

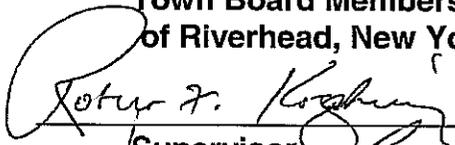
**WAIVER OF NOTICE AND CONSENT  
OF SPECIAL MEETING**

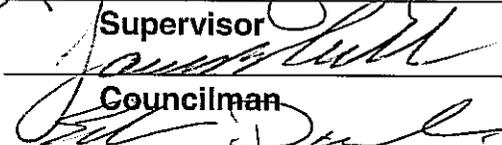
We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 10:00 A.M. on the 9th day of October of 2001, and do consent to the holding of such meeting for the purpose of:

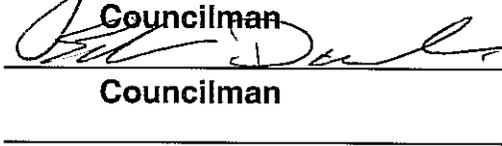
- No. 1054            Authorizes the Law Firm of Twomey, Latham, Shea & Kelly, as Special Counsel to Commence Litigation against Calverton Industries, LLC to Enforce the Town Code of the Town of Riverhead
  
- No. 1055            Awards Bid for Landfill Reclamation Demonstration Project
  
- No. 1056            Authorizing Supervisor to Sign Temporary Construction Easement Agreement with Suffolk Cement Products, Inc. in Conjunction with the Landfill Reclamation Project
  
- No. 1057            Authorizing Supervisor to Sign Temporary Construction License Agreement with Mid Road Properties, LLC in Conjunction with the Landfill Reclamation Pilot Project

Dated October 9, 2001

Town Board Members  
of Riverhead, New York

  
\_\_\_\_\_  
Supervisor

  
\_\_\_\_\_  
Councilman

  
\_\_\_\_\_  
Councilman

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Councilman

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Councilman

Media Notified by: 10/5/01  
Town Clerk's Office  
Times Review  
Traveler-Watchman

**SPECIAL TOWN BOARD MEETING**

**October 9, 2001**

**Present: Supervisor Kozakiewicz  
Councilman Densieski  
Councilman Cardinale  
Councilman Lull**

**Also Present: Town Clerk, Barbara Grattan  
Town Attorney, Dawn Thomas**

**Supervisor Kozakiewicz:** "Let the time reflect 10:27 a.m. Today's date being October 9, 2001, we had previously set aside the time to talk about the town board budget. After the last town board meeting, it was discovered we had a number of resolutions that were somewhat time sensitive which were circulated to the board by memo. Those were four resolutions and Barbara would you please recite the headings of the resolutions, so that each board member know what those four are and what the resolution numbers are."

**Barbara Grattan:** *Resolution #1054-Authorizes the Law Firm of Twomey, Latham & Shea & Kelly, as Special Counsel to Commence Litigation Against Calverton Industries, LL. To Enforce the Town Code of the Town of Riverhead.*

**Resolution #1055-**Awards Bid for Landfill Reclamation Demonstration Project.

**Resolution #1056-**Authorizing Supervisor To Sign Temporary Construction Easement Agreement with Suffolk Cement Products, Inc. in Conjunction with the Landfill Reclamation Pilot Project.

**Resolution #1057-**Authorizing Supervisor to Sign Temporary Construction License Agreement with Mid Road Properties, LLC in Conjunction with the Landfill Reclamation Pilot Project.

**Supervisor Kozakiewicz:** "Okay, now."

**Councilman Cardinale:** "Is there any other?"

**Supervisor Kozakiewicz:** "Yes, there is one other which I wanted to, which is the reason why the Town Attorney is here, which I am sure is going to result in some discussion that would be, what is the final number Barbara on those?"

