we have a lot of good employees. I'm very discouraged by the removal of the merit system. I believe merit is something that every employee should work towards and I think that by removing it you're basically giving the good employees nothing to work toward other than personal satisfaction which a lot of them do work for personal satisfaction and for doing a good job for the residents of the town of Riverhead.

I had proposed a somewhat different merit system where we could allow bonuses to be given to employees by department heads rather than merit to be granted by the Town Board. We don't work with these employees every day, the department heads do. Unfortunately that was rejected by the union.

In such collective bargaining agreements there's a lot of compromise. There's give and take. I think the union has given us certain things back to the town and I think the town has given certain things to the union which were their top items, which were on their wish list, those things that they really wanted.

So on a whole though I'm disappointed with the extinguishing or the termination of the merit system, I think the increases are fair to the town and I think on a whole the agreement is probably a fair three year agreement. So I'm going to vote yes."

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

Councilman Lull: "Phil's pointing out- I mean Chris pointing out accurate figures there. The actual increase here figures out to somewhere just over 3.5, somewhere 3.6, 3.7 percent. If you take a look at the Bureau of Labor statistics report which was done today, as of June of this year, the cost of living index is at 3.5. So it's pretty close and it's pretty accurate and if it's pretty close and pretty accurate and you have some very desperate people working on these negotiations, it probably was successful."

I am probably the only one up here- maybe I'm not, but I think I'm probably the only one up here who has worked both as an employee under a salary schedule and as a management person managing the salary schedule. And I have said right along that there are two things that are really necessary for these contracts to work best for the day to day management in our town. And those two things are achieved in this particular contract and I'm very pleased that they are.

Without saying any further, yes."

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

Supervisor Kozakiewicz: "Before I vote let me also join in the comments that were stated earlier that we do have a very good work force and we have been experiencing raiders coming in, grabbing our employees from the outside, offering them more, and it's clear that there's a need to do something with the amounts that are being paid.

I could go on about the merit raise. I'm a little bit at a loss because some of the discussions seemed to be a little bit different from prior discussions. Rather than go into a great deal of detail, I will simply vote yes for Resolution 869."

Barbara Grattan: "The resolution is adopted."

Resolution #870

Councilman Densieski: "Appoints Kelly Daniels and Donald Highland crossing guards to the police department. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #871

Councilman Lull: "Appoints Diana Wilhelm Deputy Town Clerk at no additional compensation. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes. Diane is an excellent employee and this is going to help free up the office a little bit. So I vote yes."

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

Resolution #872

Councilman Densieski: "Reclassification of town employee and that's Laura Lennox. So moved."

Councilman Cardinale: "Discussion, please."

Councilman Lull: "I'll second."

Supervisor Kozakiewicz: "Motion to second. Discussion."

Councilman Cardinale: "Okay."

Supervisor Kozakiewicz: "Are we going to have the same discussion we had last time."

Councilman Cardinale: "Well, I'm going to ask a question. In the second whereas clause it reads, Whereas, the personnel committee- it should read personnel; it does read personal. Whereas, the personnel committee and the Town Attorney as the Department Head have carefully reviewed this request and recommend that Laura Lennox be removed from the confidential position of secretary to the Town Attorney and reserve the right to retain the position of secretary to the Town Attorney as a CSEA exempt position. In other words, we're going to give her civil service status and union coverage and retain the right to appoint an exempt person to her position.

It says has carefully reviewed the request that Laura Lennox made and recommended- can you tell me what the result of your careful review was and why we are making this move? Either the Town Attorney or the personnel committee."

Dawn Thomas: "Who do you want to go first?"

Councilman Cardinale: "Excuse me?"

Councilman Kent: "Well, I don't know- "

Councilman Lull: "Most of mine was in consultation with you, so- "

Dawn Thomas: "Yeah, well, I think part of the reason was there was some indication in the past that Laura needed to be a confidential employee and, therefore, she wasn't entitled to protection under the contract and when looking at her duties, I really didn't see that that was a necessary part of her function. There's lots of other people in the town that have privy- that are privy to confidential information who are a part of the contract that are not classified as confidential employees.

And it was her desire to have the protection of the contract and the union and to not be subject to the possibility of losing her position. She works very hard. She's a diligent employee. I think you've said that yourself before."

Councilman Cardinale: "Yes."

Dawn Thomas: "And based on her request and my review of her needs, I thought it was an appropriate recommendation."

Councilman Cardinale: "Yeah, so what I think you just said is that she being a very competent employee which we all acknowledge, that she is most appropriately retained by the town as a CSEA covered non-exempt union employee, account clerk typist, group 9, step 16.

So then my next question, then why are you also recommending that we retain the position of secretary to the Town Attorney as a CSEA exempt position when you've just concluded that the appropriate location or the appropriate positioning of the person is as a CSEA union covered employee?"

Dawn Thomas: "That was pursuant to the advice from the Accounting Department which I think you heard at the work session the other day that that was the appropriate way to do this type of resolution."

Councilman Cardinale: "Yeah, I heard it. I didn't understand it and I guess I'm urging the Board to do what the Town Attorney has recommended by giving this position a union coverage because it's the same price and the same salary virtually and I think Laura's a great employee and I don't think there's any particular reason why the

secretary or the paralegal to the Town Attorney, whoever that may be, should not be union covered.

However, I would ask the Board to consider removing from the resolution the reservation of the right to make a future appointment to the CSEA exempt position of secretary of the Town Attorney because I fear that if we include that the possibility looms large that we will have Laura in the CSEA union covered position as account typist-clerk typist, and have an open position as an exempt secretary to the Town Attorney which I feel in my experience with the town will be filled and, therefore, we'll have another \$40,000 plus benefits on the rolls.

So if we conclude that Laura is best served and the town is best served by her being a CSEA union covered non-exempt employee, I would ask- I would move that we remove the words from the second whereas clause and reserve the right to- "

Supervisor Kozakiewicz: "Are we out of discussion now? Are we out of discussion are we making a motion?"

Councilman Cardinale: "Unless anybody has anything else to say. Yes."

Supervisor Kozakiewicz: "Is there any other discussion? If not- I mean we've gone through this ad nauseam. We went through this at work session- "

Councilman Cardinale: "Right."

Supervisor Kozakiewicz: "And we're going through it now. You are making a motion to delete it. Is there a second?"

Councilman Cardinale: "Well, wait a minute. I haven't made my motion to delete yet."

Supervisor Kozakiewicz: "What are you deleting?"

Councilman Cardinale: "I'm deleting from on the third line- "

Supervisor Kozakiewicz: "We've gone through it so many times I know what the deletion is. So- "

Councilman Cardinale: "On the- second whereas clause from the word and on the third sentence to the end of the whereas clause. On

the first and only resolve- on the first resolve clause, I would like to remove the fourth line and to the end which removes the reservation of the right to make a future appointment to an exempt position. And I want to do so for the reasons stated, to exclude that possibility of having both a CSEA position and a political exempt position in the office."

Councilman Kent: "Is there some explanation why we have to reserve the right to retain?"

Supervisor Kozakiewicz: "We've gone through this. It was done at work session. It was discussed ad nauseam because it's referenced in the collective bargaining agreement, that it was the opinion of the labor counsel that this would be the proper way to address it and that has been prefaced- I think you had to leave early from that discussion, Chris, so that was the explanation offered. If we want to ignore Labor counsel's advice and do this- "

Councilman Kent: "Right, I know, I'm sorry, I had to- . Well, yes, can I make a suggestion and I wasn't there for the discussion of this. This can be controlled in the budget process also, correct?"

Councilman Densieski: "That's right."

Supervisor Kozakiewicz: "Absolutely that was the discussion that also came up in a very lengthy discussion."

Councilman Kent: "We don't- if we don't fund an exempt position, we can't fill it."

Councilman Lull: "Exactly."

Supervisor Kozakiewicz: "That's correct."

Councilman Cardinale: "And if we don't have it, we can't fill it either. I'm not confident we won't fill it."

Supervisor Kozakiewicz: "We're- there was a motion to- "

Councilman Kent: "Can I ask a question?"

Supervisor Kozakiewicz: "There was a motion to strike. Is there a second?"

Councilman Kent: "Can I ask another question before I decide

whether I'm going to second this motion to strike- "

Supervisor Kozakiewicz: "We'll be here all evening, guys. Okay, sure."

Councilman Kent: "I'm sorry, this is like constipation to me. Um, if we don't retain the confidential- the CSEA exempt position and later on down the road Laura moves as an account clerk typist to another department, do we then have a problem that we don't have that position to fill? Is that the issue?"

Councilman Cardinale: "Well, we wouldn't want to because we just learned from the Town Attorney that the appropriate position for the legal secretary is CSEA."

Supervisor Kozakiewicz: "I think, Phil, I think Chris' point was if the account clerk typist- "

Councilman Cardinale: "Whatever position she is."

Supervisor Kozakiewicz: "-- position here moves on would this provide more flexibility to fill an exempt position. Is that the question?"

Councilman Kent: "That's my question I'm asking."

Supervisor Kozakiewicz: "Yeah, and I know- I would have to agree that this does provide some flexibility. Again, the budget process would control who can be picked up, who can be added to the budget. I come out with a budget, then the Town Board has the right to excise additional positions from the budget."

Councilman Kent: "Can we later on create the CSEA exempt position after we- even if we don't reserve our right to retain the position. I mean that's the question- "

Supervisor Kozakiewicz: "And I look at it the other way. Do we- are we presented if Labor counsel says that this should be amended to delete it from taking a resolution up later to amend it to delete it. We've gone through this. We've gone through it, we've discussed it ad nauseam at work session and it's continuing."

We have a motion to strike. Is there a second to strike and let's try to get out of here before 2:00 or 3:00 this morning."

Councilman Kent: "Okay. That was my understanding that the reason we kept it was just to give us some flexibility and that- "

Supervisor Kozakiewicz: "That's one reason as well as the collective bargaining issue."

Councilman Kent: "We control it with funding."

Supervisor Kozakiewicz: "That's right."

Councilman Kent: "Okay, so- "

Supervisor Kozakiewicz: "Is there a second to strike?"

Councilman Cardinale: "I would- "

Supervisor Kozakiewicz: "There's been a motion to strike. Is there a second to strike?"

Councilman Cardinale: "Yeah, I'm urging that we don't need this flexibility, that's what I'm saying."

