

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, September 17, 2002, at 2:00 p.m.

Present:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Barbara Blass,	Councilperson
Rose Sanders,	Councilperson

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney
Sean Walter, Esq.,	Deputy Town Attorney

Supervisor Kozakiewicz: "Still not working? Tell me if you're ready? Set? Meeting come to order, the time being 2:02 p.m."

Supervisor Kozakiewicz called the meeting to order at 2:02 p.m. and the Pledge of Allegiance was recited, led by Mr. O'Day (phonetic).

Supervisor Kozakiewicz: "Okay. First things first. Is there a motion to approve the minutes of the Town Board meeting of September 3rd and the Special Town Board meeting of September 13th?"

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Blass: "Yes. Seconded."

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

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

Supervisor Kozakiewicz: "Reports, please."

REPORTS:

Police Department

Monthly report for May, 2002

Juvenile Aid Bureau Monthly report for August, 2002

Receiver of Taxes Utility collections report for August, 2002, total collected: \$313,202,06

Barbara Grattan: "That concludes Reports."

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

APPLICATIONS:

Shows & Exhibition permit Abbess Farm - Oct. 5-Nov. 5, 2002
9 am to 5 pm Bouncing moon walk castle, corn maze, pumpkin picking

Supervisor Kozakiewicz: "Thank you. Correspondence."

CORRESPONDENCE:

Catherine McKeen Strong opposition to the code change that would allow "country inns" in recreationally zoned districts

Herb Dresher Regarding the litter on Cedar Street

Steve Haizlip Regarding Cablevision and people wishing to speak at town board meetings

Ralph Criscuolo and James Curci and Donna Micallef Regarding the approval of the proposal of the Calverton Motor Sport Park

Barbara Grattan: "That concludes Correspondence."

Supervisor Kozakiewicz: "Any Committee reports?"

Councilman Lull: "Mr. Supervisor- I'm sorry, Barbara. Go ahead."

Councilwoman Blass: "I just wanted to mention that the coalition for Juvenile Law Enforcement Advisory Board and Community

Coalition on which Jim Lull and I sit as representatives of the Town Board, they prepared a Youth Services directory and this will be made available to students and parents for the school- the schools that are in our community as well as any other bona fide organization who is interested in distributing this. It's a directory of resources available. You could call the Supervisor's office if you would like to have copies distributed to your organization and tell them how many you need. Thank you."

Supervisor Kozakiewicz: "Thank you, Barbara."

Councilman Densieski: "Mr. Supervisor, remind you that the next STOP date is October 5th for household pollutants and paints, etc. I would also like to thank the three groups that had September 11th memorials. The first one was Riverhead Raceway had a very nice candlelight vigil. The Council of Churches at Riverhead High School, and the dedication of the September 11th memorial at Riley and Edwards Avenue done by the Calverton Civic Association. I would like to thank all of them. They did a great job."

Councilman Lull: "Okay. And add to that the dedication of- or memorial services at each one of the local schools, all seven schools in the district."

Supervisor Kozakiewicz: "Okay. All right. At this time, I think we'll go to the public hearings. We had a leftover from our last Town Board meeting that was the application of a special permit for Little Flower Children's Services. Since that's a holdover from the last meeting, I would ask Mr. Danowski if he would step forward. There were some outstanding issues that had not been resolved at the last meeting."

Councilman Densieski: "Mr. Supervisor, I just told a couple people in the audience that it was going to be held after our regular meeting. I just want to make sure those people in the audience that I told that to- "

Supervisor Kozakiewicz: "You think they've left?"

Councilman Densieski: "I'm going to go look. Excuse me."

Supervisor Kozakiewicz: "Okay. All right. Special permit, yes. Mr. Danowski, you need to be sworn. Or sworn at- well, he was affirmed. I don't think we ever swore him in the last meeting."

Sean Walter: "Mr. Danowski, do you swear this testimony you about to give will be the truth, the whole truth and nothing but the truth so help you God?"

Peter Danowski: "I do."

Sean Walter: "Thank you."

Peter Danowski: "Right now we're waiting for Councilman Densieski to come back. I think the microphone may not be working. I know I have a loud voice so I'll speak loudly, but- "

Barbara Grattan: "Is it off?"

Peter Danowski: "I'm flicking it pretty well. The window is not going up and down."

Barbara Grattan: "No, that's not good because it will not be recorded."

Peter Danowski: "Have the electrician check it out now."

(Some inaudible talk among the Board members)

Peter Danowski: "Testing, not testing."

Barbara Grattan: "It's not going to record into our recorder."

(Some inaudible talk among the Board members)

Supervisor Kozakiewicz: "Is it working? All right."

Peter Danowski: "Eddie, are we okay now? What I might suggest is I'll start and I'll hang around for the rest of the meeting and the people that- we can reopen it again."

Supervisor Kozakiewicz: "We'll do that. If you will stick around and anybody shows up we'll keep the public hearing open until we close today in case the people who were told that this will be done at the end of the day- "

Councilman Densieski: "Thank you, Peter."

Peter Danowski: "Just to make some preliminary comments. The last question that I remember being posed was whether there would be

people receiving care or treatment in the new proposed building from other than the campus setting. In other words, other than campus residents. And the answer is yes. I've handed a two page narrative out with one copy that I've asked be kept in the Town Clerk's records to better explain the history here of the application. I note that the special permit really is focused on the area coverage on the 100 acres of property at Little Flower. It doesn't deal with the use. But the people in the public had some inquiries about traffic patterns and who would be there.

As you know, Little Flower deals with children who are basically from the ages of 8 years of age to 14 and many of these youngsters come to Little Flower or in foster homes or a very traumatic setting where they previously resided. And they get placed at Little Flower. So from time to time there is- seems to be a greater need for some relief from a psychiatric or psychological counseling viewpoint and historically what has happened is that treatment has been forced to be taken outside the campus. In other words, they'd be going down to Stony Brook or other facilities.

One, it's costly; two, it's disruptive to the young children's lives to take them out and put them in an institutional setting after they've been placed at Little Flower. So both for those who are residents at Little Flower and the foster children, those who are being placed through the Department of Social Services, they would have the opportunity to come to this building, the respite portion of which is 12 beds.

The number of people that would be added to the employment setting approximates 24. They would be people who come on a 24 hour basis so if you consider off hours, there would be approximately six people additional visiting the site in any eight hour period.

Also the road- the public road that accesses this particular building would come off the main thoroughfare. It would not come off the side street."

Sean Walter: "Would you hold on for a second?"

Peter Danowski: "I guess I'll repeat this."

Supervisor Kozakiewicz: "You'd better come back tomorrow, folks."

Peter Danowski: "I guess we could borrow one of your

microphones- stand up there or stand alongside Barbara."

Councilman Densieski: "You want to keep going."

Sean Walter: "Wait. It's not- just hold on."

Supervisor Kozakiewicz: "Maybe it blew a fuse."

Councilman Densieski: "Can I get you a blow horn, Pete?"

(Some inaudible discussion)

Supervisor Kozakiewicz: "All right. Is the tape backup on? All right. Let's take a 10 minute break. I apologize to everybody, new technology. We're good? All right. We're good. Let's resume. All right. Let's go. All right. I hear it. Let's go."

Peter Danowski: "All right. Well, I don't think it's on but you can hear it."

Supervisor Kozakiewicz: "I heard a tapping like that."

Peter Danowski: "Those are my last comments. I think that as I previously announced, there will be people sponsored through Little Flower that will potentially receive treatment in this building. Hopefully their problems will be taken care of on campus. It saves a great deal of cost to Little Flower and it also serves all those youngsters in the community who may have traumatic effects and have problems that they have to face either in an institution off campus or in this new proposed building.

So as originally stated, this is a chance to upgrade the health center and to, in fact, service the community. And that's all I have to say at this point."

Supervisor Kozakiewicz: "The question I have is how is this different from the current scenario, what is presently taking place up there with respect to the 4,000 square foot facility?"

Peter Danowski: "Nothing other than kids who would have problems mentally coping with problems would now be taken off campus to hospitals and institutional settings. An example is Stony Brook, transported, putting more cars or vehicles on the roads, kept there or not kept there, for whatever periods of time, and brought back. This would allow those youngsters to remain in this new facility in part of

the building.

Part of it is termed health center, part a respite building. We've talked about that, the respite portion being 12 beds."

Supervisor Kozakiewicz: "Any other questions from the Board? Anybody in the public who wishes to address the Board with respect to this application? Rolph Kestling. And, as I said, if- there were certain individuals who were here who were told this might take place later in the meeting. We will keep the public hearing open should they appear and what we'll do is allow Mr. Kestling to speak."

Councilman Densieski: "I appreciate that, Mr. Supervisor."

Sean Walter: "Mr. Kestling, do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth, so help you God? Thank you."

Rolph Kestling: "Rolph Kestling, Wading River. As you well know, I've been attending many town meetings here for the past 12 years or so. There also seems-- and a lot of these have been special permit meetings. They follow a pattern. On a special-- first the lawyer gets up. He presents his case, why it's a special meeting, why we have to have the special permit. This is usually followed by the applicant who says- who tells the Town Board what they intend to do.

Now this has always been going on, the Links, first the lawyer, then Mr. Talmage and his people. Riverhead Center, Mr. Giannos gets up and speaks and this is how the whole- this time we've got something different. All we got here is the lawyer. Well, he's doing- he's swearing what's the truth. As far as he knows, that's the truth. But where are the other people? Doesn't that raise an eyebrow? Doesn't that make you suspicious? I think it does.

Okay. Now I'll go-- having said that little piece, I'll go ahead. I live near the Little Flower. I'm familiar with it from say 1937 when I used to watch the nuns come down North Wading River Road with their little charges and at that time, they were six, seven, eight years old and they'd march down to the State park and march all the way back. I don't know how the hell they did it.

At this center now, this facility, it's staffed by approximately six registered nurses, part timers. They're not-- as far as I know, they're not full timers, they all either work at some other place and they come down and I know Little Flower has a difficulty staffing this

establishment.

Now, most of the things they do now is they administer medication to the kids, scratches, bruises and all things like that. Now what the center wants to do- I call it a center- is they want to eliminate the trips to the doctor's office. A nurse can make a prescription, things like that, or they go down to St. Charles. All right. Fine.

Now I admit I'm extrapolating. I'm taking a whole bunch of different little things and trying to make some sense out of it. I don't know. These are large buildings. It's going to need a tremendous staff. They're going to have to have medical doctors there to staff it to make any sense out of it. And where are they going to get these medical doctors? So the only thing I think, well, maybe they'll make an arrangement. You see a lot of these doctors, they make groups, and they'll make an arrangement where Little Flower will put up the building, they'll lease out the place to a medical group which will staff everything. That's the only way they can do it. Little Flower would collect rent from the- this medical group and the medical group will administrate everything they have to do there and send in bills to the state or to whatever. This is what- this is my thoughts at the time. Or they can make the same sort of arrangement with St. Charles where St. Charles would use this as a subsidiary and take care of all the needs there.

Well, think about it. I've got a whole bunch of other things to talk about. I think that's the gist of it. I think you've got to look at this whole deal a little bit carefully and somebody that really can hold up their hand and swear what's going to go on. Don't put Mr. Danowski in the hot seat. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board with respect to the special permit application to expand non-conforming uses? Yes."

(Some inaudible discussion)

Sean Walter: "Test, test, test."

Councilman Densieski: "I'll read while you guys are fooling around. Let's see, do I have anything to read?"

Supervisor Kozakiewicz: "I know as a young man when I grew up, you always resort to the hammer when everything else failed. It's the universal tool."

Councilman Densieski: "No wonder why people are throwing hammers at us. Easy, easy."

(Some inaudible discussion among the Board members)

Councilman Densieski: "Bob, do you want to take a break for five minutes?"

Supervisor Kozakiewicz: "Well, if we can't get this to work, we'll take an adjournment for five minutes. This is- it should be catching it."

Councilman Densieski: "Are we filming all this? Cable- are you filming all this?"

Supervisor Kozakiewicz: "Yeah."

Councilman Densieski: "Is that necessary? Do we have to do that or- why don't you adjourn it for five minutes. We don't have to tape all this. No?"