**Dawn Thomas:** "It's a CDA resolution anyway."

**Supervisor Kozakiewicz:** "Oh, it's a CDA resolution so we would have to deal with it as a CDA portion and that would be to deal with the question of the closing between

Calverton Camelot LLC and the Town of Riverhead Community Development Agency; the matter that we had a topic of discussion on last week; and with that we can take that resolution up with the CDA portion it's ; Authorizes Chairman to Execute Necessary Closing Documents for Closing Between Calverton Camelot LLC and the Town of Riverhead Community Development Agency. Why don't we leave that for the CDA portion. We'll deal with the Town Board portion now unless there is objection to the four previously described resolutions.

**Councilman Cardinale:** "I ask Bob, that you since it's unusual to have an interim meeting, could you tell us why these are time sensitive and must be---?"

**Supervisor Kozakiewicz:** "Absolutely, with respect to the matters that deal with the landfill reclamation project, we are on stipulation with DEC. We are required to (Inaudible) moving forward on a strict time table as you know as part of the settlement for that landfill closure which is the case that goes back to the beginning of the 90's. As a result of that , these resolutions with the exception of the one that is dealing with litigation against Calverton Industries are dealing with the award of the bid. We received four bids in, they have been reviewed by our consultants, they're recommending that we proceed forward with the lowest bidder which was Grimes Contracting Corp. and the amount of that bid was \$1,763,135.00. The other two deal with the authorization to sign temporary easements with the adjoining property owners in order to allow us to proceed with that landfill reclamation project and then the last one that the Town Attorney asked me to add on once the four mentioned three resolutions had been addressed that is to allow Twomey, Latham & Shea which is handling the case against Calverton Industries LLC to take action to close down that operation in light of the DEC decision that we had received back. That case involved litigation from the Town Attorney's office, which was challenging the enforcement of or challenging the DEC 's issuance of negative declaration and it asked that the court review that determination, in fact, revoke or pull the previous order for sand mining permit. So after reviewing it and speaking to outside counsel, Twomey, Latham and Shea & Kelley, who has determined that the proper mechanism would be take action in that proceeding. Is that correct?"

**Councilman Cardinale:** "Here's my concern. That is why I have not signed the waiver of notice and consent to special meeting. We as you indicated have been dealing with the DEC on this landfill since the early nineties and I imagine this could wait until next Tuesday, a mere week away and when the public is being, when the board is passing a 1.7 million dollar bond, it seems appropriate that we have an attended public meeting where the public could make comment on the bond; unless there is some reason we can't do it next Tuesday, I would think that certainly we should do it next Tuesday. In other words, you explained what the resolutions were about, but in view of the fact, that this has been the DEC problem has existed since the nineties and it is certainly not going to do anything in the next week that you told me about, I would prefer to see it considered at a public meeting where the public is present rather than a spattering of people."

**Supervisor Kozakiewicz:** "Well, this is time sensitive. There is---We had attempted to go out to bid earlier with respect to the land, the awarding of the landfill reclamation project. We had been unsuccessful in that landfill reclamation project. A amended timetable

was reached with DEC and the timetable requires that we stay on top of this to the fullest extent possible and in fact this is necessary in order to continue with those ..”:

**Councilman Cardinale:** “Do you have any written any indication from DEC that we must do it today rather than next Tuesday? I am particularly concerned cause the other member of the board, Chris Kent is unable to make it today. The meeting was called as a special meeting and he had another commitment.”

**Supervisor Kozakiewicz:** “I understand that, he had other commitments. The meeting had been called by a memo from my office on October 3<sup>rd</sup>, which was basically one week ago. It was faxed around at that point of time and nobody raised issues with respect to these issues at that point of time.”

**Councilman Cardinale:** “I think Chris did indicate to you that he was scheduled to be interviewed by News 12 today with Caracciolo.”

**Supervisor Kozakiewicz:** “Yes he did, but as I said there is some time sensitivity.” but as I said there is some time sensitivity.”

**Councilman Cardinale:** “Is there anything in writing that determines that we have to do this today? If there is, I’ll be glad to do it, if there isn’t I would not want to do it.”