Supervisor Kozakiewicz: "Is there a second to strike? If not, let's take up the vote, please."

Barbara Grattan: "As is?"

Supervisor Kozakiewicz: "Yes."

The Vote: "Densieski."

Supervisor Kozakiewicz: "With the one change of personal to personnel."

Barbara Grattan: "Yeah, I've got that."

The Vote: "Densieski."

Councilman Densieski: "I'm just going to say like Bob said. This is not budgeted for but out of all the offices in town, that one probably needs help. But I'm going to vote yes."

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

Councilman Cardinale: "I think that Bob stated it very

succinctly at the end. It is my view that given flexibility in the ability to appoint people to positions at the taxpayer expense we will do it or at least three members of this Board will do it. So I would like to limit the flexibility.

What we are doing here is we are placing an individual in a new account clerk typist position and we are retaining the exempt political position as available. All we need do now is fund it after the election. Trust me. Watch it. It will be funded. I vote no."

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

Councilman Kent: "Since I wasn't in attendance when supposedly we had counsel advise us that this was the way to do it."

Supervisor Kozakiewicz: "Counsel was not here. I want to be correct."

Councilman Kent: "Okay."

Supervisor Kozakiewicz: "It was a discussion with Mr. Hansen who had spoken to counsel on it."

Councilman Kent: "Okay. I'm just going to abstain. I wasn't party to the discussion. I wish I was, maybe I could provide greater insight to the public but I am going to abstain."

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

Barbara Grattan: "We have three yeses. The resolution is adopted."

Resolution #873

Councilman Kent: "Oh, here we go again. Th 873 appoints a provisional payroll supervisor. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I think from what I know Debra Sorenson does an excellent job with payroll but I cannot support this resolution. Of course, I'm going to vote no."

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

Councilman Cardinale: "Is this a new position as I understand it?"

Councilman Kent: "This is what's happening. Maybe I should have explained it. This was taken up by the personnel committee whereas the prior one, you know, I know it said it was. I never really took up that prior resolution."

Our person who handles payroll is currently- what's her position now, account clerk typist?"

Councilman Lull: "Senior."

Councilman Kent: "Senior account clerk typist. She was offered to be a payroll supervisor in another town at about a \$12,000 pay raise. She was going to take that position. Her Department Head really did not want to lose her, especially since she's the only one that can run the payroll and we've offered her about half of that increase by making this move."

Councilman Cardinale: "Thank you for the explanation. I- "

Councilman Kent: "It is a new position. It's- "

Supervisor Kozakiewicz: "It's provisional."

Councilman Kent: "It's provisional. She's got to take the test I would imagine when it's offered."

Supervisor Kozakiewicz: "There is a competitive list."

Councilman Cardinale: "I guess I can vote, huh? I believe this illustrates well what I suggested about two minutes ago which is that our people are underpaid and we ought to reevaluate as we did in the library each and every position and determine which positions are underpaid and by how much and then raise the salary line. We shouldn't be doing automatic steps. We should be doing merit increases and we should be doing those reevaluations."

This is not the way to solve this problem. If I were in that department, I would be a little annoyed. I'd be more than a little annoyed if somebody says they got a better job elsewhere so the Town Board will fix it by giving them an increase. It fixes it for maybe this person, it doesn't fix it for maybe the lady next door or the man upstairs or downstairs.

I'm going to vote no here. I think this is the wrong way to resolve this problem and I vote no."

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

Councilman Kent: "I'm going to vote yes because if we didn't do this we would have lost a very good employee who's been with the town for several years and serves a role that we have nobody else in town can serve. She's obviously underpaid because a neighboring town is offering her \$12,000 more than she is currently making.

In fact, I think she's somewhat foolish staying with the town because we're only offering her half the increase and I don't know how much appreciation we really give her either. So I'm going to vote yes because I think it's appropriate to appreciate the services she provides to the town and to pay her half of an increase that she would have received if she had gone elsewhere and I thank her for staying with the town though I think that might have been a bad decision. But I'll vote yes."

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

Councilman Lull: "Quick history. First of all, payroll is a huge job. And it is handled in this town by two people. This person was working with somebody of about equivalent time background, her tenure, up until recently when that person left. She is now working in charge of that department, doing the job that we're now saying she has, with somebody who is- has a great deal less experience. Hard worker, but great deal less experience.

And it is conceivable that in the not too distant future there may be even less experience there. So the point is that she's already doing the job that we're calling now the Payroll Supervisor job. And I'm glad to pay her for it. Yes."

Supervisor Kozakiewicz: "I lost Barbara. She got fed up, she left."

Councilman Densieski: (Inaudible)

Councilman Cardinale: "Oh, can we leave her- "

Supervisor Kozakiewicz: "I vote yes."

Dawn Thomas: "I got it."

Supervisor Kozakiewicz: "She left you the job of recording the vote? Okay. 874."

Councilman Cardinale: "Can I add something here just as a reminder to the Board? We had an Ed McCarthy who was the town engineer. We did the same thing. He is now with Southampton."

Supervisor Kozakiewicz: "Let's continue. Let's continue."

Councilman Cardinale: "This doesn't work."

Supervisor Kozakiewicz: "Let's continue, discussion is over. 874."

Councilman Lull: (Inaudible)

Resolution #874

Supervisor Kozakiewicz: "874, vote, I mean is there a motion to- "

Councilman Densieski: "Authorizes the Town Clerk to publish and post a help wanted ad for full time animal control officer. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "Yeah, we've been advertising for this for four months. Yes."

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

Dawn Thomas: "The resolution is adopted."

Resolution #875

Councilman Densieski: "Sets terms and conditions of employment for Gina Chew as a Town Board Coordinator. So moved."

Councilman Lull: "I'll second that."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I vote first?"

Dawn Thomas: "That's what this- "

Supervisor Kozakiewicz: "No, should be Densieski."

The Vote: "Densieski."

Councilman Densieski: "Any discussion? I vote yes."

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

Supervisor Kozakiewicz: "Yes, Cardinale."

Councilman Cardinale: "I think that two bits of history are relevant. Number one, this job started off during the latter years of the Janoski term not too long before Jim Stark took over, \$100 a week. In fact, Eileen Fenton had the first job as I recall. We managed to get it up with Kim to \$35,000- "

Councilman Kent: "No, of yeah."

Councilman Cardinale: "Wasn't it with Kim."

Councilman Kent: "Actually Kim was serving 28 with the board and 7 with the Supervisor."

Councilman Cardinale: "Kim was kind of running the place as I recall but Kim got up to 35. We had Trina in there at 27 at the end- 25 to start and now we're hiring someone who I don't know because Ed knows well that I don't think we need this job so understandably he didn't ask my opinion on what he did with these interviews, so I don't know who Miss Chew is or whether she's good or bad but I can tell you that at 100 a week it might make sense but I don't think we need a

Town Board Coordinator and I wanted to give a little history of how we went from \$100 to this \$32,000 annually. \$100 a week or \$5,000 annually to \$32,000 annually.

One other bit of history. I've been on this board for three and a half years. I ask as you all know-

Supervisor Kozakiewicz: "Can't get just a simple- "

Councilman Cardinale: "I ask every time we appoint another person to another job, I ask the personnel committee is it absolutely necessary to fill this job? Every time budget comes around, I ask can we cut some job? No, we can't cut. No, we can't by attrition when people leave. Well, I'm telling you, I know this position because I work with this person every day for three and a half years.

We do not need a Town Board Coordinator in this town and I know the answer to the question do we need to fill this job? The answer is no. I vote no."

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

Councilman Kent: "This time I agree I don't think we need to fill this position. Actually I- we had a Town Board Coordinator, I got along without really using her services and now that we haven't had her for a month, I've been doing other things, using my own office, and I don't think we really need it either. So I'm going to vote no."

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

Councilman Lull: "I don't have my own secretary. Other people do. Other people have secretaries they can use in their own business. I don't. I have a secretary who is the Town Board Coordinator. I use the Town Board Coordinator extensively. I use her for data bases, I use for letters, I use her for all kinds of things. When we had somebody who can do the job and it's very difficult to get somebody to do the job because the job itself has- brings all kinds of problems along with it.

But the fact is that if everybody here doesn't use the Town Board Coordinator, it doesn't mean that the Town Board does not need a secretary and does not need somebody to make sure that when we have five or six grand openings in town some weeks when nobody shows up there, it's not the Town Board members who are totally responsible for

that. It's the Town Board Coordinator's job. It always has been and that's the way it works.

The Town Board Coordinator also sits on several committees, standing committees like the parking district committee and committees like that, takes notes, sits as a person who transcribes and so forth things that go on in those committees, mails out those things to committee members, that type of thing. Those committee meetings that meet during the day, that's part of the Town Board Coordinator's job, too.

It's a job that can be what you make of it but if you don't have it to make of then you are going to communicate with your constituency less. I don't like that. I'll vote yes."

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

Councilman Kent: "Hey, I think we can roll for a little while now."

Supervisor Kozakiewicz: "I hope."

Barbara Grattan: "You think so?"

Councilman Kent: "Yes."

Councilman Densieski: "No. I think you're wrong."

Resolution #876

Councilman Kent: "I'm wrong? Okay, 876 is a general fund budget adjustment. So moved."

Councilman Lull: "Yes. I mean second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "There's an item on here. I'm going to abstain this one."

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

Supervisor Kozakiewicz: "Abstained."

Councilman Lull: "No, Eddie abstained."

Councilman Densieski: "I just wasn't- I didn't have time to check."

Supervisor Kozakiewicz: "Okay."

Councilman Cardinale: "I know there's an appropriated fund balance \$15,000 to buildings, grounds, repair and maintenance. Anybody know what that's for? Unless I know I'll abstain as well."

Councilman Kent: "Do we know what that's for?"

Supervisor Kozakiewicz: "There was a memo. I don't recall."

Councilman Cardinale: "I don't recall the memo either. I'll abstain. The appropriated fund balance is as everyone knows I think is the savings account that means it's over budget."

Councilman Kent: "Jack, do you know what this building and grounds repair maintenance item is for \$15,000? Can you swear him in? No, I'm just teasing. Go ahead."

Jack Hansen: "Most of the repair and maintenance is for repair of the vehicles in buildings and grounds department."

Councilman Cardinale: "How come they're into the appropriation- the appropriated fund balance?"

Supervisor Kozakiewicz: "Because we wouldn't give them a vehicle last year in the budget."