Supervisor Kozakiewicz: "Yeah- is- let's take a recess. I want to recess for five minutes."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "We're going to be here until tomorrow as I said before and we'll take five minutes to correct the technical problems hopefully. Thank you for bearing with us, folks. It's a good thing we bought this new equipment."

Recess

Meeting reconvened

Supervisor Kozakiewicz: "All right. Let's move on, because we'll be here all afternoon."

Councilwoman Sanders: "All right. Do your gavel. Where is it?"

Supervisor Kozakiewicz: "I don't have a gavel. No gavel. This is one of those days. We're going to resume. We're going to try to carry on despite the equipment problems and at this point, next speak is Helga Guthy. Helga, you're going to have to keep your voice up so

that the audience can hear you. We're having a major problem with the microphones, so, okay, I need you to be sworn in."

Sean Walter: "Do you swear this testimony you are about to give is the whole truth and nothing but the truth, so help you God?"

Helga Guthy: "I guess basically I was asked to come just to see that people's questions were answered and I guess I got even confused from the meeting we had last fall with Little Flower, I'm not exactly sure now what Peter Danowski meant with some of the things he said.

First of all, now are we talking about one building or two? He talked about a building with 12 beds and he also- he talked about a building that was 4,000 square feet that was supposed to be upgraded to 15,000 square feet. Is this all for the same- "

Supervisor Kozakiewicz: "It's a new building of 15,000 square feet. The existing facility which is 4,000 will be gutted and used for office space and warehousing as I understand the application. So it's a new building that does not presently exist that's being proposed. And it's entitled to be an infirmary, respite care facility."

Helga Guthy: "Okay. So this is just the infirmary?"

Supervisor Kozakiewicz: "Correct."

Helga Guthy: "Okay. And 12 beds means only like 12 children will be able to be helped or served at one time."

Councilman Lull: "In that section."

Councilwoman Sanders: "Twelve in the respite."

Helga Guthy: "Or how many children will actually be in the facility at any one time?"

(Some inaudible discussion among the Board members).

Supervisor Kozakiewicz: "The plan, as I said, it's a 15,000 square foot facility. The 12 that was referred to was with respect, as I understood it, to the respite care portion alone, and I'll have Mr. Danowski address your question with respect to how many beds total will be in the facility. But it's shown on the outside as well."

Helga Guthy: "So all within this one building- "

Supervisor Kozakiewicz: "A new building. Correct."

Helga Guthy: "Type of- "

Supervisor Kozakiewicz: "Correct, correct. It's been entitled infirmary/respite care facility, one facility, 15,000 square feet."

Helga Guthy: "Well, again, you know, like I said, I don't know how many. How many from outside will get- again, they don't have any idea of how many people will be traveling back and forth. Will it be a daily thing, will these people come and stay for a week for so at a time? Again, I'm just not exactly sure how they're going to be handling, you know, these people. If we had a clearer picture of that, you know, I think it would help."

Supervisor Kozakiewicz: "Okay. Thank you."

Helga Guthy: "Thank you."

Supervisor Kozakiewicz: "Is there anybody else who would like to address the Board with respect to this application before I ask Mr. Danowski to get back up and just clarify what the application is for. All right, if not, Mr. Danowski, would you please just clarify the- what the application is, just so everyone in the audience can hear?"

Peter Danowski: "I think it's correctly pointed out by the Supervisor, this is one new building, 15,000 square feet. The infirmary which currently exists within a 4,000 foot structure will move its operation into this new building and the new building will house the infirmary and will be classified as a respite building."

The question had been asked how many beds in the respite portion. That was identified as 12. There is no clear ability, just like you got sick one day, how do you know when you are going to get sick? As to how many kids would be handled in the infirmary at any one time, or in the respite portion of it, so it could be a maximum of 12 people in the respite center because there are 12 beds there and the people get sick or we treat them, that's when it will be filled. If no one needs treatment, it won't be filled, but they seem to be saying as a group there's a severe need for this. As a result for that, we're showing the maximum capacity. And so it's one building and as the Supervisor mentioned, the old building will be used for a non-residential setting. It will be gutted, brought up to code, and used for offices

and general administration purposes including storage."

Councilwoman Blass: "Mr. Supervisor, I have a question if I may. Mr. Danowski, I took a moment to read the handout that you provided us and my reading of it, it appears as though this page 22A and 22B is part of an application you're making to a government agency for purposes of establishing this programmatic therapeutic intervention and my question is has Little Flower been authorized to provide these services by virtue of acceptance or approval of your application to whatever agency that might be?"

Peter Danowski: "It is similar to what the town does in making applications for grant monies and it was a large package to apply for a grant which I understand was in the middle of being processed. So, hopefully, the grant money will become available and that will enable this building to be constructed. But in the interim they had to put a plan together to seek the grant money and that was part of the grant application that I bring before you. Rather than have an attorney misstate what is more clearly put down on these couple of pages what we're doing here, I chose to hand those two pages out."

Councilwoman Blass: "So the application was for funding and not necessarily the authorization if you will to provide these kinds of psychiatric services. You already are empowered or the agency is already empowered to provide those services?"

Peter Danowski: "That's correct. And I think-- you have to describe what you're doing. You are going to have to show a need for what you're doing as you know with applications and processing so that part of the long winded application shows here is where we're potentially going, here's the kind of building, here's why we need it, here's what we have on the premises now, here's what we do with children today taking them off campus, so that's was part of the large (inaudible)."

Councilwoman Sanders: "Mr. Danowski, if this grant is not granted, if this application is not granted, does this project go forward?"

Peter Danowski: "I don't know. It's like the cart before the horse. You've got to see if your permits get permitted and try to flow these things together. I can't answer it will or won't. It's a fund raising option for the Little Flower Children's Services."

Supervisor Kozakiewicz: "Any other questions from the Board?"

Councilwoman Blass: "I have none further."

Supervisor Kozakiewicz: "All right. At this point, based upon our prior comments, we're going to- hand in the back. Okay. Come forward, please."

Sean Walter: "State your name."

Patricia Holland: "Patricia Holland."

Sean Walter: "Holland?"

Patricia Holland: "Holland."

Sean Walter: "Miss Holland, do you swear that this testimony you are about to give is the whole truth and nothing but the truth, so help you God?"

Patricia Holland: "I do. My question is, this 15,000 square feet is a very large parcel. Are we increasing the number of people who need psychiatric services so that this is becoming a satellite of some psychiatric hospital which it was not before? Little Flower as far as I knew, basically took care of children and put them in foster homes or whatever. They weren't basically supposed to be- provide psychiatric services. So since they're building such a large facility, I get the feeling they're trying to create something that would be a satellite allowing many, many children."

Supervisor Kozakiewicz: "Rolph Kestling's comments. You know, Mr. Kestling's comment, is this going to be a satellite or an alternate location for a current facility. Mr. Danowski, there's one other question and I was hoping to save the questions today. Is there anybody else who would like to speak with respect to this project? Okay."

Mr. Danowski, the question has come up whether the proposal from Little Flower- I'm not sure if you were paying attention- is this going to become now a satellite psychiatric or (inaudible) type of facility?"

Peter Danowski: "Yeah. I'm not sure what the definition of that is. Certainly the kids who are there today, these young children, have various ranges of problems and they get treated to an extent on campus and then they go to hospitals and come out of the hospitals and come back. So to the extent that happens today, the

shift is not to send them to the hospitals and get them back from the hospitals, but keep them in the setting on campus if that can be allowed based upon expert's consulting advice.

Certainly there will be as we mentioned other people sponsored through Little Flower that will be in there for a while and out of there for a while and I think as one of the speakers recently mentioned, one of the original goals that's still a goal, is to take some of these very unfortunate children who have this great need and place them throughout the community in the metropolitan area including Suffolk County and in foster homes. And to the extent they can be placed, that's fantastic and great. But to the extent they might need help, whether they go to the hospital or the infirmary, it's a choice that medical people will make. To the extent that others aren't as fortunate to find a foster home, they're kept at Little Flower in Wading River. Hopefully, they'll find homes. They are eight, nine or 10 years old. If they don't, they stay there. But the attempt is always made to put them back into a life style in a home in a community. Many of these kids have mental type of problems. I'm not competent to describe their problems but they have problems that need care and the best care can be given at this particular setting, on 100 acres of land in Wading River. If that's possible, we'd like to accomplish that. That's all we're saying. So- "

Supervisor Kozakiewicz: "I think there's another way maybe to ask the question."

Peter Danowski: "A satellite is- I don't know what that means other than to say- "

Supervisor Kozakiewicz: "Well, let me ask it differently and maybe that's, again, the question is not clear. You have indicated that this facility, this 15,000 square foot respite care infirmary will be for Little Flower Children's Services for residents, I think, we've heard and for foster kids who have been in the care of Little Flower Children's Services to utilize."

Peter Danowski: "That's correct."

Supervisor Kozakiewicz: "Let me finish. The less trusting people out there are suggesting to us that this is not what's really being done here, that instead Little Flower is building such a large facility so that they can down the road enter into an arrangement with Stony Brook or some other facility so that they can take in or care for their patients. This is what I'm hearing. That there's some

other twisting of what's being proposed by Little Flower."

Peter Danowski: "That's not the suggestion. I think I mentioned this last time, this is not a general public facility. Obviously as well, those with insurance and private funds are not going to come to Little Flower facility for treatment of their children. This is for kids who they place. Little Flower is a recipient of placement. Those kids are poor kids, typically through the Department of Social Services, so the processing becomes they are placed in the care of Little Flower who then tries to find foster homes and if not they end up at Wading River. So it's not meant to be a public facility available to the general public, much less would it be needed because I think if you privately can finance it or have the insurance, you wouldn't be going to this setting. And these are for young little kids. I mean it's 8 to 14 that we're talking about."

Councilwoman Blass: "I think maybe part of the concern is that some of us are aware of the fact that Little Flower's population if you will, the population they serve, is not just in Wading River. Most of their clientele comes from New York City, Brooklyn, where other facilities are located. And where we say it's primarily for Little Flower population, if you will, we have to respect the fact that that is just not the population that we think of here in Wading River, but it is the broad Little Flower base."

Peter Danowski: "I think that's a very clear comment and all I can say is I wouldn't characterize a 15,000 square foot building for a health center, infirmary, respite building as being large. In the respite side to say 12 beds, again, in my mind doesn't translate to large. And I don't know how else to describe it."

Supervisor Kozakiewicz: "Okay. Thank you. Helga Guthy. You are still sworn, Helga."

Helga Guthy: "I guess then I misunderstood the other part, too, when he said outside residents. I took it in the context that, you know, they will be from other areas but still under Little Flower's responsibility. So when he said yes to other residents, he didn't mean part- a regular public would come here for treatment, at all."

Councilwoman Blass: "That's correct."

Helga Guthy: "It would be Little Flower's responsibility for whoever comes here. Okay."

One thing I want to ask. He keeps stressing children with mental abuse. Now our main concern, questions that we had gotten, were because we heard there were going to be sexually abused children coming to this facility. I haven't heard that discussed so I don't know, you know, whether this is not happening anymore. I thought this is what this building was going to be housing, more children that had been sexually abused."

Supervisor Kozakiewicz: "Anybody else who wishes to address the Board? Mr. Danowski, can you respond to that question? I think the answer is no but I want to hear it from him."

Peter Danowski: "I think the answer is no. I mean the focus of this is to take the current use of infirmary, continue to treat people with nicks and bruises as someone described them and normal nursing type care and also to have the respite building, I think accurately last described to say, you know, these are Little Flower sponsored kids from wherever, that there's only 12 beds in respite so if you want to rephrase the question, I'll try to answer it a different way."

Helga Guthy: "I'm sorry. I guess I go back to last fall and I had two neighbors with me. We were at this meeting and it was definitely sexually abused children that we were talking about at that point. Now is there another building that's going to be refurbished for that use?"

Peter Danowski: "I think there is some confusion by some individuals who may have the advantage of having earlier meetings with various people. This is not geared toward the sexually abused question and what the master plan is overall or any other future application, I can't speak to. I'm saying this is not that topic."

Supervisor Kozakiewicz: "Anybody else who hasn't had a chance? Yes? Rolph, you have another question or is it the same question?"

Rolph Kestling: "It deviates a little (inaudible)."

Supervisor Kozakiewicz: "Come on up. Bear with us folks."