**Supervisor Kozakiewicz:** “I have a letter from Mr. Gowan which is in my office, I’ll dig out. We’ll have to adjourn, let’s proceed forward at this time and I’ll provide that with you. If that’s your wish.”

**Councilman Cardinale:** “Which demands that it be done today not next Tuesday.”

**Supervisor Kozakiewicz:** “We have a timetable set forth and that agreement set forth Mr. Gowan and.”

**Councilman Cardinale:** “Alright I don’t want to belabor that point, but I do have that honest concern that the public is not here today. We have a couple members of the press and about six or eight members of the public, and as you know, we have more than a hundred people at meetings, so I prefer to do it on Tuesday if at all possible.”

**Supervisor Kozakiewicz:** “We’ve had a number of public issues discussed on this project, so we’ll search out that letter in the meantime. Why don’t we move to the CDA portion so we can discuss that resolution?”

**Councilman Cardinale:** “Will that require a Waiver of Notice of Consent of the Special Meeting?”

**Supervisor Kozakiewicz:** “As you know, we’re attempting to settle the closing. You have raised the issue regarding whether there needs to be an amendment or modification to the agreement.”

Councilman Cardinale: "I haven't seen this resolution, may I see it?"

Supervisor Kozakiewicz: "It's right in front of you."

Councilman Cardinale: "No, I don't think there is. All I have is the town board resolutions."

Supervisor Kozakiewicz: "It was right there. Okay the resolution is not there, it must have been--"

Councilman Cardinale: "One of the--Let me take a look at it."

Supervisor Kozakiewicz: "I thought we could have some discussion on it and that's why I asked Dawn to come in and speak to the board with respect to the issues."

Councilman Cardinale: "If Dawn could come in, it's a one page resolution so I certainly won't take long to read."

Dawn Thomas: (Inaudible)

Supervisor Kozakiewicz: "Okay, as far as- your feeling we can adjourn?"

Dawn Thomas: "I think we could adjourn- I mean just for a few minutes to find the letter from the DEC."

Supervisor Kozakiewicz: "Okay, fine. And if that's the case, then we'll-- why don't we- do you want to adjourn- "

Councilman Cardinale: "On the CDA- "

Supervisor Kozakiewicz: "And then find out the issue- on the Town Board issue, because we're not- we'll have a call into Frank Isler. Why don't you- well, stay with the CDA portion. Go ahead, Barbara."

Councilman Cardinale: "Let me ask this because this may require checking. The caption of this resolution is authorizes Chairman to execute necessary closing documents for a closing between Calverton Camelot LLC and the Town of Riverhead. So the public who does not have this is aware of this, those that are here, there are four Whereas clauses and two Resolve clauses and they read as follows:

WHEREAS, in June of 1999, the Town of Riverhead executed an agreement of sale with Calverton Camelot, LLC for the sale of the industrial core;

WHEREAS, the contract of sale provided for a number of conditions which either one or both parties were required to have met prior to closing;

WHEREAS, during the course of satisfying these conditions (inaudible), the parties have determined that the waiver or modification of certain of these contract conditions were necessary to accomplish the mutual needs and goals of the parties to further expeditious and efficient development of the property; and

WHEREAS, in order to facilitate the execution of the aforementioned modifications or waivers special counsel to the Town of Riverhead Community Development Agency- I assume that to be Willke,

Farr, has recommended that the parties execute a general release at the time of closing.

NOW, THEREFORE, BE IT RESOLVED, the Board of the Town of Riverhead Development Agency hereby authorizes the Chairman to execute any documents that in the view of counsel are necessary to complete the closing of title between Calverton Camelot and the Town of Riverhead Community Development.

RESOLVED, that a certified copy be delivered to Kozakiewicz, Chairman.