Jack Hansen: "Their vehicles are being repaired and they're falling apart."

Councilman Cardinale: "So they need \$15,000 more?"

Jack Hansen: "Yes, sir."

Councilman Cardinale: "Okay."

Councilman Lull: "They take the new (inaudible)."

Councilman Cardinale: "Well, maybe we should get them one if it's taking them \$15,000 to repair the one."

Supervisor Kozakiewicz: "-- discussion, let's continue to vote. Let's continue to vote, please. You abstained- Chris- "

Councilman Kent: "That's getting paid- is that getting paid to the garage? So it's like going from one hand to the other."

Supervisor Kozakiewicz: "Chris?"

Councilman Kent: "Yeah, I'm going to vote yes."

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

Resolution #877

Councilman Densieski: "Budget adjustment for \$2900. So moved."

Councilman Kent: "This is within the same department if you notice the- "

Councilman Cardinale: "I'm comforted to hear that."

Supervisor Kozakiewicz: "Is there a second?"

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 #878

Councilman Lull: "18 Hubbard Avenue Chapter 96 capital project budget adoption. So moved."

Councilman Densieski: "I'm going to motion to table this Chapter 96 because I believe the property owner cleaned it up and I asked the engineering department to check on this and they haven't gotten back to me yet. Before we institute this, I'd like to motion to table."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Motion and second to table. Vote, please."

The Vote: "Densieski."

Councilman Densieski: "Yes, to table."

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

Supervisor Kozakiewicz: "For the reasons stated, yes."

Barbara Grattan: "The resolution is adopted."

Resolution #879

Councilman Kent: "How about this one? Is this one okay?"

Councilman Densieski: "Yes."

Councilman Kent: "780 Old Country Road Chapter 96 capital project budget adoption. What we do is we charge back to the real property tax bill, \$4820. So moved."

Councilman Lull: "Yeah, this is a good one. Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #880

Councilman Densieski: "1655 Old Country Road, Chapter 96 capital project budget adoption. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "This is the Tryac building, isn't it."

Supervisor Kozakiewicz: "Yes, it is."

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

Resolution #881

Councilman Lull: "Accepts irrevocable letter of credit of Schembri Homes, Inc. for park and recreation and road and drainage fees in connection with subdivision entitled Northside Road. 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 #882

Councilman Kent: "Accepts maintenance bond advanced wastewater treatment facility from the plumbing contractor WHM Plumbing & Heating Contractors. 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 #883

Councilman Densieski: "Approves Excavation Services, Inc. as a drainlayer for the Riverhead Sewer District. So moved."

Councilman Cardinale: "Yes, seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #884

Councilman Kent: "This accepts the performance bond of Auto

Zone. 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 #885

Barbara Grattan: "Resolution #885, Councilman Densieski."

Councilman Kent: "I just have a question on this one. Because I think there's a mistake."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Resolution #33 that we adopted back in December of 2000, was that a CDA resolution?"

Supervisor Kozakiewicz: "Yes."

Councilman Kent: "It had to have been right because we would have been beyond 33 by December."

Supervisor Kozakiewicz: "Yes, because that was to find them an eligible sponsor."

Councilman Kent: "Okay. So then this was done by the CDA Board? Is that how we usually describe ourselves? Not the Town Board."

Supervisor Kozakiewicz: "Right."

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "But this is an action by the Town Board as the- "

Councilman Kent: "No, this is an action by the Town Board. But in that first whereas clause- "

Supervisor Kozakiewicz: "Right."

Councilman Kent: "I believe we should make some- "

Supervisor Kozakiewicz: "Acting as- "

Councilman Kent: "We should make some kind of understanding that it's CDA Resolution #33."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "I think."

Supervisor Kozakiewicz: "Why don't we- whereas by CDA Resolution 33- "

Councilman Kent: "Right."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Okay. Because I thought that seemed weird that in December we were passing resolution #33."

Supervisor Kozakiewicz: "All right."

Councilman Densieski: "Right, 885 calls for an order establishing Extension 64 to the Riverhead Water District for the Calverton Business Incubator. So moved."

Councilman Cardinale: "I guess, Jim, you're going to second."

Councilman Lull: "Oh, sorry, second."

Councilman Cardinale: "Can I ask- "

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Cardinale: "Discussion, please. Bill's question. I know that I'm not too worried about this because it reads right here that the amount to be expended is \$22,000 to be borne solely by our Riverhead Industrial Development as agent for Stony Brook. But how come we're doing the orders establishing the extension of the water and sewer districts before we've deeded the property, not that I'm real anxious to deed the property. But just logically shouldn't we deed the property first?"

Councilman Lull: "The property is going to be owned by the

IDA."

Councilman Kent: "Are we going to deed this to the IDA? I know it hasn't been deeded yet."

Supervisor Kozakiewicz: "It has not been deeded. Is there a question as to whether there's a legal impediment to doing this or a question of policy?"

Councilman Cardinale: "Both from policy and- I think, I'm not sure but it just seems logical that you would, since they are making the application, they should be doing so on property they own. Although if you guys want to reconsider and not deed it to them, I'm perfectly happy. I didn't want to do that in the first place."

Councilman Lull: "That's the IDA- "

Supervisor Kozakiewicz: "This is an order which is establishing this extension. I'm not sure or I would have a hard time believing that that question would prevent us from taking this action. Would- "

Dawn Thomas: (Inaudible)

Councilman Kent: "Is Dick Ehlers- "

Supervisor Kozakiewicz: "Rather than delay it, if you wish to vote no for that reason why don't we take up the vote."

Councilman Cardinale: "Or maybe you'd like to table it so we know what we're doing. Why worry about it on this one, right guys?"

Supervisor Kozakiewicz: "Well, make a motion to table. I mean I don't see any reason why we couldn't do it. It's not unlike any other order extending sewer or water where there's contract vendees on a subdivision. I don't know why there's a difference here. I'm trying to ask you a question."

Councilman Cardinale: "Do they do that?"

Supervisor Kozakiewicz: "Yes, we do, yes, we do."

Councilman Cardinale: "I thought that they owned it before they extend it."

Councilman Kent: "No, we do it- if they're in contract to buy

it."

Councilman Cardnale: "We don't even have a contract with these guys."

Supervisor Kozakiewicz: "I don't see why this is different, that's all."

Councilman Cardnale: "Do we have a contract with them?"

Supervisor Kozakiewicz: "Well- "

Councilman Kent: "Yes."

Supervisor Kozakiewicz: "No, we have a resolution authorizing the transfer by deed."

Councilman Kent: "I think we have a contract also because I remember amending the contract."

Supervisor Kozakiewicz: "No, we- you amended the resolution. Right."

Councilman Cardnale: "Okay, I'm uncomfortable for the reasons stated. I abstain."

Councilman Densieski: "We didn't vote yet, did we?"

Barbara Grattan: "No."

Supervisor Kozakiewicz: "No, there was going to be a motion to table. I don't know if there is a motion to table. Is there a motion to table?"

Councilman Cardnale: "I think we should table. I'll motion to table."

Supervisor Kozakiewicz: "Is there a motion?"

Councilman Cardnale: "I haven't won any motions tonight."

Barbara Grattan: "You made the motion, right?"

Councilman Cardnale: "Yeah, I motion to table."

Supervisor Kozakiewicz: "Is there a second to table?"

Councilman Kent: "Yeah, I'll second it to table. I don't really know the answer to the question either. It was raised tonight. I was actually going to ask you, Bob, whether that was something that would prevent us from doing this?"

Supervisor Kozakiewicz: "I don't see a reason why it would."

Councilman Kent: "You see the problem here is this is new territory for us. Because this is town owned property. We don't have an answer to these questions because we've never done this before."

Councilman Cardinale: "I think we should go back to the drawing board and forget the whole thing."

Supervisor Kozakiewicz: "That's your opinion. We've heard it many times. Thank you."

Councilman Kent: "I'm not trying to hold up the transfer. Maybe we should find out what's holding up the deed. Are we deeding it to the IDA?"

Supervisor Kozakiewicz: "I think they wanted to get everything out of the way before so that there was no question whether the town taxpayer was going to be responsible for anything. They went forward to do the order establishing the water extension, went forward to do the order establishing the sewer district so there's no question it won't. Now we're deeding. Is there some potential that it's going to cost the taxpayer money? By demonstrating clearly that the order establishing this sewer extension, the order establishing the water extension is going to be paid for entirely by the project sponsor- "

Councilman Kent: "Yeah, I'll get to the sewer."

Supervisor Kozakiewicz: "-- which comes first, the deed where we don't know who's going to pay? Or the order saying they're going to pay entirely and then the conveyance occurs. Either way it seems we're running up against the same old problem, which comes first, the chicken or the egg? Is there- there's a motion to table. Is there a second to table?"

Councilman Kent: "I had seconded it."

Barbara Grattan: "He seconded it."

Supervisor Kozakiewicz: "All right. Vote on the motion to table."

The Vote: "Densieski, no; Cardinale."

Councilman Cardinale: "Yes, I think we should study this further before moving. Yes, to table."

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

Councilman Kent: "I would like an answer to the question. Maybe we can have Dick Ehlers come in and we can discuss this whole thing. We can also find out what the status is. I haven't heard anything about this in months about the deed of conveyance, what's going on with the Industrial Development Agency, what's going on with Stony Brook, where they are with their funding from the State.

Maybe we should have a sit down where we bring in the parties again and find out where we're at and what the timetables are for us to move forward with the whole transaction. It might be a good time to do that. This might be a good impetus for us to do it, too. So I'll vote yes to table."

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

Councilman Lull: "I don't see any purpose. I'd be perfectly happy to have Dick come in and talk to us. He wrote these resolutions. So, I'm going to have to believe that being the- having the background that he has, that he knows what it is. We have a \$10,000- a \$22,000 bill here and \$7,000 bill, whatever it is. These bills are to be borne by the IDA. It's not going to borne by the taxpayer and that's what this is to show and we are extending the water district."

William Kasperovich: "That's not true."

Supervisor Kozakiewicz: "Mr. Kasperovich, we're in the middle of a vote. You can- "

William Kasperovich: "Well, what the hell gets you people to listen?"

Supervisor Kozakiewicz: "Listen, Mr. Kasperovich, Mr. Kasperovich, this is enough."

William Kasperovich: "Come on (inaudible)."

Supervisor Kozakiewicz: "Yes. I vote yes. Let's go on to the next resolution."