Rolph Kestling: "Rolph Kestling, Wading River and I swear. I've got that article from the (inaudible) which mentioned that and it says a building is being demolished and they are making it up to protect the public- "

Supervisor Kozakiewicz: "I don't want to be critical of the

paper but if, you know, if the paper said it, it's got to be true. Is that what you're saying to us?"

Rolph Kestling: "All I know is what I read in the paper and things are falling into place. Like when he said with the children of Little Flower- I didn't think of it either, it's all over New York and all these children or patients or wards, whatever, would be able to come to this facility. Now- "

Supervisor Kozakiewicz: "I think my comment was we're getting speculative as opposed to dealing with what we're hearing. And I think we just heard from Mr. Danowski as legal representative for the applicant who has been sworn, that it's not for sexual- children who have been sexually molested. Despite that, we're still pushing that bubble. Is that right?"

Rolph Kestling: "I would rather hear those words from the applicants themselves. Why are they avoiding this? They should be here, they should be explaining. Mr. Danowski only knows what they tell him."

Supervisor Kozakiewicz: "All right. Let me ask a question. If it's not for that use, if it's to continue the present respite care, infirmary, does your opinion change with respect to this proposed special permit?"

Rolph Kestling: "Not really."

Supervisor Kozakiewicz: "You still don't want it?"

Rolph Kestling: "Absolutely."

Supervisor Kozakiewicz: "Okay, thank you."

Rolph Kestling: "Thank you."

Supervisor Kozakiewicz: "All right. Anybody else? All right. What we'll do is we'll keep it open in case there are any other individuals who should arrive who were informed that this would take place the end of the meeting and we'll go to our next public hearing. We're way past the time period.

Barbara, would you read the affidavits of publishing and posting for that public hearing?"

Public hearing opened: 2:50 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 September 17, 2002, at 2:05 p.m. regarding the consideration of the special permit petition of Northwind Farms to allow the construction and use of a two family dwelling on property located at Herricks Lane, Jamesport."

Supervisor Kozakiewicz: "Are you going to swear him in, Sean?"

Sean Walter: "Can you state your name for the record?"

Jeff Butler: "Jeff Butler."

Jeff Butler: "And do you swear the testimony you are about to give is the whole truth, and nothing but the truth, so help you God?"

Jeff Butler: "Yes. Members of the Board, my name is Jeff Butler. I'm a professional engineer and I am here on behalf of the principals of Northwind Farm on Herricks Lane in Jamesport. The property is zoned in Ag A- "

Supervisor Kozakiewicz: "Jeff Butler."

Jeff Butler: "-- on Herricks Lane in Jamesport. The property is zoned in Ag A. It resides in the Ag district, in the Ag overlay zone. With me today is Mr. Richard O'Day (phonetic) who are the principals of the farm. Mr. O'Day and his wife have operated a horse farm on the property for the last 20 years. Presently they have converted the acreage to a vineyard and have planted over 15,000 plants within the last six months.

We are here today to request a special permit for the use of the property as a two family dwelling. The reason for this request is to allow the other principal of the vineyard to live and work on the farm, as the workload for the vineyard far exceeds the horse farm.

As you are probably aware, this proposal seeks approval of two separate dwelling units. There is currently a single family dwelling that is occupied by the O'Days on the property. The proposed dwelling unit currently exists as a horse farm and is proposed to be converted to a dwelling unit.

I have read Mr. Hanley's memo to the Planning Board regarding

this application which was dated June 4, 2002 and I agree with his analysis with the draft comprehensive plan as it relates to this application. We understand Mr. Hanley's opinion concerning the town code definition of two family. I would like to point out to the town that the town recently granted a similar application to a property also on Herricks Lane. The only real difference between this application and that one is that there was a breezeway connecting the two structures on that application.

While we would propose this project with a breezeway it would simply be for semantics sake. The effects are identical to the surrounding area. We ask the board based upon the draft comprehensive plan recommendations, specifically the chapter which recommends the Ag A district to provide detached accessory dwelling units within the proposed Ag overlay district, to approve this application for a special permit. Thank you."

Supervisor Kozakiewicz: "Thank you. Any questions? Anybody else who would like to address the Board with respect to this special permit application of Northwind Farms? Not seeing anybody, we do have a question. Would the applicant be willing to covenant and file a covenant as part of this approval that would prohibit any further subdivision and if the I guess if the other principal should cease, that- "

Councilwoman Blass: "That the structure would be for purposes of agricultural worker housing and not unrelated to the operation?"

Supervisor Kozakiewicz: "Is that- "

Councilwoman Blass: "And that it would be fully consistent with the plan."

Supervisor Kozakiewicz: "That the applicant would be willing to do?"

(Some inaudible discussion among the Board members)

Jeff Butler: "Would you phrase that again?"

Supervisor Kozakiewicz: "Well, we are kind of doing this from, you know, the hip pocket so we don't know exactly what wording we'd look for. But we would, I think, what the Board- I'm hearing, is they want some sort of covenant that would run with the land which would, in fact, indicate that the use that's being proposed, and as you

described in this public hearing, would be, in fact, the type of use to which that second building would be put, the second residential structure. And I think the Board is concerned that if it should change or modify that there be something that runs with the land as evidence that the Board's decision if we chose to go forward, would be that there be a document that would be there as a title indication.

So, you know what? We don't know what the specific wording would be here so rather than shoot from the hip and mandate which way we're going to go or somehow obligate the declarant to do it, we would- we'll go back, we'll speak with counsel, our legal department, on what we would look to achieve and we'll have these discussions further. So, but I think we're going to probably look for some sort of covenant. We'll work that out.

Anybody else who would still wish to be heard having gone through that exercise? No? All right. We'll close the public hearing, time being 3:57 p.m. Thank you."

Public Hearing closed: 3:57 p.m. (2:57 p.m.)

Supervisor Kozakiewicz: "The time still being 3:57, would you read the affidavits of publishing and posting for our next public hearing?"

Public Hearing opened: 3:57 p.m. (2:57 p.m.)

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall-- "

Supervisor Kozakiewicz: "I mean 2:57. You're right."

Barbara Grattan: "-- at Riverhead, New York on September 17, 2002, at 2:10 p.m. regarding the consideration of the special permit petition of Neil Rego (The Spa at Fox Hill) to allow the construction of a 48 unit health spa and related site improvements upon property located at Sound Avenue, Baiting Hollow."

Supervisor Kozakiewicz: "Thank you, Barbara. Is there anybody who would like to address the Board? Jane, do you want to make a presentation or- all right. Okay. Well, why don't we do that. Anybody who would like to address the Board with respect to the special permit of The Spa- proposed spa? Yes, Mr. Hart."

John Hart: "Mr. Supervisor- "

Supervisor Kozakiewicz: "We have to have you sworn in. One of our unusual rules is that we have this old segment in the code that says during special permit hearings we have to swear all the individuals who (inaudible) to offer testimony. So, with that said, Dawn?"

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

John Hart: "John J. Hart."

Dawn Thomas: "And can you spell your last name, please?"

John Hart: "H-A-R-T."

Dawn Thomas: "And do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"

John Hart: "I do."

Dawn Thomas: "Thank you."

John Hart: "Mr. Supervisor, members of the Board. I live at 617 Fox Hill Drive, which is up the hill from the property and I walk by this most days and I'm here because I saw the little sign that said there was going to be a hearing today.

I have a question, because like the gentleman that spoke before, I read the newspaper and I read in the newspaper that this was part of property that was supposed to be open space forever. Now, is that fact or is that not fact?"

Supervisor Kozakiewicz: "Well, I think that's where we're going to turn to Ms. Kratz, because I know that there was a letter delivered to the Planning Board with a number of exhibits and an argument that they were making that- to suggest and I guess that will be the decision, that that covenant did not exclude the health spa application. So the area that's being proposed where this particular 48 room health spa would be located, is on the southerly portion of the property near the intersection of Oakley and Sound Avenue."

John Hart: "And it's not specifically described in the declaration?"

Supervisor Kozakiewicz: "The declaration has some language which stated that any other recreational use as- I'm trying to find my particular section- I tried to highlight them all. Let me see if I can find it. This was the grant of scenic easement. In that particular scenic easement- "

Councilwoman Blass: "Here it is, Bob, the very- "

Supervisor Kozakiewicz: "The phraseology that the applicant is pinning in on- it goes grantor for itself and for and on behalf of its heirs, successors, legal representatives and assigns, hereby covenants and agrees with grantee as follows: 1. The use and development of the quote recreation and open space preserve quote- end of quote, will be forever restricted to some or all of the following; a. golf club and golf course open to public and private membership as the case may be; b. golf club and golf course facilities including but not limited to restaurant, public or private, separate catering facilities and tavern; c. jogging paths, cycling paths, riding paths; d. retail stores specializing in golf, tennis and swimming equipment and apparel limited to not more than one of each such store; and e. any other compatible recreational use.

I submit to you or I believe what's going to be submitted to us is that the recreation use phrase, that subsection e- subpart e, because our code defines a health club or a spa within our recreational use district, that they're going to argue that use is, in fact, permitted under subpart e."

John Hart: "Has a question been raised regarding the beds. We heard all about beds last time and because I understand that there is going- is there going to be an inn or- when they say spa, can I sleep there, too?"

Supervisor Kozakiewicz: "Yes. And as a matter of fact there are- as a result of a meeting I had, I did look to the town clerk and she was, Barbara was great. She pulled out all the '83/'82 files and I found the draft environmental impact statement, a plan from Mr. Scarletta (phonetic) which is referenced in the letter from Ms. Kratz, and a lot of things that, I think are somewhat interesting, and I'm going to ask that they be made part of this record of this hearing. Because I think they're indicative of a lot of what was going on in 82/83 as to the plan. And there was also an engineering report which set forth what the applicants were looking to see what the water capacity needs would be. They described the water capacity needs for a condo and they described the water capacity needs for a club and

spa. And I think those documents are somewhat interesting as well as what they intended by a spa at that time in 1982/1983."

Councilwoman Blass: "I was just going to say, Mr. Hart, I think you raised two of the really fundamental issues here with respect to this application. The first is is there any development potential left on this property which in my reading of the record I don't believe there is. It's a personal opinion, of course. But having been involved with the Planning Board on this application years ago, that is a fundamental question. Have they already exhausted all of their development potential.

And, secondly, whether we could- we could enumerate a variety of uses that would be consistent with a recreational use and the restrictive covenant that's on the property. That doesn't necessarily mean that they're entitled to build all of those as that covenant says. Some or all. And in furthering that point, whether this country inn slash quasi-hotel slash fits the definition of what we currently think of as a spa, is really another issue certainly. Because when I think of a spa, I don't think of something that- or I conjure- I do not conjure up an image such as what is being proposed here today. So I think those are some of the questions that will be looked into and evaluated during the course of this hearing. And subsequent."

John Hart: "I appreciate the attention that the Board is giving this and I would just ask that also the Board in considering this application also consider the impact upon the surrounding properties with regard to water use, sewage, certainly the traffic. Because there are times when we have to run across to get to one side of Oakley Avenue to the other, and one of the things also, and, again, I don't know whether they are part of the code and I apologize for not making myself familiar with it before I came here, and that is whether there are impact fees required of the developer.

Because there is going to be an enormous impact. There will be impact upon the road usage because the road is going to have to be changed. There probably should be a traffic light. If you are going to go ahead with this, it would seem to me that we should make the person who is going to profit from it, as they do in other jurisdictions, pay for it. And that the town shouldn't have to pay for it and the taxpayers shouldn't have to pay for it. The guy that's making the money should pay for it.

And, so, I appreciate the consideration and I agree with Miss

Blass' characterization of the request. Thank you."

Supervisor Kozakiewicz: "Thank you. Okay. These are all on the Spa? Okay. Frank Nicolazzi. Frank Nicolazzi."

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?"

Frank Nicolazzi: "So help me God."

Dawn Thomas: "Would you spell your last name, Mr. Nicolazzi?"

Frank Nicolazzi: "N-I-C-O-L-A-Z-Z-I."

Dawn Thomas: "Thank you."

Supervisor Kozakiewicz: "You spelled it right on the card."

Frank Nicolazzi: "Thank you. Town Board- Town Board members. I think that what's been said by the previous speaker has, in fact, capsuled some of my comments and- except that I would like to take the opportunity to offer my comments.