This is- as I understand it- a from discussion I had last week, this is misstated in caption and unacceptable in form. The caption says you're being authorized to execute necessary closing documents. In fact, as explained to me by (inaudible) Engineering and by Jan Burman, you require a modification of the contract of sale with Burman allowing you to waive \$342,000 of taxpayer money because Burman's getting 391 acres- 491 acres, not 472 and he is getting that because he is- you are allowing him- because he is doing that because you need to accommodate and extend his buffer along the westerly line of the property to accommodate your foolish obsession with an airport. Now, my- "

Supervisor Kozakiewicz: "It's the Town Board's decision to go forward with that."

Councilman Cardinale: "Okay, your- "

Supervisor Kozakiewicz: "During all of these proceedings, there have been letters that have been forwarded back and forth between the parties, "cc" all Town Board members."

Councilman Cardinale: "Again- "

Supervisor Kozakiewicz: "This has been going on for the last year- "

Councilman Cardinale: "Again, I'm not- "

Supervisor Kozakiewicz: "You- "

Councilman Cardinale: "-- discussing that issue. I'm discussing the fact that you require a contract modification. You do not authorization for closing documents and furthermore if you require

a contract modification, it is necessary that that contract modification be attached to the resolution as I have asked and has been, I assume, the practice- I assume to be the accepted practice of this Board.

We will certainly not in this very important area, give you carte blanche to execute any document which is necessary to complete the closing, including modifications of the contract of sale. And if we did that, we would be- we would be breaching our obligation to the public as Council members who are supposed to have one-fifth of the responsibility for the decisions of this Town. So-

Supervisor Kozakiewicz: "With that said, why don't I let Dawn explain where we have been since the last discussion. In fact, this is a recommendation of Willke Farr, our outside counsel, as to the most practical and most realistic approach in order to accomplish a closing which we've been wrangling with for some time.

In addition to the comments that have been put forth, as you know, we had this same discussion last week and there were a lot of items which were vague or unclear in the contract itself to which Mr. Burman has felt that he has-

Councilman Cardinale: "You want a modification-

Supervisor Kozakiewicz: "-- agreed. He's been- let me just-stop, I didn't interrupt you, Councilman Cardinale, so-

Councilman Cardinale: "Go right ahead."

Supervisor Kozakiewicz: "-- I would prefer to have the same courtesy. That he felt that he was agreed on such as the three million square foot representation, of the fact that he's not able to achieve the three million square foot build out. The fact that there was vagueness as to whether he was entitled to three addition buildings being hooked up to sewer. The fact that the maintenance items such as the condition of the property. He has raised some question with respect to the condition of the road. Another with (inaudible) with the interior. These are all items that have a cost item to him for which he has indicated in return for the acreage being conveyed, he would forego any credit or offset for those.

In addition to that, the original contract did not envision any property being held or retained by the Riverhead Water District. There is three acres that is being held or retained by the Riverhead

Water District which was not envisioned in the original agreement which he has been more than willing to agree to.

In addition to that, as we discussed, there is a portion of the property below the Wild Scenic Rivers line or within the Wild Scenic Rivers corridor which was included as part of this conveyance which is approximately seven and a half acres which was done in order to accommodate both parties because the condition of the subdivision approval is a condition precedent to the seller's side and a condition precedent to the buyer's side in order to make the transaction close. And, as you know, the zoning put in place required 400 feet of frontage upon a roadway and without the 400 feet of frontage on a roadway, the subdivision could not be accomplished. That area that's south of the Wild Scenic Rivers corridor line is also the area that the Town has previously agreed to keep in a buffer and accordingly other than the roadway or access way that's on that particular area, Mr. Burman would not be able to put an (inaudible) on any other property on that (inaudible) acres.

Saying that, why don't I turn it over to counsel who will give us a response as far why the- "

Councilman Cardinale: "That was not the question I posed. And as usual you're off the issue."