Councilman Kent: "Hold on a second. Hold on."

Councilman Densieski: "It was to table, Bob."

Councilman Kent: "Let's- "

(Mr. Kasperovich was speaking from the audience)

Supervisor Kozakiewicz: "All right. Then I withdraw- "

Councilman Kent: "It's not fashionable to be thrown out of the Town Board meeting. Just because one person was doesn't mean you should get, you know, you should- "

(Mr. Kasperovich was speaking from the audience)

Supervisor Kozakiewicz: "Mr. Kasperovich, we are trying to complete- I don't want to do this back to back meetings, Bill, please."

(Mr. Kasperovich was speaking from the audience)

Supervisor Kozakiewicz: "This- the bottom line is he pointed out that this was drafted by counsel, Mr. Kasperovich, do you wish me to have you escorted out. I don't want to do that. I've been criticized enough for having someone escorted out. We're in the public- we're not even in the public comment period."

(Mr. Kasperovich was speaking from the audience)

Supervisor Kozakiewicz: "Mr. Kasperovich, please sit down. Mr. Kasperovich, Mr. Kasperovich, please, please sit down. Please sit down. We're in the middle of a vote."

(Mr. Kasperovich was speaking from the audience)

Supervisor Kozakiewicz: "Officer, officer, may you please escort the man out. I hate to do this but I guess is becoming contagious. Mr. Kasperovich, please relinquish. This has been a long, long meeting, please. And I vote no to table. Let's take up

the resolution #885."

(Mr. Kasperovich was speaking from the audience)

Councilman Kent: "Bob, the vote to table was defeated."

Supervisor Kozakiewicz: "Move the resolution 885."

Councilman Kent: "Well, Ed's got to move it."

Councilman Densieski: "What happened?"

Councilman Kent: "I don't think we ever moved it or seconded it. We only did the motion."

Supervisor Kozakiewicz: "Right. I think it was just a motion to table. It was never moved."

Councilman Densieski: "Okay. Um, 885 is an order establishing Extension 64 to the Riverhead Water District for the Calverton Business Incubator. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "No, for the reasons eloquently stated by my colleague, Chris."

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

Councilman Kent: "I'm just going to abstain because I don't have enough information before me today to vote one way or the other. I don't think- "

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

Resolution #886

Councilman Kent: "Now, on this next resolution I do have some questions on it. I was hoping Michael Reichel might have been here. Again, the same first- in the whereas clause it should be CDA."

Supervisor Kozakiewicz: "CDA."

Councilman Kent: "Okay. Is it our expectation, maybe somebody knows the answer to this, is it our expectation- I don't really know the answer to this question and I'm posting it anyway. Is it our expectation by this resolution that we're going to connect the incubator to the current sewer treatment plant? Do we know what the flow demand is of the incubator? Will we have the available capacity in the current plant? Because I think our (inaudible) permit is only 63,000 gallons per day and I think it's going to be used up by the industrial core. Or is it- are we expecting that this sewer district connection is going to be to the new sewage treatment plant that's contemplated to be built on that 40 acre piece by the runway there? Does anybody know- I don't really know the answers to these questions. Usually I like to know the answer before I ask it, but in this case I don't."

Councilman Cardinale: "You ask good questions, Chris, but you're going to lose, 3-2."

Councilman Kent: "No, no, I don't think we know the answer."

Supervisor Kozakiewicz: "On this one, I don't know the answer to all those questions. I know that and it should say- "

Councilman Kent: "And I apologize because I was going to call Frank Russo. I made these notes yesterday but I was on trial today and I didn't get a chance to do anything other than try a case. So, I'm sorry. And I hate to bring this up at 11:15, but I think we need H2M to tell us what the contemplation is."

Supervisor Kozakiewicz: "I believe there were- my recollection from the report that we received which is in my office from H2M, there was a gallonage flow contemplated. It's- I thought- at this point given the fact it's already 11:15, let's- "

Councilman Kent: "So at least can we table this one because I really- "

Supervisor Kozakiewicz: "Let's table this one. And in two weeks I'll deed the property over- "

Councilman Kent: "-- because I really think we're thinking about bringing the new sewage treatment plant in but I don't know whether it's before this is put on line- "

Supervisor Kozakiewicz: "Motion- is there a motion to table?"

Councilman Kent: "Motion to table."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Motion and second to table."

The Vote: "Densieski, no."

Councilman Densieski: "H2M was the consulting engineer and Dick Ehlers was the attorney. This resolution is right. I say no to table."

(Mr. Kasperovich yelled out from the audience)

Supervisor Kozakiewicz: "Listen, one more outburst, Bill, and you are going to be escorted. Enough."

(Mr. Kasperovich yelled out from the audience)

Supervisor Kozakiewicz: "Officer- Mr. Kasperovich, please restrain yourself. I've been extremely patient."

Councilman Kent: "Please."

Supervisor Kozakiewicz: "I do not want to- Officer, if Mr. Kasperovich- last warning, last warning."

Councilman Kent: "Bill, please, let me handle this up here. Okay? Stay calm, please?"

Supervisor Kozakiewicz: "Last warning, last warning."

Councilman Kent: "I appreciate your support, but, please."

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

Councilman Cardinale: "Okay. Once again, I found myself agreeing with- to some extent- with Ed. Since Mr. Ehlers did the resolution and H2M was our consultant, I really think we ought to table this and get a little better information. So I vote to table."

Councilman Kent: "Yes, to table."

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

Supervisor Kozakiewicz: "My vote is to abstain. It's been tabled."

Councilman Kent: "Okay."

Barbara Grattan: "Okay, it is tabled. Resolution is tabled."

Resolution #887

Barbara Grattan: "887, another one."

Councilman Kent: "I hate to do this, I hate to do this, but I'm moving to table this one also. Because- "

Supervisor Kozakiewicz: "I'll just table everything else that's on today, guys, and let's go home."

Councilman Kent: "No, let me explain this. Please, can I explain this?"

Supervisor Kozakiewicz: "Or let's adjourn and come back tomorrow at 9:00."

Councilman Kent: "I think this is the last one. But I think this is important."

Supervisor Kozakiewicz: "This is phenomenal. This is absolutely incredible, guys."

Councilman Kent: "I'll tell you why I don't think that we're prepared to act on this one. We've had conflicting opinions from both the Charter School and the School District. I'm not prepared to vote one way or the other on this resolution. I don't know if anybody else is up here. I'm requesting and I have requested from our counsel to do some examination of the information provided by the Charter School which includes an attachment of the New York State law on charter schools and the creation of charter schools, specifically with regard to whether they are treated as just another school within the school district which was what they said at the last meeting on the public testimony and that if we created a separate line for their school, we'd have to create a separate line for the Aquebogue Elementary School, the Phillips Avenue Elementary School- "

Supervisor Kozakiewicz: "While we're at it, are there others that you need to table so we can take them up as a block now?"

Councilman Kent: "Do you have an answer to that question? I don't think any of us here up here."

Supervisor Kozakiewicz: "I reviewed the letter from counsel for the school district. I looked at the Chapter 56 which does not seem to address this issue at all but if there's a motion to table- "

Councilman Cardinale: "I second the motion to table."

Barbara Grattan: "Okay, that was Kent and Cardinale."

The Vote: "Densieski."

Councilman Densieski: "No, I'm prepared to vote."

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

Councilman Cardinale: "I think information is a valuable thing and the more the better before we take action. Yes, I would like to table."

The Vote (Cont'd.): "Kent, yes; Lull, no; Kozakiewicz."

Supervisor Kozakiewicz: "It seems that we're going to have so much of this tonight, but I read both letters. I read the information provided by both of the groups, Riverhead Charter School and by the Riverhead Central School District. They both pointed out sections of law that I took a look at as well as chapter 56 that they provided us with- "

Councilman Kent: "Yes."

Supervisor Kozakiewicz: "-- and it does not seem to prohibit what we're looking to do. The question is whether we as the policy making Board wish to do what's being suggested by the resolution. I prefer to take it up and- "

Councilman Kent: "Okay, so it's no to table. Let's move it on then, I'm sorry. I'm not trying to- "

Supervisor Kozakiewicz: "That's okay."

Councilman Kent: "Go ahead. So I move the resolution. This adopts a local law to amend the Riverhead tax bill by creating a separate line for the Riverhead Charter School. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, no; Cardinale."

Councilman Cardinale: "The- for the following reasons, I am going to abstain on this vote. First, according to Article 56 of the New York State Charter School legislation, charter schools are to be treated the same as other public schools within the district. No other school in the district has its own budget line.

Second, I'm not sure who will be responsible for projecting the cost of the charter school for the budget line and, therefore, I'm not sure if it's reliability.

Third, I think that like Eddie I have always thought that this is not something with which the Town should involve ourselves. This Town Board ought to concentrate on town business. With such focus, we might actually improve our performance which truly needs improvement. So, therefore, I abstain."

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

Councilman Kent: "Well, a line that was said by another Town Board member tonight, I think more information is better so if by providing a line on the tax bill that states what the Charter- what it's costing the taxpayer for the Charter School, I think that's a good thing. I don't know if we're allowed to do it or not. I'd- like I said, I believe there's a conflict, but I'll tell you what, I'm going to vote yes because I think more information to the taxpayer is better and if the Charter School feels that we're violating the law, then they can take it up with the Town.

I really wanted to table it and find out the answer to the question first but since we didn't get to table it, I think this is going to go down and then we won't have a separate line on the tax bill. So let's take it up this way. Then we'll get sued and then we'll see how much time we spend defending our action.

So I'm going to vote yes to put the line on the tax bill even

though I don't believe we have enough information before us tonight. And I'm being forced into that vote."

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

Supervisor Kozakiewicz: "The last thing I want to do is force someone into a vote. I agree with Chris on one thing, that more information should help clarify things."

I do want to clarify with one point mentioned by Councilman Cardinale. He makes reference to Chapter 56. He was reading from a letter from Mrs. Trabold, not from the law. I did look at Chapter 56 and did not find any language which seemed to bear out what the opinion was in that letter.

I vote yes for the resolution."

Barbara Grattan: "The resolution is adopted."

Resolution #888

Councilman Cardinale: "888 authorizes the Town of Riverhead- this we can handle- remove rubbish, debris, etc. under Chapter 96 at 1251 Osborne Avenue. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #889

Councilman Cardinale: "889 we're going to remove- a public notice under Chapter 64 fire prevention of the Riverhead Town Code. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes to post and publish; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. Resolution is adopted."