I'd like to start off by just mentioning the fact that the article in the News Review on 8/25, Mr. Supervisor, this has been capsuled beautifully in that your last line, or the last line in that comment, was the question of taking two bites out of the apple. And I think this be the case.

I've taken the time to review the information from 10/19/82, I have that in my possession. I'm not going to go over it. 6/20/2000; 7/2/2000; 7/5/2000; 7/23/2001; 12/6/2001; 2/15 and 6/24/2002. These are all documents that deal with the issue that I have read, taken great concern and consideration.

What I would like to highlight is the fact that way back- my testimony is entered on 6/20 of 2000, the minutes of that Board meeting I have here so there's no need for me to go through that, which I won't. But I do want to just take the time to just one document which I think says it all and that document was generated in July of 2000. And it deals with the proposed amendment to Article XXV Recreational District.

Now I'll cut all of the- cut to the quick of it and just mention a few items that come up in that letter. And that letter was sent to

the Town Board and is part of the Town Board record. The need of the placement of a traffic light signal at the intersection of Sound and Oakley Avenue. The need of a left turn lane for eastbound lanes of Sound Avenue traffic. A study or a survey of the present normal daily traffic on Oakley Avenue and the basis for seven day a week during the peak of summer. Recommendations of appropriate agencies to the design of Oakley Avenue to properly accommodate the existing as well as proposed increase in traffic. Official definition of a non-dedicated road, which it is my understanding that that road today, Oakley Avenue, is considered a non-dedicated road.

The question addresses the importance of safety issues. Major concern is for people that walk and jog and use their bikes in that area. Requirements with respect to the proper crowning and swaling to accommodate water runoff. Health Department survey concerning sumps, sewers, etc., and stagnant water which we're also very concerned with particularly of the incidents that occurred this year.

Any consideration have been considered- actually to the west side of Oakley Avenue to complement the east side. And I think that might be another issue which is in the document somewhere.

One of the things that comes to mind is the question of federal- the federal- federal government pertaining to the fact that Oakley Avenue provides access to Long Island Sound which is a major waterway."

Supervisor Kozakiewicz: "Mr. Nicolazzi, I don't mean to be disrespectful."

Frank Nicolazzi: "Go ahead."

Supervisor Kozakiewicz: "We're not dealing with the question of Oakley Avenue; we're not dealing with funding for Oakley Avenue. We're- the public hearing today is to judge the special permit application of The Spa and their desire to locate that 48 room facility at the intersection. I understand your concerns but they're really not subject matter of this particular public hearing and- "

Frank Nicolazzi: "Let me get to the quick of it."

Supervisor Kozakiewicz: "Okay. Good. Good."

Frank Nicolazzi: "The concerns of our community and the concerns of the communities in the area, I can offer their concern is

of The Spa and the concern is pretty much not wanting that type of facility in the immediate area. Thank you."

Supervisor Kozakiewicz: "Thank you. Okay. I have a couple other cards that have been handed up. A Marie Nicolazzi and a Joan. Okay."

(Unidentified): "In order to speak, I must present one of those?"

Supervisor Kozakiewicz: "No, no, you don't. You can come on up. Okay. I just didn't know if any of the speakers who already presented cards wished to speak to the Town Board. Okay. All right. If not, your name and then we need to have you sworn in."

Patricia Jackman: "Patricia Jackman."

Supervisor Kozakiewicz: "Okay."

Dawn Thomas: "Mrs. Jackman, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"

Patricia Jackman: "Yes. I am resident of 2416 Sound Avenue which is right next to- is adjacent to the property under question. I think our question is that if an inn is changed by name to a spa and it's considered a recreational facility, recreation- do you sleep there? I mean sleeping is a recreation.

Like also the other things. If it becomes a health spa and I don't mean any, you know -- "

(Some inaudible discussion between the Town Board members)

Patricia Jackman: "-- a recreational facility. Also, does that mean that they have a restaurant there that will serve liquor? It's a legitimate concern with the church being next door and I think that's a concern for the members of the church. Plus the fact if it's a recreational area, I mean if that's what Sound Avenue is supposed to be, the question is whether this really suits the needs."

Supervisor Kozakiewicz: "Thank you very much. Okay. Anybody else who would like to address the Board? Yes, Mr. Ciarelli."

John Ciarelli: "Good afternoon."

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?"

John Ciarelli: "I do. Mr. Supervisor, Members of the Town Board. We represent three families that live in the area, the (inaudible) Family, Hamilton Family and the Bruno (phonetic) Family. The (inaudible) live on Oakley; the Hamiltons live on Flag Hill Drive; and the Brunos live on a private road that's unnamed in the area.

I'm not going to repeat the arguments that have been made thus far although I have to say quite frankly it's difficult for us to speculate about what this thing is without hearing the applicant's presentation. We don't really know whether it's a- I mean it really sounds a lot like a hotel.

Our contention is that when you read the covenants and study the covenants this is not considered to be another recreation use as the covenant seems to address.

The second issue we have is addressed to the water. We believe that there are also covenants on record that have consumed whatever water rights exist on this parcel and that to increase the water rights, additional work on it including but not limited to a sewage treatment plant might be necessary for that area if it's possible to increase the water rights over what are already consumed.

Our clients and I am operating under the belief that the golf course is a private golf course in which case this does not qualify as a parcel that can be used for residential- for recreational use according to 108-125 of the town code since the public beach is more than 1,000 feet away and there's no frontage on Long Island Sound.

And, those are our technical legal reasons. The impact on traffic has been addressed. Our clients also recognize that impact and will be affected by it. I think that unfortunately I would just ask your courtesy to let us respond once we hear the petitioner's application."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Yes, Eve Kaplan. Oh, I'm sorry, you want to get up first. Everybody stand up at once. A lot of eagerness out there."

Eve Kaplan: "No mike."

Supervisor Kozakiewicz: "No mike today."

Dawn Thomas: "I just have to swear you in. Miss Kaplan, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"

Eve Kaplan: "I do."

Dawn Thomas: "Thank you."

Eve Kaplan: "My name is Eve Kaplan. I'm the Riverhead Coordinator for the North Fork Environmental Council and, again, I do- I also appreciate the consideration you have given to this application by looking over the documents that you have. And I'd also like to bring up a couple of points.

As was mentioned before, it does seem clear that in successfully using part of this site for an increase intensity use, they covenanted at that time to reduce the intensity of use on the other area. To come in at this point and intensify the use in that open space area doesn't seem appropriate to us.

This application which is a second incarnation of essentially a country inn application from I believe last year, it seems clearly designed to circumvent the opposition of the community and the law essentially. Fortunately people are well informed and they're here again today from that area. However, it's been clearly stated that this is an area that can't handle a lot of extra traffic, a lot of extra water use, a lot of extra sewage as Mr. Ciarelli just said, and all of those impacts are almost exactly the same with The Spa and 48 rooms as they were with a 50 room country inn. So the difference really seems to be semantic.

Thirdly, this- the Planning Board- the Riverhead Planning Board has recommended that the Town Board deny this application and I hope that that also will be considered. And, lastly, there is an upcoming public hearing on October 15th to consider changes in Riverhead's town code to reduce country inns to be only 20 rooms and two story which many people feel would make them-- bring them more into line with our image of what a country inn is or something that could be compatible with a recreational area or farm area. And since this seems to be a country inn even though it's being called a spa, I don't think that you would want to approve something that will become- it will soon be legal under your own code.

There's a reason that you're taking another look at this country inn zoning, you are bringing it more into line with the things that you would like to see in Riverhead and I'm sure you would like to see this project be in that vein as well. Thank you."

Supervisor Kozakiewicz: "Thank you."

Katherine McKeen: "Katherine McKeen."

Dawn Thomas: "Miss McKeen, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"

Katherine McKeen: "Yes. I wanted to go back to the idea of impacts introduced by John Hart. One thing he didn't mention was the impact of this proposal on the historic- the surrounding buildings and the historic cemetery connected with the Baiting Hollow Congregational Church.

I'm a historian so I look particularly at proposals that would have an adverse impact on what I consider to be very important resources in the town and certainly the Baiting Hollow Congregational Church and the surrounding cemetery adjacent to it, to me are very important for protection and I can envision a country inn such as the East Wind Catering facility which to me is grotesque hovering over the Baiting Hollow Congregational Church and really spoiling the appearance of this whole historic area.

So I'd like you to deny this permit for those and other reasons and I agree with the points made by Eve Kaplan as well and the other speakers. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board. Hand on the left hand side, my right hand side."

Constance Lowe: "My name is Constance Lowe. A long time resident of the north fork- "

Dawn Thomas: "Mrs. Lowe- "

Supervisor Kozakiewicz: "Mrs. Lowe, we have to have you sworn in. I'm sorry."

Dawn Thomas: "Do you swear that the testimony you about to give

will be the truth, the whole truth, and nothing but the truth? Thank you."

Constance Lowe: "I just want to make one point and that is for a long time I have been an admirer of the historic corridor- they've always called it the historic corridor that is Sound Avenue. I really hope you will take that into consideration when you consider putting another big building. We've already had a few (inaudible) on that corridor, and I think it would be very admirable if the Board would decide not to approve this, just even for that reason alone. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilwoman Blass: "Can I respond to that?"

Supervisor Kozakiewicz: "Huh?"

Councilwoman Blass: "Can I respond to that?"

Supervisor Kozakiewicz: "If you would- anybody else who would like to address the Board? Mr. Kasperovich."

William Kasperovich: "I swear."

Supervisor Kozakiewicz: "So sworn. Duly sworn."

William Kasperovich: "If I knew this was going to come up today, I would dig into my old papers and get back in the last 20 years, two or three such situations that have come before the Board. And I could see people wanting to make money in a business arrangement. I could see people wanting to invest in things and so they try and people have tried in this town to put forth recreation and a spa and rehabilitation and family problems in a variety of size and shape of buildings. And all the time, every time, it has come to a point where by virtue of the Town Board not requesting a specific definition and explanation of the wordage they submit in the special permit. And here we come with the word spa, and 48 rooms. Forty-eight people is a large number of people because they're not only one per room. People are accommodated in various manners. And, again, recreation or (inaudible) spa.

There are also facilities that are connected to a spa. Now, to bring this forth in this manner when nobody really know what these people have in mind, just creates a lot of confusion. And if anybody

opposing this situation would sit down, they can write two pages of objections by virtue of not having this put down specifically as to how and what and their usage specifically referring to a spa. A spa can be most anything. You don't have to reach in many directions to get the different ways a spa could be used. But with this many people, this many rooms, this has limits and I believe this particular situation has gone beyond the limits. Until it's spelled out exactly what the intent and purpose and use in writing is submitted, the special permit should be denied. Thank you."

Supervisor Kozakiewicz: "Thank you. Anyone else who would like to address the Board? Hand in the middle."

Gladys Witenberg: "My name is Gladys Witenberg. I live in Baiting Hollow."

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

Gladys Witenberg: "Yes."

Dawn Thomas: "Thank you."

Gladys Witenberg: "I'd like to say that the term recreation is extremely loose and undefined in this proposal. One would wonder what in a spa is going to be recreational. I think underlying this- or at least it appears to be underlying this application, is a need for housing. The people who play golf at Fox Hill and the people who attend various events at Giorgio's Restaurant. This is not particularly recreational. It is motel or hotel housing and I think that this point should be brought forth very strongly. I can't see how a spa on that particular piece of property which is not really that large is going to have spouting fountains, pools, massage rooms or whatever constitutes such a recreational use.

I'm concerned that the Board concentrate on why this housing is being proposed in an area which is scenic and historic. I would also bring to the attention of the Board the fact that the development of motels and hotels in Suffolk County has exceeded all expectations in the last five years according to a recent New York Times survey. The Times survey also indicated that the occupancy rates in these units was off and that they were not meeting the expectations of these many buildings.

I would like further to say that if we have this huge facility at

East Wind and many motels along the corridor on Route 58, I wonder why they can't house the people who are going to play golf at Fox Hill.

In any event, I think that the Board should concentrate on this as a matter of providing housing and whether or not we should sacrifice forever a piece of property that can never be restored in order to provide rooms which may never ever be needed. Thank you."

Supervisor Kozakiewicz: "Thank you. Is there anyone else who would like to address the Board? Anyone else in the public? Jane, do you want to come up? Thank you."

Dawn Thomas: "Miss Kratz, do you swear that the testimony you are about to give to be the truth, the whole truth, and nothing but the truth?"