Supervisor Kozakiewicz: "Well, let's let Counsel- "

Councilman Cardinale: "I didn't even raise- "

Supervisor Kozakiewicz: "Let's let Counsel- "

Councilman Cardinale: "Let's let me respond to you for this moment. I didn't raise the issue of whether it is a wise modification of contract. I would like nothing better than to get this deal done and stop the hemorrhaging of \$8,000 a day for the Town. That's not the issue I raised. I raised the issue not of whether it was a good modification of contract but a very much simpler one. Where is the modification of contract? It isn't here. This says that you are authorized to sign any closing document required. It doesn't even refer to a modification of contract which you've now acknowledged must be signed because of all those problems you've pointed out. Where's the modification that this Town Board is being asked to approve? How can we approve something that isn't here?"

Supervisor Kozakiewicz: "I don't- let Counsel respond to that

because I think what you're missing is the point of the general release and what that- why it is being done (inaudible)."

Dawn Thomas: "I spoke to Willke Farr about this issue. I think you had a discussion with them- and I spoke to Willke Farr, attorneys concerning this matter and they- I think you spoke to them concerning what modifications might be required to accomplish the closing, and in an effort to expedite the closing of title, they have suggested that we- and they have provided to us a copy of a general release which basically benefits and burdens both parties in connection with any modifications to the contract that might be necessary.

We are still--"

Councilman Cardinale: "Who determines the necessity of these modifications?"

Dawn Thomas: "Well, we are still- our- I think our Counsel."

Councilman Cardinale: "When did he get elected?"

Dawn Thomas: "The necessity of the modifications will be required to consummate the transaction. If you decide you don't want to accept them, that's your decision as a Board. Whether they are necessary or not is- and I think you've been- I think when you executed the contract, you really left it up to them in a lot of circumstances to make certain decision for you."

Councilman Cardinale: "Oh, we did?"

Dawn Thomas: "Well, I- yeah, I think-- "

Councilman Cardinale: "All necessary changes. In other words, they can do whatever they want and the Board- "

Dawn Thomas: "No, they can't do whatever they want. That's not what I'm saying. I think you're misinterpreting what I'm saying and I think if you'd like to call them and ask they why this is necessary and they can- "

Councilman Cardinale: "This is not acceptable. No matter what they tell me, I want to see the modification."

Dawn Thomas: "Okay. So them- "

Councilman Cardinale: "See the modification of contract that you are offering or that they are offering before it's signed."

Dawn Thomas: "I think that's-- "

Councilman Cardinale: "In fact, it has to be in writing under the contract. Any modification of the contract of sale is required to be in writing. All I'm asking is- "

Dawn Thomas: "Yes, and it will be."

Councilman Cardinale: "-- that the Board be shown the writing before it's signed. This is like- this is like Looney Tunes around here. You don't show us resolutions and now you don't show us modifications."

Councilman Densieski: "You're right, Phil. This is like Looney Tunes. Once again, you come in at the eleventh hour after not participating in the process and try to throw a monkey wrench in."

Supervisor Kozakiewicz: "Hold, hold, hold- rather than get into- "

Councilman Cardinale: "No, I'm not."

Supervisor Kozakiewicz: "-- rather than get into a- hold, it, hold it, hold it, hold it. Phil, if this is not acceptable to you and this is not agreeable to you, then the inevitable result is that the closing is going to be adjourned. The closing will not take place. This is what has been recommended to us by our counsel, Willke Farr & Gallagher as a mechanism- "

Councilman Cardinale: "I haven't even heard from them."

Supervisor Kozakiewicz: "Well, that's why I'm suggesting- if this is truly so much of a concern for you, we'll- I think Chris is back later today. I don't know what the other Town Board's availability is later today. We can adjourn and we can reconvene later this afternoon after you've had a chance to speak to Willke Farr, go through all these issues, and make yourself comfortable with question of whether this is the proper mechanism by which to reach the end of the road, i.e., a closing."

Councilman Cardinale: "For two years, I've sat on this Board with you as a Supervisor and in every single instance where there was

not a document attached which we were authorizing you to sign, I have objected. We are now contemplating a- "

Supervisor Kozakiewicz: "There is a document attached, a general release."