Resolution #890

Councilman Lull: "Authorize the Town Clerk to post and publish notice of public hearing to consider proposed local law for an amendment to Chapter 108 Zoning of the Riverhead Town Code having to do with off street parking. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #891

Councilman Kent: "This authorizes the Town Clerk to publish and post a public notice for a local law to repeal and replace Chapter 46 entitled Alarm Systems of the Riverhead Town Code. The public hearing is scheduled for October 2 at 7:05 p.m. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #892

Councilman Lull: "Accepts performance bond of Birchwood at Wading River, New York, Section I formerly known as the Links at Wading River. 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 #893

Councilman Densieski: "Accepts performance bond Equestrian Estates, the Campo Brothers, so moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Is this a subdivision, Bob? Correct?"

Supervisor Kozakiewicz: "Correct."

Councilman Cardinale: "Well, I should be consistent. I do not believe we should be accepting performance bonds. I've said before that we should do the irrevocable letters of credit which are in the statue. So I vote to abstain."

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

Resolution #894

Councilman Densieski: "Accepts DEIS supporting the special permit petition of J. Douglas and Agnes Stark Glenwood Oaks (Glenwood Section 2). So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "And it sets a hearing to further look at the draft environmental impact statement. The date of that hearing is September 19, 2001 at 3:00 in Riverhead Town Hall."

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

Resolution #895

Councilman Lull: "Determines environmental significance of special permit petition of Sprint Spectrum LP d/b/a Sprint PCS. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #896

Councilman Kent: "This authorizes the attendance at the Empire Zones conference. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Quick question. Yes."

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

Resolution #897

Councilman Densieski: "Authorizes the attendance of an assessor at a seminar. 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 #898

Councilman Kent: "This authorizes- excuse me, this approves a temporary sign permit Tri Mac West, Inc. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozkaiewicz: "Moved and seconded."

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

Resolution #899

Councilman Lull: "Approves the application of Edward Densieski for the Agricultural Festival. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I'm flying out of- excuse me Dawn- "

Dawn Thomas: "You're sponsoring it."

Councilman Densieski: "I'm Chairman of it; I'm not sponsoring it."

Dawn Thomas: "On behalf of the town- "

Councilman Densieski: "Yes."

Dawn Thomas: "The town's the- "

Councilman Densieski: "Right."

Dawn Thomas: "So I don't think you have a problem."

Councilman Kent: "You can abstain. We're going to vote for it anyway."

Councilman Densieski: "I don't trust Phil- "

Councilman Cardinale: "Don't ever take my vote for granted."

Councilman Densieski: "I'll abstain, just in case. What it is, it's the Agricultural Heritage Festival, the second annual."

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

Councilman Cardinale: "I'm thinking. Yes, yes, if I can drive a tractor, correct."

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

Resolution #900

Councilman Kent: "This approves the application of LJ O'Neill Shoe Co. (Florsheim Group, Inc.) for a tent sale at Tanger Outlet October 8<sup>th</sup> through the 14<sup>th</sup>. 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 #901

Councilman Densieski: "Approves application of Martha Clara Vineyards LLC. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, they're going to have an Octoberfest with live music and dancing. Yes."

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

Resolution #902

Councilman Lull: "Amends Resolution 854 of 2001 which approves the application of Mary Totten - Jesus is Lord Church. So moved."

Councilman Densieski: "Second."

Supervisor Kozakeiwicz: "Moved and seconded."

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

Councilman Cardinale: "Oh yes, this- of yes, I'm not going to vote yes. I'm going to vote no as I did that last time. Now it's an eight day instead of a three day but there's still no rent folks and I do not believe in renting public property without rent. No. Even to

God."

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

Councilman Kent: "I'm a little concerned by this. Originally they asked for the 28<sup>th</sup>; then they asked for the 1<sup>st</sup>. We cut them back to the 31<sup>st</sup> by the Fire Marshal, now they want to go to the 5<sup>th</sup>. Is there any way we can go back to the 31<sup>st</sup> maybe? This is also going to be during the week at 11:00 a.m. Where are the people going to park for the court? That's basically- they use that area."

Councilman Densieski: "All seven of them?"

Councilman Kent: "No, for the court, Supreme Court."

Councilman Densieski: "No, all seven for the revival."

Councilman Kent: "Oh, there will be more than seven people for this revival. Um, is there any way we can cut back on that date? They originally wanted to go to the 1<sup>st</sup> and- "

Supervisor Kozakiewicz: "They're going to force you to vote no, Chris."

Councilman Kent: "Oh, because of the (inaudible) fields no longer is going on, right? All right, we'll see what happens. God will take care of the traffic. I'll vote yes."

Councilman Densieski: "They're all going to eat lunch downtown and spend money."

Councilman Cardinale: "That was even more confusing than your Charter vote- Charter School vote. I've got to give you credit. You are getting better and better."

Supervisor Kozakiewicz: "All right, so he voted yes."

Councilman Kent: "Why was that confusing, the Charter School?"

Supervisor Kozakiewicz: "Jim, Jim-- let's keep the vote, guys."

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

Councilman Cardinale: "Because your reasons justify the other vote."

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

Resolution #903

Councilman Lull: "Ratifies the authorization of the Town Clerk to publish the attached notice to bidders for the Town of Riverhead landfill reclamation demonstration project. 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 #904

Councilman Densieski: "Authorizes the Town Clerk to publish and post a notice to bidders for the Onan/Cummins generator. 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 #905

Councilman Lull: "Rejects bids for Suffolk Theater interior renovations. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "I guess I can't vote no. Yes."

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

Councilman Cardinale: "I'm thinking. Yes."

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

Councilman Kent: "I think we have to, yes."

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

Resolution #906

Councilman Lull: "906 awards bid for pages and pages of food. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, I just have to make a comment. The lady that wanted to speak at the last Board meeting and came late was concerned about her tax dollars being spent on meat which she said is dead animals. But we, the Town Board, do not set the policy on what the diet is for the senior center. It's done by the nutrition program and I gave her that information. So, yes."

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

Councilman Cardinale: "That was the lady that came at 7:00 for the 2:00 meeting. I'm really sorry we missed her. Yes, I vote yes."

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

Councilman Kent: "I had steak for dinner tonight. I vote yes."

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

Resolution #907

Councilman Lull: "907 authorizes the Supervisor to execute retainer agreement with Rains & Pogrebin for legal services. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Quick discussion on this here. Did we discuss this at work session, Bob?"

Supervisor Kozakiewicz: "I sent a memorandum out about two weeks ago asking for comments on this."

Councilman Densieski: "Okay. I was of the opinion a year and a half ago that we could probably do better although I do have a certain respect for this group. I still think we can do better financially, so I'm going- and I think this is for like another three year deal. If you are going to pass it, I would recommend that you make it a two year deal; I'll have to vote no."

Councilman Kent: "Actually the Supervisor can change it to a two year period when he executes it if we can get them to agree to that."

Councilman Densieski: "But you're binding future Town Boards by making the three year deal."

Councilman Kent: "But I'm saying it could be changed to two years. We're not setting the year, how long it is in this one."

Supervisor Kozakiewicz: "He voted no."

Barbara Grattan: "Did you vote no?"

Supervisor Kozakiewicz: "He voted no."

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

Councilman Cardinale: "I think it would be wise to get an alternative bid, particularly since we're paying a lump sum for representation, maybe we can get a better bid. So I'd like to abstain and attempt to get a better- an alternative bid to compare."

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

Councilman Kent: "I'm a little concerned that if we don't approve this we might be billed on an hourly rate for the work he's done since June 30<sup>th</sup>, so I'm going to vote yes."

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

Supervisor Kozakiewicz: "This is why I circulated the memo and asked you guys for comments two weeks ago. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #908

Councilman Densieski: "Approves amended site plan of 84 Lumber Company expansion. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Quick comment. Sorry, Bob. We- some- "

Supervisor Kozakiewicz: "It must be in the air."

Councilman Densieski: "-- of the landscaping things are questionable at this company and we are going to get them to straighten it out so it's going to make the area a little nicer. I vote yes."

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

Councilman Kent: "I'm going to abstain. I didn't get to see the site plan."

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

Councilman Cardinale: "It's right next door to Eddie. He'll make them- "

Barbara Grattan: "The resolution is adopted."

Resolution #909

Councilman Lull: "Approves the amended site plan of Philip C. Hancock. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Kent: "I'm going to abstain. I didn't get to see that one either."

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

Resolution #910

Councilman Cardinale: "This resolution directs the Supervisor to take specified action regarding Cablevision franchise agreement, specifically it directs him to send them a copy of this resolution which indicates their breaches, suspend negotiations with them regarding a new franchise agreement until they correct them; and if they don't correct them within a specified period, commence litigation. So moved."

Councilman Kent: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, no; Cardinale."

Councilman Cardinale: "Whatever way this motion goes and I have a feeling, I would like it to remain on the books of this town in all perpetuity as an indication of what I believe to be the proper manner of dealing with Cablevision and the proper course to take on Cablevision negotiations.

We will not know for a while whether it is the correct course—would have been the better course of action. I believe it to be the best course of action based on three and a half years of experience. So I vote yes, not surprisingly."

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

Councilman Kent: "I'm going to vote yes. I believe it's simply a sense resolution. We're directing the Supervisor to take certain specified action that we probably should have taken long ago and I agree with Phil, that you've got to be tough when you deal with Cablevision, so I will vote yes."

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

Councilman Lull: "I've mentioned before, we've got the terminator named Liebowitz, a hell of a lot more than three years experience. Yes."

Barbara Grattan: "Yes, did you say? You voted yes?"

Councilman Lull: "I said no."

Barbara Grattan: "Oh, no, okay."

Councilman Densieski: "No, he said yes."

Supervisor Kozakiewicz: "He did say yes."

Barbara Grattan: "Thank you."

Councilman Cardinale: "I want that vote, yes. Thank you, Jim, I've been waiting for you to come around. And incidentally, Liebowitz does not live in Riverhead and I do not- I just want to let you know that."

Councilman Kent: "Miami, Florida."

Supervisor Kozakiewicz: "No."

Barbara Grattan: "Okay."

Councilman Cardinale: "Give it to Zabby."

Supervisor Kozakiewicz: "Resolution 911."