Jane Kratz: "Yes. Mr. Supervisor, Members of the Board. Thank you."

Councilwoman Blass: "I think you are going to have to speak up."

Supervisor Kozakiewicz: "Jane, if it's- I know Councilman Densieski has offered- I mean it's going to be rather unwieldy, but he offered to utilize his microphone if it makes it a little bit easier to- that would be fine. I know it's going to be a little unusual but if the public can't hear you and I'm not going to ask you to scream in order to-- for everyone to hear you. Why don't we do that? Ed was kind enough to offer that before. I'm going to adapt on the move here. Okay."

Councilwoman Blass: "I like this 3-2 majority."

Jane Kratz: "My name is Jane Kratz. I'm an attorney at Esseks, Hefter and Angel in Riverhead. I represent the applicant which is Sound View Associates a partnership that happens to own all of the lands underlying the clubhouse, the driving range, the entire golf course facility and- including the six acre parcel at the corner of Oakley and Sound. Of that six acre parcel, two and a half acres would be used to construct a 48 room suite with health spa facilities. There would be approximately 125 parking spots. There would be a swimming pool and two tennis courts. There will be no restaurant facilities and there will be no liquor served.

The reason that I asked- requested that members of the public be

first is for just that reason, so that I could hear what the concerns were and incorporate answers into my presentation.

Along with me today is the project architect, Shawn Leonard, also John McNulty who represented Riverhead Flag Corp. back in the early '80's when this site was considered for the condominium complex and the golf course and the other uses. I also have Mr. Rego and Mr. (inaudible), here who can also answer questions. They happen to be principals of Soundview.

To begin with, the project will- the building will be 78,000 square feet. The site is benefitted by a special permit that was granted back in 1982. What I'd like to do is take members of the Board as well as persons in the audience through the zoning history of the site to date and Mr. McNulty will speak to what transpired back in the early '80's and then Shawn can discuss the specifics of the building and what the intentions are.

I've prepared packets for each of the Board members with an outline so that you can follow with me what is essentially a legal argument and then we can proceed to the specifics."

Unidentified: "Mr. Supervisor, I have to say I'm troubled by this configuration."

Supervisor Kozakiewicz: "Well, the reason I'm doing it, Mrs. McKeen, is not to do anything other than allow the public to hear Ms. Kratz. When we tried to have her speak at the podium, because of her voice, it's difficult to hear her and I was just doing this as a courtesy so the public could hear. All right. Thank you."

Mrs. McKeen: "I understand that, sir, but- "

Supervisor Kozakiewicz: "I can't do anything else. I don't have a microphone that works and if we can't- "

Mrs. McKeen: "The (inaudible) is very, very unfortunate, I must tell you, from this side."

Supervisor Kozakiewicz: "Believe me, allow it to proceed and you will come to a different conclusion, maybe. All right?"

Mrs. McKeen: "I hope so."

Supervisor Kozakiewicz: "This is an unfortunate circumstance

where a microphone is not working. I have no control over that. As we started out the public hearing earlier at 2:00, we spent approximately a half an hour trying to get the microphone to work. It doesn't. We've- my only other alternative would be to adjourn all proceedings today, come back tomorrow, and I think that would have been very unfortunate in light of the notices that have gone out to people and all the rest. I apologize for it. I don't know what else to do at this point."

Jane Kratz: "Thank you. Prior to 1965, the property had been improved with a golf course, a clubhouse and a swimming pool. The parcel in question was improved with two barns, a windmill and some other frame buildings. In later 1981, Riverhead Flag attorney, Mr. McNulty, and others in the town, drafted the recreational overlay district- use district, with this parcel in mind. Many, many, many residents in Riverhead town were members of the golf course and club and it was not thriving. And there was an interest in preserving the golf club and not seeing it developed for residential use.

At the time the zoning, as I understood, allowed one-half acre lots. So in December of 1981, the town adopted the Recreational Overlay District and that allowed as of right a marina and resort, it allowed for golf clubs as of right, it allowed by special permit things such as motels, and even health spa as an accessory to one of those uses.

The next month, in January of 1982, Riverhead Flag applied for a special permit to construct condominium units on the 191 acre site as well as other improvements. The petition at the time specifically said that the applicant wished to utilize the premises for the purposes of the health spa. So as far back as January of 1982 the concept of this resort for this campus included a health spa.

All of those uses would have been permitted- the uses that were applied for would have been permitted under that recently enacted zoning provision.

In November of that year, the Town Board adopted a resolution that directed the Town Clerk to change the zoning of this site, of the 191 acre site, to recreational use district and it also granted a special permit to run with the land to construct condominiums, a tavern, restaurant, retail stores, and health spa. So needless to say, it's the applicant's position that we already have something. We have a vested right to a health spa.

I think the issues for this Board in exploring what we're proposing to do, what site plan we're seeking, and the clarification of that permit is what's before the Board. The time has come for the owners to act on that permit and to develop that health spa. The proposed Comprehensive Plan for this town encourages just this use. It encourages resorts and spas. The concept in the draft Comprehensive Plan includes overnight accommodations with spas and that is obviously what we're pursuing.

The following March a site plan was approved specifically for the condominiums and for the roadway and other infrastructures for the development thus far. In April of 1984, there was a grant of a scenic easement that was negotiated between the applicant's attorney at the time and the Town Attorney and it is a use easement. The intent we believe was to take recreational, commercial, industrial type uses off of the table so that this site would always be for recreational uses. Whatever those happened to be. The Town Code at the time said a health spa was a recreational use.

It also allowed- it specifically said that the use and development of this recreational area will be for the uses that the Supervisor was citing, including other compatible recreational uses. The Town code included health spas as another recreational use. It wasn't a health club which I would suggest is a Gold's Gym or other type of facility but rather a health spa.

In 1989, the owners sought permission from the town to expand the clubhouse, to build a storage building, and to build a pond. And at that time, the Town Board felt that those expansions and those additional uses were consistent with the covenant and approved the application. There have been additional expansions to the clubhouse since that time.

In addition, in 1982, the owners sought to shift some property out of the easement area and to substitute property so that condominiums could be placed in an area not originally contemplated. And, again, the Town Board approved it and there was an amendment to the scenic easement, shift some property, but the restriction language for recreational uses was identical.

In August of 2002, the recreational district was amended to allow for country inns which is a use consistent with what we're attempting to develop and then as I mentioned earlier, in July, 2002, the comprehensive plan draft came out and it encourages resorts and spas with overnight accommodations because tourism is one large key to the

economic development and prosperity of the area and the Town Planning Board and other participants in developing that draft plan recognize that and we certainly have the (inaudible) for which that could accommodate this campus approach and we believe we have something- we have the special permit that's vested and that runs with the land already.

The question is, where's the best place to put the spa? How big is the spa? How many parking spaces? And that's what we have requested of this Board at this time.

That's what I have to say with respect to some of the documentation and the zoning application. I think it might be helpful if Mr. McNulty were to now speak to what happened while I was still in law school (inaudible) in the early '80's."

Supervisor Kozakiewicz: "That would be fine. Is Mr. Rego also going to address the Board and the architect? Because I do have a lot of questions as a result of our meeting back in July. As I indicated, I had a chance to go through this particular application pretty closely and there were volumes of material and there was a lot of things that were in that material which seems to contradict or conflict with what you're saying here today. And I just question as to who is going to be the best party to answer the questions of what was intended back in '82."

Jane Kratz: "Well, John represented Riverhead Flag Corp. and prosecuted the petition for the special permit. That was 20 years ago. He has information involving the atmosphere at the time, the pressure to develop the site. He was involved in the drafting of the use district."

Supervisor Kozakiewicz: "Oh, okay. All right. All right. We're going to briefly adjourn. We discovered what the problem was with the microphone. We're going to take a five minute recess so that we can do this from the podium, all the speakers at the podium.

So, at this point in time, the time being 3:45, we're going to take a five minute recess to correct the problem and we'll come back, hopefully, at 3:50. Thank you."

(At this time, there was a short recess)

Public Hearing adjourned: 3:45 p.m.

Public Hearing reopened: 3:55 p.m.

Supervisor Kozakiewicz: "-- that the time of 3:55 has arrived or thereabouts, maybe 3:54 and 15 seconds. Anyway, just to allow to continue, Ms. Kratz, I know we had just got concluded, I think, this part of your testimony."

Jane Kratz: "I had recited the (inaudible) history and I was going to ask Mr. McNulty to- I was going to ask Mr. McNulty to expand on my testimony because he was the attorney for the applicant in the early '80's, Riverhead Flag Corp., and then between us perhaps we can (inaudible) the questions from the Board."

Supervisor Kozakiewicz: "Thank you. Mr. McNulty, we need to have you sworn. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?"

John McNulty: "I do."

Supervisor Kozakiewicz: "Thank you."

John McNulty: "My name is John McNulty. I've practiced law in Riverhead since 1959. Back in the late '70's, early '80's, I was asked to represent Riverhead Flag Corp., the owner of the golf course that is the subject of this proceeding.

At that time, Mr. Hills and Mr. Cruser- Cruser and Hills, were representing Riverhead Flag Corp and for various reasons they wished not to be involved in the negotiation. I was brought in and I was told that I was to make a deal with the group. It was a Riverhead group that was negotiating with Riverhead Flag Corp. The Riverhead Flag Corp. had 155 members, practically all of whom were residents of the town of Riverhead or former residents or- of the environs. And Bob Tooker and his group, he had an accountant, he had a architect, an engineer, and they made a proposal to Riverhead Flag Corp. Riverhead Flag Corp. was in the red. It was able to maintain current expenses but it could not meet its obligation to its bond holders nor could it meet the obligation of the existing mortgage. And things were becoming desperate.

The group made a proposition. I've never seen a proposition like it before and what it was, was that the corporation, Riverhead Flag, was to remain in title. They were to- the group would apply for a mortgage. We asked that we be told how much of a mortgage and were told we're not telling you but we wouldn't recommend anything you

couldn't live with. And then they were going to develop the project.

They would not tell us what the project was. It was a secret. And there was phase one, phase two, phase three, phase four, all of which were secrets. I went back to the Board of Directors and I told them, you know, this is what's been negotiated and if you wish to abdicate your financial- your responsibilities as fiduciaries, why you go right ahead and you'll be personally liable and they took another look at it.

That blew up. When it blew up, the group went to the shareholders and obtained or tired to obtain proxies. Management then got into a proxy fight and it was the talk of the town. It involved everybody in town. The police chief was involved, the supervisor, everybody was involved in the thing. The proxy fight died.

Then the mortgage was coming due and lo and behold, Telly Savalas of Kojak fame came through with a mortgage, provided he was given an option to purchase the property. He was given an option. The option was a year or two shy of the due date of his mortgage and he proceeded to play with the property. We in the meantime were able to maintain the golf course because we were just about break even.

I had meetings with various builders that Telly Savalas had met in some gambling den in London who had worked in the Middle East and Bahrain and United Arab (inaudible) and they were going to build a European spa and all this nonsense. That came to nothing.

The option terminated and Riverhead Flag was looking to someone to bail them out. We went to the county and we said we have an existing golf course and the county said nope, we don't want it. We've got Indian Island and that's all we can handle in the town of Riverhead. We went to the Town Board; the Town Board said oh we want a golf course. That was before the proliferation of golf courses in Riverhead, and we want it maintained but we can't take it off the tax rolls and we'd like you to continue or, you know, pray for someone to come along that will continue.

The purchasers, Mr. Rego and his group; came along. There was another person, a broker, by the name of Dolly Schneider, and she had another group and she wanted and proposed that there be a health spa like I think it was LaCosta or something like that out in California. That was the hot item at that time. And she was pushing for a health spa and Rego and his group were pushing for condominiums and golf course. We finally contracted with Mr. Rego and his group and we had

a meeting of the shareholders and Ms. Schneider broke into the meeting and it was quite a mess and everybody in Riverhead was there and everybody was hooting and hollering.

Anyway, to make a long story short, she was denied the opportunity and the contract was signed with Mr. Rego. We then had to make application to the Town Board and I made application of behalf of Riverhead Flag Corp. One of the things that was being discussed and still floating around, what was the secret thing of the Tooker group? And at that time before the war, there was a golf course in Riverhead. It was on East Main Street. And the Elks Club is the clubhouse and across the street I remember when I was a kid, we used to drive past it. We used to have the greens right out there and the tee and that's after the war they came in and they built housing on the golf course which became the Riverhead Greens.