Councilman Cardinale: "We are now contemplating a closing of the most important deal in this Town's history, and you are expecting me to sign off- that any necessary documents, including changes of the contract can be signed by counsel or you. I'm not going to do that."

Dawn Thomas: "I know in the past- "

Supervisor Kozakiewicz: "What I'm suggesting is that you speak to Willke Farr and Gallagher."

Councilman Cardinale: "I'd be glad to speak to speak to Willke Farr."

Supervisor Kozakiewicz: "And go through this with them and determine for yourself that this is the proper way to reach and conclude with this matter. We have-- "

Councilman Cardinale: "Even if the whole Town Board had to attend the closing that would be a better idea- "

Supervisor Kozakiewicz: "Well, there's an idea. There's an idea. If you're available for the 15<sup>th</sup>, we'll all take a ride into Willke Farr Gallagher in Manhattan and be present for the closing. I guess that means we have to have open meetings often."

Councilman Cardinale: "The key to this is that if three people on the Board don't agree to sign the modification, it's not going to get signed."

Supervisor Kozakiewicz: "And we don't close. I understand that."

Councilman Cardinale: "Right. Now the question really boils down to what is the modification to determine if three people on the Board agree. And believe me, I'd love to agree because I'm the one that's been talking about \$8,000 a day."

Supervisor Kozakiewicz: "Or \$6,000."

Councilman Cardinale: "No. It's eight now because you lost a million and a half last year, \$500,000 in lost taxes- "

Supervisor Kozakiewicz: "Whatever. The bottom line is we need to close and I think we all agree that we need to close. Therefore, what is the proper mechanism to make it happen."

Councilman Cardinale: "Right. And- "

Supervisor Kozakiewicz: "And the solution here was one of them that was offered by our counsel, Willke Farr Gallagher to whom you are, once again, taking issue with. So I would suggest- "

Councilman Cardinale: "Incidentally, Willke Farr, is that not the same counsel the previous administration used to sign this contract and to negotiation this contract and to advise us in regard to the contract two years and four months ago? Which counsel- which you have (inaudible) this contract and battered it as being a poorly prepared contract? You are using the same attorney?"

Supervisor Kozakiewicz: "You have done the same thing. You have done the same thing."

Councilman Cardinale: "We are using the same attorneys?"

Supervisor Kozakiewicz: "You knew that."

Councilman Cardinale: "I know I knew that but I mean it seems inconsistent that if they were- if this was such a terrible contract, that you would use the same attorneys to renegotiate modifications."

Supervisor Kozakiewicz: "Phil, I'm suggesting that rather than carry on this debate, this harangue, why don't we speak with Willke Farr and we can reconvene later and adjourn."

Councilman Cardinale: "I would like to reconvene next Tuesday."

Supervisor Kozakiewicz: "Well, that's unfortunately too late- "

Councilman Cardinale: "Because I would like to public to be present."

Supervisor Kozakiewicz: "-- because I'd like to try and get the closing done by the 15<sup>th</sup>. The other alternative- "

Councilman Cardinale: "The 15<sup>th</sup> is Monday. We could do it on Wednesday."

Supervisor Kozakiewicz: "The further we put this off, we jeopardize the tenants that are there in precarious situations which I don't want to talk about publicly."

Councilman Cardinale: "I think it's good- it's amazing that this burst of speed is now occurring in late October."

Supervisor Kozakiewicz: "Believe me, there are tenants who are in a very bad way out there."

Councilman Cardinale: "I know and they've been in a very bad way- "

Supervisor Kozakiewicz: "I know that. And that's why I've been trying to move this thing forward."

Councilman Cardinale: "I have my doubts about that. I think you did nothing to move this forward the first year."

Supervisor Kozakiewicz: "All right. Rather than banter this around because this is going to continue. It's politics (inaudible)."

Councilman Cardinale: "No, it isn't politics, Bob. We need the modification."