Resolution #911

Councilman Kent: "This authorizes the Town Clerk to publish and post a help wanted ad for a water treatment plant operator trainee. So moved. Why, did we lose somebody or are we another one? So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Densieski."

Councilman Densieski: "Yes, to post and publish."

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

Resolution #912

Barbara Grattan: "912 is going to be bills."

Councilman Kent: "So moved."

Supervisor Kozakiewicz: "Who seconded it?"

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Barbara Grattan: "Now we've got Resolution #913."

Supervisor Kozakiewicz: "We never- "

Councilman Cardinale: "We've got more, huh?"

Supervisor Kozakiewicz: "Yes."

Barbara Grattan: "The waste management."

Supervisor Kozakiewicz: "Yup."

Councilman Kent: "I'll move that."

Councilman Lull: "I'll second that."

Barbara Grattan: "I've got copies here."

Councilman Kent: "I'll actually move that because I had an opportunity to speak to Frank Isler at length about this. So this authorizes the Supervisor to terminate the agreement dated December 31, 1997 with Waste Management of Long Island. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Kent: "Now, Phil, you would appreciate this because we are playing hardball with these guys. They are in breach and they have been in breach and we are now terminating the agreement."

Councilman Cardinale: "That's what you do when people are in breach, Jim."

Barbara Grattan: "All right. So was that Kent, Lull?"

Supervisor Kozakiewicz: "These are ones which I failed to discuss. This is to hold Waste Management who has the current agreement on the Youngs Avenue property. It's authorizing me to take action by terminating the agreement based upon their failure to pay pilot payments as designated in that agreement."

Councilman Cardinale: "Now we're going to throw it open for comment from the public."

Supervisor Kozakiewicz: "Yeah, we should have allowed it and I-I guess today has just been one of those days."

Barbara Grattan: "This would be 913?"

Supervisor Kozakiewicz: "This would be 913 because 912 was paying bills."

Barbara Grattan: "The next one is going to be a help wanted. But I haven't called the vote yes."

Supervisor Kozakiewicz: "Motion moved and seconded. Vote, please."

The Vote: "Densieski."

Councilman Densieski: "I'm just, I'd like to read it real quick if it's okay. I will abstain. That's my vote."

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

Councilman Cardinale: "Totally unreasonable that you should want to read the resolution before you vote on it, Ed. Yes."

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

Barbara Grattan: "Now we've got one more resolution."

Councilman Kent: "This is the homemaker one?"

Barbara Grattan: "This is the 914. The senior homemaker and senior citizen aide."

Resolution #914

Councilman Kent: "This rescinds Resolution- "

Supervisor Kozakiewicz: "This was not on either. This is because we had a resolution on last meeting to authorize the publishing and posting of an ad for homemaker, chore aide that didn't make it in the paper. So we're republishing and reposting."

In addition to that, there's a resignation of an individual at Justice Court. The termination of an individual because their time period under Worker's Compensation Law has been reached and I think there's also one which would be a grant application which we must submit by August 31<sup>st</sup> which is a grant application to do- looking to further the Peconic River walkway along the Peconic River. And I- they should have been disclosed to the public."

Resolution #914

Councilman Kent: "914 rescinds Resolution #782 and authorizes the Town Clerk to publish and post help wanted ads for the positions of homemaker and senior citizen aide in the Senior Citizens Department. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "I didn't think anybody would really have a problem with republishing and reposting an ad but I should have mentioned it. Yes."

Barbara Grattan: "Okay, and we've got another one, 915."

Resolution #915

Councilman Kent: "Accepts the resignation Marianne Schott in the Justice Court. 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 #916

Councilman Kent: "That's the Kathleen Long. Authorizes the termination of employment of Kathleen Long. So moved."

Councilman Lull: "Second."

Barbara Grattan: "Somebody got that resolution?"

Councilman Densieski: "Wait a minute, hold on a second. I'm lost. Oh, okay, I did have that somewhere."

Barbara Grattan: "Lull, you seconded it?"

Councilman Lull: "Yes."

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

Resolution #917

Councilman Lull: "Authorizes the Town Supervisor to submit grant application for Peconic River walkway and water quality improvements. So moved."

Councilman Kent: "Second."

Barbara Grattan: "Did I give you the resolution?"

Councilman Kent: "Here it is right here, 917."

Barbara Grattan: "I got it. Lull and who?"

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "Kent?"

Councilman Kent: "Yup."

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

Supervisor Kozakiewicz: "Well, I think there's some tabled resolutions which there may need to be some discussion. I'm sorry to do this to you folks but I know- "

Councilman Cardinale: "Here come the good ones."

Supervisor Kozakiewicz: "-- these have been out there kicking around for a while and they were tabled because we- "

Councilman Cardinale: "Because we didn't have Jim here."

Supervisor Kozakiewicz: "-- in part but in part no. This one was tabled from July 17<sup>th</sup> which was Mid Road Properties."

Councilman Cardinale: "Mid Road Properties."

Supervisor Kozakiewicz: "It's been sitting out there since. Rick, on Mid Road, is there a further amendment on this?"

Rick Hanley: "No."

Supervisor Kozakiewicz: "All right. Discussion."

Councilman Cardinale: "Discussion. On Mid Road- "

Supervisor Kozakiewicz: "Yup."

Councilman Cardinale: "The third whereas clause says whereas the Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation, such Planning Board recommending the granting of the special permit.

As I recall, I address this to Rick, our Director. They didn't actually recommend it, they recommended it with conditions and could you reflect- could you indicate those conditions? Well, I think I remember them.

Wasn't one a transportation study? And a- "

Supervisor Kozakiewicz: "There were two issues that they asked the applicant to analyze which the applicant did supply further analysis on."

Rick Hanley: "Analysis they wanted on the impacts of senior citizen residents on some of the town services."

Councilman Cardinale: "Right."

Rick Hanley: "As well as a- actually what they asked you to do as a Town Board was to fund a study of Middle Road, not with respect to only this petition but all the other applications that have been approved over time on Middle Road."

Councilman Cardinale: "Right."

Rick Hanley: "I don't think you have made a decision to fund that study."

Councilman Cardinale: "I think they indicated we should not approve any more of these facilities, overlay zones, until we had a transportation study and until we had a study- "

Rick Hanley: "That was the sense of what they said."

Councilman Cardinale: "-- of the impacts. So how can we honestly have a whereas clause that says the Town Board- "

Rick Hanley: "There was no recommendation- it was a conditional recommendation- it was in the positive with the condition. It wasn't a denial."

Councilman Cardinale: "It says whereas the Town Board has referred the petition to the Planning Board for its recommendation. The Planning Board- such Planning Board recommending the granting of the special permit. That's simply not true. They did not recommend it."

Rick Hanley: "They recommended it in the positive with those conditions."

Councilman Cardinale: "Well, that's like saying- "

Rick Hanley: "But you take- those are recommendations. This Board can take those conditions or not take those conditions."

Councilman Cardinale: "I know that. We do that frequently."

Rick Hanley: "Yes, you do."

Councilman Cardinale: "But they wanted us to do two studies and they have not been done."

Supervisor Kozakiewicz: "Okay, fellows, the two analysis were done by the applicant."

Rick Hanley: "The applicant did analyze the impacts of these new citizens on your services, nutrition, dial a ride, those kinds of things. However, you have not chosen to fund a study of Middle Road in terms of existing traffic, proposed traffic, and any improvements that that might require."

Councilman Cardinale: "And how about the transportation issue?"

Rick Hanley: "On Middle Road?"

Councilman Cardinale: "Yeah."

Rick Hanley: "They asked you to do a study. I haven't heard that you- "

Supervisor Kozakiewicz: "They asked us to do a study- "

Councilman Cardinale: "You didn't do that either?"

Rick Hanley: "You have not. No, you have not."

Councilman Cardinale: "So let me see if I've got this right. The Planning Board says approve it if you do these two studies."

Councilman Lull: "No, one study."

Rick Hanley: "One study was done by the applicant. The other study they said if the applicant does not chose to do it, which he did not chose to do it- "

Councilman Cardinale: "Right."

Rick Hanley: "-- that you should, in fact, do it since it's your highway."

Councilman Cardinale: "All right. So we didn't do both. We did- the applicant did one and nobody did the other."

Rick Hanley: "Yes, that's correct."

Councilman Cardinale: "And the actual recommendation of the Planning Board was don't do this unless you do both."

Rick Hanley: "Yes, it was in the positive conditioned upon those two things happening which I guess you could read as in the negative."

Councilman Cardinale: "Yeah, I guess I could."

Rick Hanley: "Yes."

Councilman Cardinale: "Thank you."

Councilman Kent: "I have a question. Under the findings it says that the property lies within a retirement community zoning use district. Is that true? Isn't a retirement--"

Rick Hanley: "The property lies- "

Supervisor Kozakiewicz: "It's a change of zone application that accompanies this that was also tabled."

Rick Hanley: "Okay, which one are we talking about, the special permit?"

Supervisor Kozakiewicz: "We're doing the special permit."

Rick Hanley: "It's in the wrong order."

Supervisor Kozakiewicz: "We should actually take up the change of zone application first."

Rick Hanley: "It is in the wrong order."

Barbara Grattan: "I've got it right here."

Supervisor Kozakiewicz: "Yeah."

Councilman Cardinale: "Ah, we're doing a change of zone and a special permit?"

Rick Hanley: "Yes. The only use within that zoning district is this."

Councilman Kent: "Okay, Rick, somebody raised a point about the retirement community zoning district overlay- the retirement-- I'm sorry, I'm getting tired. The retirement community overlay zoning district. There was a point raised at the public hearing that this is only permitted in the Riverhead Hamlet."

Rick Hanley: "No, that's not correct. It says within hamlet areas, lower case "h"."

Councilman Kent: "Okay, what hamlet is this in?"

Rick Hanley: "There are two Hamlets, upper case "H" in the town of Riverhead."

Councilman Kent: "Okay."

Rick Hanley: "Wading River Hamlet was defined and the Riverhead Hamlet is defined on the zoning map. However, the ordinance does not say the Riverhead Hamlet capital "H", or Wading River, capital "H". It says Hamlet areas which I believe you could define this property as being in a hamlet area. It is certainly not rural."

Councilman Cardinale: "Because it surely won't be after this project is done."

Rick Hanley: "Well, if you look at the general vicinity I think you would find that there are other residential developments within the area as well as town institutional uses."