The Town Board and the town in general did not want a Riverhead Green situation. They did not want that golf course to be abandoned. They wanted it preserved. We- consulted and conferred with the town, with the town attorney, and the uses that they proposed to make of the property was consistent with the ordinance but about a year or two before the Court of Appeals had come down with approval of a concept of a floating zone. And it was felt that the floating zone would give more control and be more appropriate for this end. We helped draft the ordinance, somebody in my firm did, and it was adopted. We then made application and the application was granted.

The application that we made was for a golf course, for condominiums, it was for a health spa and it was for a pro shop and the usual. I believe at that time the ordinance provided that a health spa would be permitted only as an accessory to a legal use and one of the legal uses was a golf club. The health spa, I distinctly remember it being mentioned, but it was not in the forefront. The condominiums were going to be the salvation of the club and they were going to be- would give the financial wherewithal to continue the golf course. And we concentrated on the condominiums and the Town Board concentrated on the condominiums.

The health spa when it was discussed, it's my best recollection, that they said it was going to be down near Sound Avenue in the corner where there was a barn, some kind of a building. The reason that I recall that is because I think a Mr. Carlyn (phonetic) had put a subdivision on the other side of Oakley Avenue and he wasn't too thrilled with having residences on Oakley Avenue and, in fact, nobody wanted residences on Oakley Avenue. They didn't want condominiums on

Oakley Avenue. And so the Board said, no, we want you to put the condominiums up on the bluff.

I negotiated with the town attorney and the Board concerning the restrictive covenant and the purpose of the restrictive covenant was to prohibit residences on the golf club- on the golf course. The incidental buildings that was incident to the restaurant or the clubhouse or the golf course, were not to be affected by the restrictive covenant. I believe that Riverhead Flag Corp. executed a restrictive covenant but then I think it wasn't used because they wanted the purchaser to execute and whatever the name of the purchaser was, they executed but at the time of the negotiations we were definitely concentrating on keeping the golf course as a golf course with its incidental uses.

The Town Board issued to my client a special permit which included a health spa. The health spa, of course, when it was to be constructed, would have to come back for a building permit. They would have to address the concerns of the site plan, etc. But there was no doubt in my mind, and I don't think there's any doubt in your mind, but that the Board did issue the land a special permit for a health spa. And there's no doubt in my mind, no doubt in your mind but that a restrictive covenant was granted, was recorded, and looking at it now, you see that there is nothing in that restrictive covenant which mentions the health spa. But the permit for the health spa was granted and it was not the intention of the restrictive covenant to take away that which was granted.

There was left for future determination as to where it would be located and my best recollection is that they were always intending to put it down where those buildings were. But it wasn't the main issue at the time.

If you have any questions, I'd be glad to answer them."

Supervisor Kozakiewicz: "Yeah. I'm not sure if my questions are better put to you, Mr. McNulty, or to the contract vendee at the time. Because you made some comments and you have some pretty vivid recollection of what was taking place at that time period. So."

John McNulty: "And you must understand that Stan Pohl, Lord have mercy on him, was a member of the purchasing group and was negotiating with the town as well."

Supervisor Kozakiewicz: "Actually when I had a meeting earlier,

I lost sight of the fact that not only was he the attorney but he was also one of the contract vendees."

John McNulty: "Yes. He was one of the members of the group."

Supervisor Kozakiewicz: "And that's where I and, again, the question is whether it's a better question for yourself or whether it's a better question for the applicants. There were some comments made by Mr. Pohl- "

John McNulty: "Right."

Supervisor Kozakiewicz: "At a hearing, which indicate and I mean I'm jumping around a little. Let me - since we've raised that issue, Stan Pohl was representing them and the comments were found in the public hearing of October 19, 1982, and I'm going to just read the section which I know was relied upon by the Planning Board."

John McNulty: "That was November?"

Supervisor Kozakiewicz: "October of 1982. I'm sorry."

John McNulty: "Yeah. I think I might have been out of the picture by then."

Supervisor Kozakiewicz: "And the comment is from Stan Pohl and it was in response to a question from Supervisor Janoski, and he talks about- why don't I read the whole paragraph? I know what we're going on here."

John McNulty: "Yeah. If I (inaudible), I will."

Supervisor Kozakiewicz: "Well, what we're talking about here is a concept known as cluster zoning. We've submitted to the Board a yield method which if we went along and developed the property according to conventional methods, we would probably- we probably would be entitled to, I think, 304 or 305 houses, half acre houses on half acre lots. And this is the part which is of concern because not only was he the attorney but he was the contract vendee.

What we're doing is taking 157 acres and leaving it as a golf course forever in the perpetuity."

John McNulty: "Right."

Supervisor Kozakiewicz: "What was his intention? I mean, I know it's difficult to read into someone's intent but we keep saying that we're going to have a spa down there and I guess the next question is are there any plans that you have in your possession which show a spa being located in that 157 acres of land?"

John McNulty: "It was a concept but it wasn't delineated on a map. What- "

Supervisor Kozakiewicz: "Well, I did find a map which was referred to and it shows and this is where I've got to question this. It was included at Exhibit 6 to a letter- I mean Exhibit C to a letter we received which is a site plan of a John Scarletta dated March 14, '83. It's referenced as Exhibit C in a letter of March 21, 2002 to us or to the Planning Board I should say more specifically which describes Resolution #161 which was a resolution of the Town Board to require an offering plan prior to the issuance of a CO. And I highlighted- I'm going to hand this up to you and you can show this map to your- to the applicant here and it shows a health club located between the pool building and a future indoor tennis courts. And it's- I just it seems to me that at least at some point there might have been a difference of opinion where a health club was going to be located."

John McNulty: "No question in my mind either. It- you must understand this, Mr. Supervisor, when we came in and we were talking about the golf course, there are also going to be tennis courts, there is going to be a swimming pool, you know, and I think they moved the swimming pool later on. They moved the, you know- it was a dynamic sort of thing. But the concept was to preserve the golf course. They didn't want it to be used for the building of residences. They still had in mind, that secret group with their secret phase, and they didn't want that to happen. They wanted the golf club to succeed and all the amenities of a golf club. And quite frankly I was representing the seller and- "

Supervisor Kozakiewicz: "That's why I said I'm not sure if my questions are better put to you or to the applicant who is part and parcel of what was going on at that time."

John McNulty: "And it was discussed in general terms with the Board, with me on behalf of the seller making the application for the change of zone. When it got to specifics, I was out of the picture."

Supervisor Kozakiewicz: "Okay."

John McNulty: "But the health spa is not an after thought. It's not a 20 year later thought and- "

Supervisor Kozakiewicz: "The petition that was filed by Flag talks about a health spa."

John McNulty: "Yes."

Supervisor Kozakiewicz: "The record speaks for itself and I think that part we would have a hard time disagreeing with you. As a matter of fact, on page 2 of the petition, it says wishes to utilize the premises for purposes of a health spa. I think the problem we have is what was the intention of the health spa, how large of a health spa was it, was it just a spa with rooms? I mean was it a spa without rooms or was it just a spa?"

John McNulty: "I do not know."

Supervisor Kozakiewicz: "Okay."

John McNulty: "I think I relied upon the definition in the ordinance."

Supervisor Kozakiewicz: "And it doesn't say anything. It just says health spa."

John McNulty: "I understand."

Supervisor Kozakiewicz: "Okay, so-- and-- because I know that it also goes on with the petition that was filed by the owner of the property, Riverhead Flag Corp.-- "

John McNulty: "Right. That's my client."

Supervisor Kozakiewicz: "And let me see if I can find that language. It talks about the impact on Sound Avenue. The- do you have that, Barbara?"

Councilwoman Blass: "I have that. Yes. It's a page I just-- "

Supervisor Kozakiewicz: "Well, unless there's objection, I would make this letter part of the record. The characteristics of the proposed use are such that it's location is not unsuitably near to a church, school, theater, recreational area, or other place of public assembly. And that the proposed use is a recreational use, it has

been in existence, it has not disturbed the Baiting Hollow Congregational Church which is located to the southerly extremity of this premises. And it goes on to talk about the development of a condominium. Moreover the development of a condominium at the northern extremity of the petitioner's premises will minimize any impact on the Church and will not be unsuitably near the Church but will be as far from the Church as possible."

John McNulty: "Right."

Supervisor Kozakiewicz: "Again, it seems to indicate it was going to be, again, located northerly not southerly."

John McNulty: "The condominiums were. No question about it."

Supervisor Kozakiewicz: "I understand. But there's silence on the spa."

John Mc Nulty: "They didn't want any residences or any condominiums on the golf course because of what happened with the Greens and that was a definite thing, that the condominiums would be on the northerly end of the property. And the- how can I say it? They weren't going to build a health spa then. They were going to build condominiums. So the immediacy and the concentration of everyone was on the condominiums. And you as a lawyer know that you don't always draft the perfect document. But you know- "

Supervisor Kozakiewicz: "I can appreciate where that comment is coming from. What I am trying to gather is maybe some recognition of the fact that there is a plan which is referenced as part of Resolution #161 and this is part of the letter that was written to the Planning Board which talks about a resolution and this plan shows a club, small as it is, health club entitled- which is up by the pool and by the tennis courts which seems to contradict a comment that it was intended to be located southerly. That's part of the problem I have with it and I'm trying to- "

John McNulty: "Mr. Supervisor."

Supervisor Kozakiewicz: "Okay."

John McNulty: "I'm not here to argue on behalf of any client. I'm only here to tell you what I recall and the facts as occurred when I was representing- "

Supervisor Kozakiewicz: "Okay."

John McNulty: "The intent at that time was that it would be down where the buildings were. Now, I had no control over the buyer. He can do whatever he wanted to do. That's what was presented to us and that's what I presented to the Board."

Supervisor Kozakiewicz: "Okay, Mr. McNulty. Maybe I'm, you know, again, maybe the questions are better put to the contract vendee at that time, the applicant today. Thank you."

John McNulty: "Okay. Do you have any other questions?"

Supervisor Kozakiewicz: "No."

John McNulty: "Thank you."

Jane Kratz: "I can speak pointedly to Resolution 161. That was with respect to the condominium units. That's in the third sentence. Special permit to Riverhead Flag for the construction of condominium units. I think that was the focus at that time and that resolution was with respect to the condominiums and any health club that was going to be an amenity of the condominium units, the health spa, different terminology, different concept- client for a different location."

Supervisor Kozakiewicz: "Okay. If that's true, do we have a set of plans that show the health spa being located south, in this 150 acre area which I think some people in the town at the time thought was going to be open space preserve, golf course preserve?"

Jane Kratz: "The site that we're seeking permission for, the six acres- "

Supervisor Kozakiewicz: "Correct."

Jane Kratz: "-- was never used for golf."

Supervisor Kozakiewicz: "I'm saying- "

Councilwoman Blass: "Was it part of the recreational district?"

Supervisor Kozakiewicz: "Let me rephrase. Was there ever a plan submitted to the town that showed it as a health spa?"

Jane Kratz: "I have looked for one. I have not seen one."

Supervisor Kozakiewicz: "Okay."

Councilwoman Blass: "Was it part of the parcel that received the recreational zoning and was subject to the recreational restrictive covenant?"

Jane Kratz: "The legal description includes the six acre piece that we're discussing. That document also allows for other recreational uses. So, you know, it contemplated seemingly if there was a special permit that ran with the land that included a health spa, then this is a recreational use."

Councilwoman Blass: "Did the Health Department approval that you received for the condominium development include any calculation for wastewater that went beyond what was part of the original application?"

Jane Kratz: "I am advised by Mr. Andreoli (phonetic) who is our engineer, that there is sufficient flow that the Suffolk County Department of Health Services will approve of this if we are successful."

Councilwoman Blass: "So the original yield of 300 condominium units on that parcel which received a cluster subdivision or a cluster approval for purposes of retaining the use of the golf course as open space, what you're suggesting now is that you can return to the Health Department and the Health Department will say that beyond the two units per acre yield that you have already exhausted, there is sufficient flow such that you could build a facility that has potential?"