Supervisor Kozakiewicz: "Let's- I will- I am suggesting an alternative. I think I'm being reasonable. I am suggesting that you and I and all the other Board members since we're here for a Town budget meeting today, adjourn and speak to Willke Farr, discuss the alternatives, and (inaudible) in the alternatives, get the ability to put this on paper. If it's not something that we can reach an agreement on, then we will have all the Town Board members present at the closing as an alternative. I mean that's the way we can deal with this. Let's get (inaudible). Let's put all the bickering and differences aside and get the closing."

So with that said, is there any objection to recessing, adjourning, and we'll try to address this later."

Councilman Cardinale: "How many waiver of notice do you need in order to have a special meeting of the Town Board?"

Supervisor Kozakiewicz: "I- if I do it with sufficient time which I did in this case, I don't need the waiver. So, that's the practical aspect of it."

Councilman Cardinale: "All right."

Supervisor Kozakiewicz: "And you were notified five days in advance."

Councilman Cardinale: "So you are saying that this is a proper meeting?"

Supervisor Kozakiewicz: "That's what I'm saying."

Councilman Cardinale: "Aside from the propriety of the meeting, I will be glad to talk to Willke Farr but as I said for two years, if I'm going to approve any document for you to sign or anyone else in this Town to sign, I've got to read it first. This is pretty fundamental. I've got to read the document before- "

Supervisor Kozakiewicz: "With that said- with that said, why don't we adjourn?"

Councilman Lull: "Wait a second. May I interrupt? (Inaudible) What is the time sensitivity of- I'm sorry, I've had a case of laryngitis. You may move closer."

From the audience: "Any mikes up there?"

Supervisor Kozakiewicz: "No mikes today because I was trying to do this informally."

Councilman Lull: "What is the- what is the importance-"

Supervisor Kozakiewicz: "Without going in front of the thing here so that we were here with the budget meeting. That's why."

Councilman Lull: "What is the importance of the time sensitivity of the Resolution 1054?"

Dawn Thomas: "Is that the special counsel Resolution?"

Councilman Lull: "Yes."

Dawn Thomas: "We have a court appearance scheduled for

Wednesday and we would like to have (inaudible) to start that course of proceedings at that court appearance on Wednesday (inaudible) Tuesday was too late. We only learned that we would have a court appearance on Wednesday this past Monday and (inaudible)."

Councilman Lull: "With that understanding, the Town Board meeting is already in session, I would move Resolution 1054 so we do not let Calverton Industries slip away yet again. I'll move 1054."

Councilman Cardinale: "1054- "

Councilman Lull: "Is to authorize- "

Councilman Cardinale: (Inaudible)

Dawn Thomas: "Because we have a court appearance scheduled for tomorrow. At tomorrow's court appearance, we would like to have papers prepared to bring with us to serve on them at that point and see if we can get a court order to enforce the court's former decision which was September- "

Councilman Cardinale: "That's tomorrow."

Dawn Thomas: "Yes. Tomorrow- "

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded. Vote, please. That's 1054."

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

Barbara Grattan: (Inaudible)

Supervisor Kozakiewicz: "No. The other ones, I think what we need to do is speak to counsel on those. So, unless there's any further business, at this time, we'll adjourn and get into the budget meeting."

Councilman Cardinale: "Just one other question that the Town Attorney could check into. In regard to a modification of the Burman contract in which the Town would be waiving \$342,000, is there a necessity for a public hearing prior to that modification?"

Dawn Thomas: "Not that I'm aware of. And we also- "

Councilman Cardinale: "Could you check that for us, please? Because I really want to make certain that that is not a requirement before we do what we're contemplating."

Dawn Thomas: "Okay."

Supervisor Kozakiewicz: "Any other business?"

Councilman Cardinale: "No, thank you."

Supervisor Kozakiewicz: "Time being 10:54, I close the meeting."

Meeting adjourned: 10:54 a.m.

*Barbara Heaton  
Town Clerk*