Councilman Lull: "It's certainly a use within the area that we use when we discuss the Riverhead Hamlet."

Rick Hanley: "In terms of the vernacular of Hamlet, yes."

Supervisor Kozakiewicz: "Any other discussion?"

Councilman Cardinale: "Yeah, how many acres is this piece?"

Rick Hanley: "77.6."

Councilman Cardinale: "And, so what's happening here is on an Agricultural A district the yield would be approximately 60 and we're being asked to do a zone change to permit 126 condo units."

Supervisor Kozakiewicz: "That's correct."

Rick Hanley: "That's correct."

Councilman Cardinale: "And the Planning Board is recommending against it?"

Rick Hanley: "Well, the Planning Board recommended in the positive conditioned."

Councilman Cardinale: "And we didn't do the conditions?"

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "We've gone through it. Any further discussion?"

Councilman Densieski: "Yeah. I think one of the questions is, one of the policy decisions is are we better off with 126 senior units or are we better off with 60 school age units?"

Rick Hanley: "That's an excellent point."

Supervisor Kozakiewicz: "That's the policy decision."

Rick Hanley: "And you know what? If you were to look at most of our applications for senior citizen condominium and were to look at all the variables or criteria or impacts relative to these units, i.e., traffic, impacts on school district, all those things, I'd think you'd find a senior project with a higher density has less impact in terms of those values than a subdivision."

Councilman Cardinale: "How do we know it's going to be a senior project?"

Rick Hanley: "The zoning ordinance requires that all residents be 55 or older within the site. It's actual zoning."

Councilman Cardinale: "So in consideration of the- the zoning itself requires it?"

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "Okay, let's go to the vote on the change of zone first because we need to take up the change of zone first which would be Resolution #805 that was tabled. Vote, please."

Councilman Densieski: "Approves change of zone petition of Mid Road Properties. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded. And that's to take it off the table."

Barbara Grattan: "Who seconded it?"

Supervisor Kozakiewicz: "Densieski to take it off the table and Lull to second."

The Vote: "Densieski."

Councilman Densieski: "Yeah, motion to take 805 off the table."

Barbara Grattan: "Are you voting yes to take it off?"

Councilman Densieski: "Yes."

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

Councilman Densieski: "Was it seconded, Barbara?"

Barbara Grattan: "Yes, Lull."

Supervisor Kozakiewicz: "Yes, it was seconded."

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

Councilman Cardinale: "I have all sorts of questions about this. I prefer it to stay on the table."

Barbara Grattan: "So you're voting no?"

Councilman Cardinale: "That's right."

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

Councilman Kent: "I'm voting no."

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

Barbara Grattan: "The resolution is brought off the table."

Supervisor Kozakiewicz: "Now the vote on the resolution."

Councilman Cardinale: "I'd like to ask one other question of the Director of Planning Hanley. Do we not have in addition to the conditional recommendation on the zone change from the Planning Board another memo from the Planning Board indicating that during the pendency of the master plan study which is four or five out of eight studies along, that we not do zone changes in this town?"

Rick Hanley: "I think you had a letter."

Councilman Cardinale: "Yeah, I remember that."

Rick Hanley: "From the Planning Board. I can't remember whether it was from the Board or the Chairman. I don't know whether that letter predated that application. This application has been here for quite some time."

Councilman Densieski: "How long- "

Supervisor Kozakiewicz: "This application came in prior to '99, is that right? Or in '99."

Rick Hanley: "Yes."

Councilman Cardinale: "The master plan started in '98."

Rick Hanley: "I don't know the date of that letter from the Planning Board but if the Planning Board were cognizant of that letter relative to this application, I don't think they would have written this resolution the way they did because they did recommend approval condition. I mean, they could have just squarely said, or frankly said, don't even consider this change of zone because you do not have to consider a change of zone. And they didn't say that."

Councilman Cardinale: "Right. As opposed to don't consider it unless."

Supervisor Kozakiewicz: "Based upon that, let's vote."

Councilman Densieski: "I move Resolution 805."

Councilman Lull: "I'll second."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Lull: "Just to take it off the table."

Councilman Densieski: "We already did that."

Supervisor Kozakiewicz: "No, we already did that. This is the actual- this is to approve the change of zone."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "This is a change of zone application which is in effect private legislation and has to be carefully reviewed whenever we do it. Um, part of our review is to listen, I think, to the planning experts, namely the Planning Board. The Planning Board has in this instance indicated don't do this unless two studies are obtained. We chose not to obtain them- one of them and I don't- I think that precludes us from taking action here.

Secondly, we do have a letter from the Planning Board dated '98, which indicates that we should not be doing zone changes within the time period prior to our passing a revised master plan. And if you don't think that's significant in this application, I refer you to the yields that are being permitted here and the justifications therefore on the special permit petition particularly. They relate or refer to- I'm sorry, it's on the zoning petition, they refer to a 1973 master plan.

The justification for this zone change is that the comprehensive master plan of the Town of Riverhead 1973 contemplated certain low density residential development of the property that we're talking about. So we're doing in 2001 a zone change based upon a 1973 master plan. That's precisely what we shouldn't be doing."

Supervisor Kozakiewicz: "So your vote's no?"

Councilman Cardinale: "So, my vote is- I'm getting there. I'd like to justify my vote."

Supervisor Kozakiewicz: "Well- "

Councilman Cardinale: "You're the guy that put this on at 12:00. If you didn't have the patience to listen to the reasoning, you shouldn't have put it on."

Supervisor Kozakiewicz: "Well, no, no, it's- we're in the vote, that's all."

Councilman Cardinale: "All right. We have 126 units on a property that could carry 60 under the existing zoning. We are justifying it despite the fact that we are disregarding the Planning Board recommendations. We are justifying it based on a 1973 master plan when we're in the middle of a new master plan."

We are resolving here that this has- is without significant impact upon either the natural or social environment and that the environmental impact statement need not be prepared. We are simply approving the petition of the developer amending the zoning so he'll be happy and pave over the town. I vote no."

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

Councilman Kent: "For reasons stated by Councilman Cardinale, I also vote no on this."

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

Councilman Lull: "I vote yes. I believe that the Planning Board's recommendations for a study of Middle Road certainly is warranted. I think we should certainly take that up or maybe consider it perhaps in terms of next year's budget or maybe in association with the master plan. But as of affecting this, I don't think so. We've done the other. Yes."

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

Supervisor Kozakiewicz: "It's been a long night. I'm not sure if it's the five minute rule is causing us to have transcripts of other things. This resolution was tabled on July 17<sup>th</sup>. I know it's probably a bad idea to take it up at this late hour but I don't think it would ever get moved unless there was some effort to bring it off the table."

It is a policy decision whether we'd rather see single family housing occur or whether we'd prefer to see the senior project develop. Based upon the information provided, I believe that's the

better way to go. It's not a question of paving over the town as suggested. I vote yes."

Barbara Grattan: "That resolution is adopted."

Resolution #803

Barbara Grattan: "Resolution #803, you want to do that one? The special permit of Mid Road?"

Supervisor Kozakiewicz: "Please, please. Is there a motion to take it off the table?"

Councilman Lull: "I'll move to take it off the table."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "It's moved and seconded."

Councilman Densieski: "Where are we? 803?"

Supervisor Kozakiewicz: "Vote, please?"

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Um, this is now- now having given this developer a zone change we are now going to stamp our approval on a special permit because it isn't permitted unless we do both. Um, I don't think that's a good idea. I also am harking back to what I said in 1997, why don't we try something different in this town, try passing intelligent zoning and following it for a change instead of giving zone change- zone changes and special permits to anyone who asks."

Supervisor Kozakiewicz: "This is a motion to take it off the table."

Councilman Cardinale: "Yeah, I don't want to take it off the table. Because if we take it off the table, these guys are going to pass it 3 to 2. So I vote no."

The Vote (Cont'd.): "Kent, no; Lull."

Councilman Lull: "These guys, yes."

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

Barbara Grattan: "The resolution is brought off the table."

Supervisor Kozakiewicz: "Is there a motion to vote?"

Councilman Lull: "I'll move it."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded. Vote on 803."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "Well, as I was saying. Why don't we try something different? Try sticking to the zoning we've passed; try not giving special permits just to accommodate our friendly developers."

One other thing. I have never heard anything more backwards than the reasoning in the last- in the last justification of vote by Jim Lull. He says we'll do the study after we approve the development. That's what we've been doing for the last 20 years. That's why Riverhead looks the way it looks.

I would urge everyone here to vote no. That's what the Planning Board recommended. No."

The Vote (Cont'd.): "Kent, no; Lull, yes; Kozakiewicz, yes.  
The resolution is adopted."

Councilman Densieski: "Motion to adjourn."

Supervisor Kozakiewicz: "I hate to dare do this. But I know there was another tabled resolution which was Foxwood Village."

Councilman Cardinale: "Oh, another good one. See if you stayed late, you got to hear these."

Supervisor Kozakiewicz: "Well, they've been kicking out there. We should address them. Unless you guys would just like to leave them lingering and- "

Councilman Cardinale: "I would prefer to have like the moratorium resolution considered tonight or the T&S Haulers special permit or perhaps the fire building."

Supervisor Kozakiewicz: "The fire building- I spoke to both the representatives who wrote the letter opposed to it as well as fire counsel and everybody agrees we need to look at the issue further."

Councilman Cardinale: "I hear we're going to September 18<sup>th</sup>."

Supervisor Kozakiewicz: "As far as TS Haulers- well, that's- "

Councilman Cardinale: "Does that have a charm, that date, for any reason?"

Supervisor Kozakiewicz: "Listen, let's just take Resolution 804. Either we want to take it up or we don't. Is there a motion to take it off the table?"

Councilman Densieski: "Yes. Motion to take 804 off the table."

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

Councilman Lull: "Yes."

Supervisor Kozakiewicz: "Moved and seconded to take it off the table."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "No. I do not wish to take it off the table."

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

Councilman Kent: "This still provides for the purchase of pine barren credits. I don't think this is a receiving area. I think we'd have to amend the pine barrens receiving map in order to do this."

Rick Hanley: "I've given the Board a copy of the tabled resolution as well as some of my amendments written in hand. Do we all see that? We're reading off that?"

Supervisor Kozakiewicz: "I have it. Yes."