Jane Kratz: "As I understand the math and I'm not the engineer, there are actually only 274 units, two bedroom- there are 26 two bedroom units that have not been built, will not be built, that translates to 52 bedrooms and that constitutes the flow for the spa. That's what I've been advised."

Supervisor Kozakiewicz: "Yeah, now, I think the dispute dealing with the flows. I'm confused on another aspect and bear with me a minute. I will try and go through this step by step."

When this application took place in 1982, what was the total acreage of the parcel in question?"

Jane Kratz: "One ninety one."

Supervisor Kozakiewicz: "One ninety one. Okay. And is it your testimony that the six acres that's the subject matter of this hearing was not part of that easement or was part of that easement?"

Jane Kratz: "It's part of the easement."

Supervisor Kozakiewicz: "Okay."

Jane Kratz: "It is not part of where golfing occurred. It was already improved with many structures and to our thinking is a logical location to seek site plan review for this permitted use."

Councilwoman Blass: "Except that the beauty of a SEQRA record is such that in order to mitigate impacts to Sound Avenue and such, the recommendation, the finding of a Planning Board, was development were to occur as far away from Sound Avenue as possible."

Jane Kratz: "Right."

Councilwoman Blass: "And that was a mitigation, that was a finding that was passed along to the Town Board in their consideration of the special permit."

Jane Kratz: "Right. But 20 years later, there are 200 and some units on the bluffs and those people deserve not to have impacts upon them, too, so there was a logic- our logic was to now distance this part of the campus and this use from the bluffs."

Supervisor Kozakiewicz: "Folks, all right."

Councilwoman Blass: "Except I think- "

Supervisor Kozakiewicz: "Well, I have another question. Again, I'm going to go back to the words of Stan Pohl, God bless his soul, who said what we're doing is taking 157 acres and leaving it as a golf course forever in the perpetuity. Did the 157 acres include this six acres?"

Jane Kratz: "I would have to say yes."

Supervisor Kozakiewicz: "Okay."

Jane Kratz: "I believe it did. The easement- it includes this."

We believe it's consistent."

Supervisor Kozakiewicz: "Because in that same phrase it goes on: Your Town Attorney, of course, represents the Town of Riverhead as I have submitted the covenants to him, I think is satisfied that the town will be protected in leaving that area- the 157 acres- forever in its recreational state. Okay?"

Now, since we're debating what's the health spa or not, as part of the record in 1982, there was a report done by H2M, an engineering report, water resources and wastewater disposal. In that report, there is a line on page 13 and I'll hand this report up to you, which talks about proposed water capacity needs of a club and spa. Before I do that, what are your anticipated water capacities, water usages, for this particular spa on a daily- a gallonage per day flow?"

Jane Kratz: "Gallonage? I have it in the impact statement. The total anticipated water usage per day is 13,590 based on Suffolk County Health Services sanitary calculations, that's answer 23 on page 24 of the (inaudible) form."

Supervisor Kozakiewicz: "Okay. And in this report, maybe they dealt with it a little bit differently, but the water capacity needs for the club and spa which were grouped together, were considerably less than that and, again, it seems that what was being proposed by a spa was somewhat different than what we're envisioning the spa to be today. And I- you can- I'll ask that this be made part of the record and if you wish you can, you know, respond to it. Because it still raises questions as to what the water capacity was intended to be with respect to this particular application. And I'm confused. I'm very--"

Jane Kratz: "With your permission, I'll have Mr. Andreoli respond in writing or otherwise to that inquiry."

Supervisor Kozakiewicz: "Okay."

Jane Kratz: "There are a couple of other things I neglected to mention in my presentation involving- well site plan issues, the traffic light. We are required to install a traffic light. Of course, we would or a left turn or right turn lane. We've also discussed with the Board installing a sidewalk all along Oakley Avenue from Sound to the bluffs to accommodate walkers. We are prepared to do that as part of our application."

Councilwoman Blass: "I have a question. Would the development

of the building of this spa at this location in any way change the tax ratable, if you will. Because I understand as a result of taking that easement, your client enjoys a tax benefit for a restrictive covenant and there has been tax relief on that property all these years. By virtue of the fact of putting what appears to be a commercial use on this property, would you be taxed accordingly or would you enjoy the same tax relief?"

Jane Kratz: "It's certainly commercial and we would expect to pay the taxes that are attributable to it. For up until now, it's been preserved but if it were developed, it's actually two and a half acres that would be devoted to this use."

Councilwoman Blass: "Oh, it's not the six any longer?"

Jane Kratz: "Well, the corner consists of six acres. The part of that that would actually be impacted by parking lot, pool, tennis courts as set forth in the application, is two and a half acres."

Councilman Densieski: "But doesn't the yield- "

Supervisor Kozakiewicz: "Any other questions?"

Councilwoman Blass: "I have none."

Supervisor Kozakiewicz: "Is there anybody else out in the audience who wishes to further address the Board? Mr. Hart."

John Hart: "Mr. Supervisor, gentlemen. After I have heard counsel and Mr. McNulty and being older than Mr. McNulty I can say I now know the (inaudible) of the (inaudible) evidence rule because there is a document which the Supervisor read from earlier which is signed by Mr. Rego which is dated in 1984 which I think really should put this all to bed. Because what he talks about is he talks about preserving areas of natural and scenic beauty and then he goes on to say that they can't do anything which is- that there will be no residential structures and that no trees or shrubs shall be destroyed or removed from the recreation and open space preserve and it goes on, I think really spells out the intent. And the intent is to preserve this area and they got a tax break for it. And he now wants to reverse it because he can make more money and that's his God given right but it's not the God given right to change the covenant upon which the people who now live there relied. And so I would submit that the Supervisor was correct when he referred us to this document which was signed on the 4th day of May in 1984 and I think that should

really put this all to bed. Thank you."

Supervisor Kozakiewicz: "Any other questions?"

Jane Kratz: "I've introduced that document as part of the packet that I submitted to you and I believe the language quoted says except as otherwise permitted by the instrument and the instrument allows for recreational uses. Not industrial, not anything other than what would be considered a recreational use, like a resort which the town is looking to promote.

I think the drainage questions are site plan questions as opposed to a special permit. I won't go into that at this point. You know, it's our position that we have a special permit for a health spa. We're looking to site it in this particular location within the property and that's what I have to say.

I also have the architect here who, I don't know for the benefit of the public or the Board, has the elevations and has the site plan that we're proposing, if anyone would like to take a look at it or if they have questions for Mr. Leonard specifically."

Supervisor Kozakiewicz: "I don't. I mean, my only comment or response is that I would like to close the comment period today. What I would do since as a result of our meeting back in July, I spent a considerable amount of time looking at these particular- at this application, pulling out old files, pulling out maps, is to make the H2M engineering report part of the record. I would like to make the draft environmental impact statement which was filed with respect to this particular application part of the record. The site plan that I've talked about earlier, the- Mr. Scarletta's site plan which was mentioned in that resolution and, again, the inference that can be drawn with respect as to whether that health club that's shown on there was the spa we're talking about is something, I guess, we'll have to better judge, make a call on. But ask that that be part of the record. Ask that the comments from Mr. Pohl from October 19, 1982 be made part of the record, and we'll have to judge what was the intentions of the party back then, whether we're talking about a spa which is different than what was approved back then, and so be it. We'll allow for comment, written comment, for- I would say because this one seems like it's gathered a lot of interest- I would say until the 27th, I think that's that last Friday of September, until close of business on September 27th. All right. And at this time, unless anybody else wishes to address the Board, we'll close the public hearing, the public comment portion. Thank you, Jane, the time of

4:31 p.m."

Jane Kratz: "Thank you very much."

Public Hearing closed: 4:31 p.m.
(Left open for written comment only to September 27, 2002)

Public Hearing opened: 4:32 p.m.

Supervisor Kozakiewicz: "I'm going to go to the next public hearing which was- if Barbara would read the affidavit of publishing and posting for that."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on September 17, 2002, at 2:15 p.m. regarding the consideration of the purchase of development rights of agricultural lands owned by Jennie Alexander, Jr. and Cheryl Janlewicz."

Supervisor Kozakiewicz: "Yes. On this one, is there anybody who wishes to be heard on the acquisition of lands of development rights from Janlewicz? If not, I understand we're going to have another further publishing and posting anyway to discuss this because there are some other issues that are coming up. But, since it was noticed, since it's been read by the Town Clerk, I would like to at least offer an opportunity for people to address us. If not, we'll close it and I understand it's going to be republished in the future. Is that correct? All right. Anybody wishes to address us on Janlewicz? Not seeing anybody, we'll close it, the time being 4:32 p.m."

Public Hearing closed: 4:32 p.m.

Public Hearing opened: 4:32 p.m.

Supervisor Kozakiewicz: "The time still being 4:32 p.m., let's go to our last 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 September 17, 2002, at 2:20 p.m. regarding the consideration

of the franchise renewal application of CSC Acquisitions, Inc. - NY (Cablevision.)"

Supervisor Kozakiewicz: "I have a number of cards so I'll go with those cards and then we'll open it up to the public. Roseann Astris."

Steve Haizlip: "Mr. Supervisor, I'm not feeling too good. I'm going to go home. I have my letter in there."

Supervisor Kozakiewicz: "Your letter will be made part of the record, Steve. Thank you. And feel better. All right."

Roseann Astris: "Is it all right if Peggy Eckart speaks before me because she has to leave."

Supervisor Kozakiewicz: "Who's that?"

Roseann Astris: "Peggy Eckart."

Supervisor Kozakiewicz: "Sure. That's fine. Go ahead. Good afternoon. Your name and address, please."

Peggy Eckart: "My name is Peggy Eckart. PO Box 76, East Quogue, New York."

Supervisor Kozakiewicz: "Thank you."

Peggy Eckart: "We have- we, five east end towns, have always had difficulty with Cablevision since it took over. We have been asking that the east end access kit for Cablevision be substituted for the unconstitutional one from Cablevision. It would be great if Riverhead were to set a precedent today and demand from Cablevision that the rules be written by the people for free public access.

Also, today in Newsday, we may not be dealing with Cablevision for very long and let me quote. This was an article in Newsday's financial section. Yesterday the New York Times and Cablevision Chairman, Charles Dolan, said the paper might be- told the paper he might be interested in selling the company's cable systems, particularly if the buyer were AOL Time Warner which already has a significant cable operation in New York City.

We already know that Cablevision is in severe financial trouble. They have been financing their WIZ stores with proceeds from

Cablevision. Now they're closing 26 of them and they're getting rid of seven percent of its work force which means 1,600 jobs. The question is how long will we be dealing with Cablevision and if we have to deal with a new entity, we should make sure that what we have cannot be changed by any new entity. And I thank you."

Supervisor Kozakiewicz: "Thank you. Roseann Astris."

Roseann Astris: "Hi. My name is Roseann Astris. I live at 5 Washington Drive, East Quogue. I am an assistant Cable Advisory committee member of the Town of Southampton. With freedom comes responsibility and that is why the people took, me, took their precious time and energy to write the people's east end access kit. It is now the town's responsibility to substitute the east end access kit for Cablevision's unconstitutional kit.

The public airways belongs to the public. Therefore, the public should write the rules for free public access television use. Again, this is why we ask you, Riverhead, to substitute the east end kit for Cablevision's rules. How great would it be for Riverhead, Long Island to establish and set a precedent and demand from Cablevision that the rules be written by the people for free access TV. This will have a domino effect to ensure our first amendment right of free speech across the east end, throughout the state of New York, and eventually America.

In no fact, nowhere in the 595.4 minimum standard state law does it say that Cablevision has exclusive right to write the rules. The PSC letter of June 8, 2001 states, requirements in franchises regarding access to production facilities should be enforced by the municipality as a party to the franchise agreement if the municipality wishes to do so. And we want Riverhead to wish to do so simply by substituting our east end access kit for Cablevision's Exhibit D. This is to preserve our first amendment right of free speech. This is your responsibility as it is mine to stand here before you.

By using Cablevision's rules you are allowing Cablevision to dictate. You should know and prevent Cablevision from writing the rules because they increase their profits at the public's expense by stealing our TV time to put game shows and pornography on. You need to simply substitute again the east end access kit for Cablevision's unconscionable kit. If not, you are allowing Cablevision to take advantage of the public's- of the townspeople. We want Cablevision to administer and operate with no cost to the public and using our rules. Otherwise it will cost us tax money and our freedom of speech.