Rick Hanley: "Okay. What I've done here, Chris, is I've fashioned this to provide a mechanism to get these additional units which was contemplated either by using pine barrens credits which

would as you have said require the Town Board to amend the zoning ordinance to map a receiving area, or in the alternative to sterilize property under Article 6. So that is a choice of the applicant to convince the Health Department to issue through the Board of Review the additional units either through sterilization of real property which they would purchase or through pine barrens credit. But they would not be able legally to use those credits unless you were to decide to make this a receiving area and they are aware of that."

Councilman Cardinale: "This is 94 units?"

Rick Hanley: "I believe it was 94 units and we approved 78 units. I think 16- 16 units extra."

Councilman Cardinale: "How many are just- "

Supervisor Kozakiewicz: "This is a motion to- "

Rick Hanley: "It's 24- well the other change here- this is really done by flow, Phil, by the Health Department. So really what the applicant would require would be another 2400 gallons of sanitary flow which I think relates to depending on what zone, it could be either 16 or- eight acres of 16 depending upon."

Councilman Cardinale: "Yeah, but the Health Department doesn't drive our zoning. We have zoning and this is Ag A right?"

Councilman Kent: "No."

Rick Hanley: "The property is- "

Councilman Cardinale: "What's the property underlying zone?"

Councilman Kent: "The underlying zone is Ag A."

Rick Hanley: "The underlying zoning is Agriculture A."

Supervisor Kozakiewicz: "Why don't we move on the motion to bring off the table."

Councilman Kent: "I don't think we should take it off the table. I think we should take up this discussion at the next work session. Because I think there are issues to be discussed that I don't think we should be discussing at midnight. So I vote no to take it off the table."

Supervisor Kozakiewicz: "So the vote is no."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. The resolution is brought off the table."

Supervisor Kozakiewicz: "And is there a motion to move the resolution and then I would like to take up the amendments that's been proposed by Mr. Hanley."

Councilman Densieski: "Okay, you want to move it before you take up amendments?"

Supervisor Kozakiewicz: "I'd like to move it or we can- "

Councilman Densieski: "Motion to move 804. So moved."

Supervisor Kozakiewicz: "Is there a second? Moved and seconded."

Councilman Cardinale: "Discussion, please."

Supervisor Kozakiewicz: "Sure."

Councilman Cardinale: "Um, as I was- before we worry about the amendments, can I just understand this because it's been so long? We have 90- we have 94 units here on how many acres?"

Councilman Kent: "Forty-two."

Councilman Cardinale: "Forty-two acres. This was approved as I recall in the Vilella administration and one of the conditions of those 16 additional units was that they obtain- so the public understands what we're doing here-- "

Supervisor Kozakiewicz: "Obtain TDR under our Ag program. They were going to- it was predicated upon- it's right in the second whereas- predicated upon the transfer of development rights from the agriculture sending area pursuant to Chapters 44 and 95A of the Riverhead Town Code. This is amending a Resolution which provided for that predicate to instead provide for alternatives which would be predicated upon the purchase of development rights pursuant to Section 108 and 180 of the Riverhead zoning ordinance, the transfer of development rights which- unless we have to establish a receiving zone which is the pine barrens credit program or sterilization of real property pursuant to Article 6."

Councilman Cardinale: "All right. This is an- I want the public to understand, however, that this an accommodation-- we're amending a prior approval which was itself an accommodation to the developer- we're amending it to- because the developer is having problems with the Health Department.

There is a way the developer could resolve this. He could simply buy 16 acres. That would solve it, wouldn't it?"

Supervisor Kozakiewicz: "The sterilization will probably- that's what the sterilization is talking about."

Councilman Cardinale: "Right. But instead of doing that, because that would be 16 times like 30,000."

Rick Hanely: "Well, actually that's not true, Phil, because these are senior units according to the Health Department so they value or calculate the flow at 150 gallons for each. So in reality we're talking about 2400 gallons of flow."

Councilman Cardinale: "So what could he do if we do not grant him the accommodation he seeks? What alternatives are available to accommodate the Health Department."

Supervisor Kozakiewicz: "We approved- you did not vote on this resolution in the first place. You voted against the idea providing for the 94 units."

Councilman Cardinale: "Absolutely."

Supervisor Kozakiewicz: "The resolution was granted which allowed for this to occur and what we have determined is it can't occur because of the town being at odds with the Suffolk County Department of Health Services."

Councilman Cardinale: "The Health Department has determined that."

Supervisor Kozakiewicz: "Either- that's what I understand, correct."

Councilman Cardinale: "Right. And now he's coming back and asking us to amend our resolution."

Supervisor Kozakiewicz: "Or we have not been able to get our

TDR program to work- "

Rick Hanley: "No, that's not the problem."

Supervisor Kozakiewicz: "What is the problem?"

Rick Hanley: "The problem is that the Health Department is fully aware of our program. I spent quite a lot of time with one of their analysts on it. They want sterilization as opposed to TDR."

Supervisor Kozakiewicz: "On the TDR."

Rick Hanley: "They are happy with TDR as long as the sending parcel remains sterilized."

Supervisor Kozakiewicz: "Right."

Rick Hanley: "So this is almost an academic debate because eventually it would have resulted in sterilization if we had gone with the original approval, which is totally counter-productive to what we are trying to do here."

Supervisor Kozakiewicz: "Which is not what we are looking to accomplish with that TDR program."

Councilman Cardinale: "Why is that?"

Rick Hanley: "Why is- that's their rule."

Supervisor Kozakiewicz: "That's their rule, the Health Department."

Rick Hanley: "They see farming as a nitrogen load."

Councilman Densieski: "Nitrogen load."

Councilman Cardinale: "But the concept- "

Supervisor Kozakiewicz: "Right. And, therefore, they want the underlying parcel which is sending the rights to be totally left fallow."

Councilman Cardinale: "So- but if we didn't do anything, he'd buy the acreage and it would lay fallow."

Supervisor Kozakiewicz: "Well, that's what we're talking about doing here. Do we want to make the- there's been a motion to move the Resolution, a second. I would ask that- is there a motion to make the amendments as suggested by Mr. Hanley? Or are we going to move it as suggested? Is there a second?"

Councilman Densieski: "Moved as amended."

Supervisor Kozakiewicz: "Is there a second to move it as amended? Okay, vote, please."

The Vote: "Densieski."

Councilman Densieski: "Yes. Before I vote, I would just want to say that Foxwood Village is if not the nicest senior housing in town. I don't know of any finer. It's a fine community. And I support senior housing in town because it does not impact the school district. So I'm going to vote yes."

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

Councilman Cardinale: "Foxwood Village is a lovely place and they have unique ability to convince the Board to extend their non-conforming use into the property next door to them which was truly an unusual event. But I want the public to understand what's happening here when they pass this three to two.

They were approved in '99 subject to their obtaining- getting the extra 16 acres by not developing an equal amount elsewhere in town. They ran afoul in the Health Department of being able to in effect get off with simply buying development rights and allowing the farming to be intact because the Health Department says that's not going to do it. You have to buy the acreage and let it lay fallow. That's doubly expensive.

They came back to the town and asked us now to accommodate them by helping them out and saving them some money. Your Republican Board is going to do just that. Help them out and save them some money. That's exactly what's happening here and- "

Supervisor Kozakiewicz: "How are they sterilizing property if they're not buying property?"

Councilman Cardinale: "They are going to have to buy it and lay it fallow."

Supervisor Kozakiewicz: "That's right. So they're not saving money. So- "

Councilman Cardinale: "No, no. That's not what I said. You're allowing them to do what they want to do not buy and lay fallow the land."

Supervisor Kozakiewicz: "We gave them approval that will not work."

Councilman Cardinale: "No, no, no we gave them approval that will work if they- "

Supervisor Kozakiewicz: "They have come back to ask for an alternative solution. Your vote, Mr. Cardinale."

Councilman Cardinale: "I'll vote when I'm finished explaining my vote. That you gave them an approval- "

Supervisor Kozakiewicz: "Let the public understand that whatever this majority is doing, Mr. Cardinale will take issue with that. That's the real issue."

Councilman Cardinale: "The real issue is that you are laying down for the developers to permit them to develop this town. They should do so consistent with zoning. They shouldn't be getting special zone changes and permits. They shouldn't be able to extend non-existing- pre-existing non-conforming uses all the way to the town line. They shouldn't be allowed to come back and seek accommodations after approvals had been given. They should have been told go out and buy 16 acres, let it lay fallow, it will cost you approximately 200 grand more, but that's life. Instead you're doing what you're doing. I vote no."

The Vote (Cont'd.): "Kent, no; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "It's incredible what Mr. Cardinale will twist. I vote yes."

Barbara Grattan: "Okay, that resolution is adopted. You've got one more, Bob."

Supervisor Kozakiewicz: "One more?"

Barbara Grattan: "One more tabled. This is Wading River

professional building, Tsunis."

Supervisor Kozakiewicz: "Oh, Tsunis. Yes. I know it came up earlier in the discussion. I almost forgot about that one."

Councilman Kent: "No, this one- this one where they worked out an agreement between the residents and the developer, I believe."

Supervisor Kozakiewicz: "They have reached an agreement?"

Councilman Kent: "Mr. Bail is here to yawn and to- "

Councilman Cardinale: "It's another add on."

Councilman Kent: "I don't know if he's nodding or- "

Supervisor Kozakiewicz: "This is another tabled resolution. It's not an add on."

Councilman Cardinale: "If we're going to bring them up, why don't we tell the people before the resolutions are presented?"

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

Councilman Kent: "I'll move this off the table."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Lull: "I'll second it."

Supervisor Kozakiewicz: "Vote on the table. Motion and second to take it off the table."

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

Barbara Grattan: "The resolution is brought off the table."

Councilman Kent: "I'll move the resolution. This approves the amended site plan of Wading River professional building. Tsunis is the owner. This resolution came before the Board. I actually moved to table it based on some discussions that I had had with some of the people who lived in the area. An agreement was reached between those residents and the developer and now it's time to move the resolution

based upon the agreed upon changes that have been made to the map. So I'll move the resolution."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale."

Councilman Cardinale: "It is my understanding that both sides are comfortable with this site plan. I vote yes."

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

Councilman Kent: "I move we adjourn. 820."

Supervisor Kozakiewicz: "820 was a tabled resolution. Yes."

Councilman Lull: "The real number is 12:10."

Councilman Densieski: "Motion to adjourn."

Meeting adjourned: 12:10 a.m.

*Barbara Gutton*  
Clerk