The Public Service Law Article XI Section 229, is entitled Censorship Prohibited. In paragraph 2 it says, no municipality may prohibit or limit any program directly or indirectly. Cablevision's kit allows for censorship. The 13 week rule is unconstitutional.

As most of you know, the town of Oyster Bay, the Public Service Commission and Cablevision are already named parties in a lawsuit because they allowed Cablevision's unconstitutional rules to prevail in the rest of New York State. The town and the Public Service Commission did not protect the people's rights to free speech.

We do not want Riverhead to be remiss and liable. Again the east end access kit will protect the town from being sued. The Town Board of Riverhead should know that it is an inherent conflict of interest to allow Cablevision to write the rules, to increase their profits and take advantage of the east end. You cannot abdicate your responsibility to protect the town's interest in public access TV.

The breaches are still not remedied and we will- and we still do not have our other public channel as requested in the east end letter, your letter of Cablevision of April 28, 2000, the town of Southampton's letter of May, 2002 and Southold's letter of May 9, 2000. Cablevision was obliged to give us all the other public channel for over two years by the old contract and perhaps Cablevision made you think that they did so by giving us a government and education channel but, again, not the other public access channel.

I personally feel and I know a lot of us in here, too, also feel that the east end access kit is a win-win situation for Cablevision, the town and the people. And I hope that you can see this. You all have a copy of that kit. You do have the power to do what we ask and we hope that you do do this.

Also, yesterday, Mr. Densieski, I visited you and I want to thank you again for your time, but I also asked you about the studio being moved. You had said no, that won't happen, but I was reading Phil Cardinale's letter and in it it stated that it specifically- Cablevision's kit specifically permits Cablevision to move the public access studio in Riverhead to any other location within 25 miles of Riverhead. And this is not acceptable."

Councilman Densieski: "You're absolutely right about that and that will be a condition of the contract. That the Riverhead- the Riverhead office will remain open. I'm sure that's going to be part of the contract."

Roseann Astrip: "Is Barbara Grattan in the house?"

Barbara Grattan: "Right here."

Roseann Astrip: "Okay. Because I just talked to Phil Cardinale's office and they said that you were given his letter. You will be reading it."

Barbara Grattan: "Right here."

Roseann Astrip: "Great. Thank you very, very much. And I personally feel that if this was all- if there were truth and honesty with no deceptions, perhaps this Cablevision issue would not be such a great stealer of all our precious time.

Lastly, I feel that, again, if you read Phil Cardinale's letter, I think it says it all. And why go forward with the contract if Cablevision is financially unstable? And I want to thank you. Thank you very much."

Supervisor Kozakiewicz: "Thank you. Charlie Styler."

Charles Styler: "Hello. My name is Charles Styler. I'm a resident of the town of Southampton. My address is 235 Mary's Lane, Southampton, New York. I'm a member of the Southampton Town Cable Advisory Committee and a member of the Southampton Town Education and Governmental Access Channel Committee. But I'm not speaking on behalf of either Committee at this time. I'm speaking for myself.

A number of issues I would wish that you would contemplate taking a second look at in the franchise agreement. The first one is a section called non-franchise competitive relief. I think that issue really is something that should be in the hands of the Federal Communications Commission and not in the hands of the town of Riverhead. It's an issue of non-franchise agreements versus the section in there that deals with franchise agreements.

In other words, if you were having another agreement with another company and you made the terms of that agreement different from what you have with Cablevision, it probably would be unfair and they should have a right to come back to you and say look, you're giving a direct competitor of cable service a better contract. But when you're talking about non-franchise competitive relief, you're talking about some thing that has nothing to do with the town of Riverhead. You don't have any control over the other entity. It's under the Federal

Communications Commission.

So to entertain something that's beyond your control, I think is leaving your franchise agreement open to many possible alterations in the future that you might not be aware of at this time. But if you didn't decide to leave that section in, I might recommend that maybe what you ought to do is make sure that there isn't any ambiguities in it and put another section in there that would say something similar to the town shall not be obliged to grant any such requested relief under Section 34.2.

Under franchise fees. Currently the town of Riverhead, in their franchise agreement, does not call for any franchise fees. But it also indicates and under- I believe under state law, you are entitled to request and receive franchise fees at any time that you choose to in the future under certain conditions.

In the section that says gross revenue which is in this current contract that would indicate what you would be entitled to under franchise fees even though you're not taking them now, should you decide to get them- take them in the future, that section would then dictate the terms of what you would be entitled to receive. So what I would suggest is that you look carefully at Section 1.16 to make sure that you would be receiving everything that you would be entitled to receive under franchise fees if you ever decide to go ahead and get them in the future. And don't limit yourself by what this particular contract says.

Under public access. One of the things that the Town of Southampton has in common with Riverhead and also Southold township and Greenport, is the public access channel. I don't want to dwell too much on it but since we do have a joint channel that's being used by all three townships, I would suggest that the current public access channel is full and under your old contract, under Southampton's old contract, I do believe that we should have two public access channels along with a starting point of one educational and governmental access channel and then have state law kick in that would add additional educational and governmental channels as the need may arise.

So I think what you ought to start with is two public access channels and one educational and governmental access channel at this point.

Additionally, when you are dealing with public access and education and governmental, the rules actually apply differently to

both. I don't want to go into it because we could spend hours and hours on those differences but just as an issue maybe what we ought to have is instead of having a rules and procedures here by stating public educational and governmental access kit as Cablevision has proposed, maybe it really should only say public access kit. And the educational and governmental part of it should be written by the Town of Riverhead as I believe the state law indicates. State law says that you would- the town of Riverhead or municipalities shall appoint a committee and that committee will operate and administer the educational and governmental access channels. So I think different rules should apply. You can't take one rule and apply it to all of the access channels.

And, additionally, even if you did accept the rules and procedures as established by Cablevision, I think you ought to put another section in your franchise agreement that says that the rules and procedures for any access channel or at least the public access channel, must be mutually agreed to by the Town of Riverhead and Cablevision prior to it being implemented. That would make it easier for the town to have some control over those rules because if you follow the agreement, it says they can change them with notice at any time. So what you would be agreeing to is something that you really don't know what they might be a year or two down the road from now. So I think it would, in my opinion, be a good point for you to put something in there that would at least make the obligation that they would have to come to this Board and get agreement on those particular rules and procedures.

I'd like to get back to that issue in a minute but one other thing I'll spend a couple of seconds on is the performance bond. I think if you look at it, the performance bond that's in the franchise proposal, anyway, actually is very little to make them comply. I'm one of those believers that if you want somebody to comply with an agreement, you've got to put teeth in it. And to tell you the truth, I don't think teeth of \$100 a day. As an example here, failure to allow the town to inspect the books would be a penalty of \$100 a day. Well, I mean, when you're dealing with millions of dollars, I don't think that's very much to speak of. So I think if you're going to have a performance bond, the performance bond ought to be substantial and the penalties for violating any of the particular rules in the franchise agreement ought to have some reasonable amount of- attached to it so there wouldn't be any problem of getting anybody to comply.

The other thing is, I think your franchise agreement of 10 years is too long. I think things move along rapidly in technology today

and I think that a maximum of five years would be reasonable. I would suggest three, but five years might be a reasonable amount of time for a franchise agreement in this day and age.

I just would like to spend now a couple more times on the public educational and governmental access kit. There seems to be things in here that, in my opinion, seem to have conflict. As an example, they want you to submit an application 15 days in advance. Well, that might be nice but if you have a program that has something relevant to time, 15 days is a long time and my understanding under state law is that there is a 72 hour rule that says you can bump anything. In other words, any non-access programming that would be on a channel. As an example, on the (inaudible) channel in Southampton, they run the game shows. Well, according to those rules then, if I submit an application within 72 hours of the time that the program is supposed to air, I ought to be able to bump that non-access programming off the channel. But if I can't even put an application in for 15 days ahead of time, how can I comply with the state law that exists? It seems to be a conflict with at least the essence of what the state law is trying to achieve. So I think things like that should be looked into.

Another thing. They have access program content here in the rules and procedures and my understanding is under the law neither Cablevision nor this Board can deal with the content of public access programming at all, either one. So to put something down as access program content and list rules for that, I think is in direct conflict with the intent of the law.

In fact, it even gives something in here that if I'm not mistaken, I think there was a court case about it recently and my understanding of it is in contrary to what they're saying here. They're saying you can't give an address, a phone number, a web site to call for more information during the body of the program. And my understanding is that there was a law case already- that has gone through the courts that indicates that you can't do that as long as basically the intent of that phone or web or anything like that is to allow a continuation of that program.

And, again, I'll just go back to the basic thing that I don't believe that Cablevision nor this Board has the right to involve itself in the content of programming where a public access channel is involved. I don't want to belabor the issue because there are many details that we could talk about. What I would request is that this Board leave public comment in the form of written comment open for a reasonable amount of time following this hearing. Thank you very much

for your time."

Supervisor Kozakiewicz: "Thank you, Charlie. All right. And last but not least, Zabby, or Elizabeth Chamberlain. Does anybody else wish to speak while Zabby is getting prepared?"

Councilman Densieski: "Rolph Kestling."

Zabby: "I'd like to speak right away."

Supervisor Kozakiewicz: "Okay."

Zabby: "As I'm doing this, if you'd like. I'd like to be sworn in, please."

Supervisor Kozakiewicz: "You don't have to be. This is not a special permit hearing. But Rolph Kestling indicated- I mean, you know, unless you are ready."

Councilman Densieski: "Mr. Supervisor, we do have a hand truck downstairs if we need it."

Zabby: "I'm ready. I am ready. I want to, you know, point out to the people- "

Supervisor Kozakiewicz: "Name and address for the record, please."

Zabby: "Okay. My name and I'm very proud of it, it means the keeper of the house of God, Elizabeth Chamberlain."

Supervisor Kozakiewicz: "And your address."

Zabby: "And I'm known as Zabby."

Supervisor Kozakiewicz: "And your address?"

Zabby: "To my friends, yes. 8 College Plaza, POB 397, Selden, New York. And by the way I brought an inflatable bed because there's a lot of information here that has not been, you know, I'm ready to camp here over night because there's a lot of information that this town needs because we're talking about millions of dollars in tax subsidy potentials to every resident in the east end. And I would like to be able to help you out."

Now, I wanted to say that- "

Supervisor Kozakiewicz: "Yeah, I do have to say, understand that what we're dealing with today is the discussion of the agreement that has been proffered for consideration and that's what this hearing is for, is to hear comment with respect to why or why we should not deal with this agreement. So I have to say as you start that we are dealing with the agreement in question and your comments should be directed to the agreement and concerns you have as how to improve it or what problems there are. Not to go far afield. Okay."

Zabby: "No. Okay. And I wanted to comment that I'm very happy to be back here and I read some of the articles in the papers lately and I saw Bob, some of the things that you've been doing especially with the Flanders area, I love that article that John wrote."

Supervisor Kozakiewicz: "Zabby."

Zabby: "But, anyway- "

Supervisor Kozakiewicz: "Let's deal with the issue on hand."

Zabby: "Okay. But I'm here because also I believe that you all- you have- this Board has given me hope again in the Republican Party because I am- "

Councilman Densieski: "What's this got to do with the public hearing?"

Zabby: "- because I am, you know, I came very cynically, but you did pass a resolution in 2000 unanimously to sue Cablevision and kick them out of town, but they did not."

Supervisor Kozakiewicz: "Please. I prefaced my comments by the statement that I would like you to limit yourself to the reason we're here. It's been a long day and we would like to hear your comments with respect to the Cablevision agreement that has been brought forth to the public. So your comments should be limited to the agreement. Not to what's happening in the papers, not to what's happening outside. To the agreement. Okay? So, please, limit yourself to the agreement."

Zabby: "Well- "

Supervisor Kozakiewicz: "We- I don't think I'm asking too much."

The public hearing notice says and let me read the public hearing notice, just so we are all agreed. Please take notice that a public hearing will be held on September 17, 2002, at 2:20 p.m.- it now being 5:00 p.m.- at Riverhead Town Hall, 200 Howell Avenue, to hear all interested parties to- and this is the important part- quote, consider the franchise renewal application of Cablevision- CSC Acquisitions, Inc. NY Cablevision, the proposed franchise renewal agreement being available. So we're talking about the franchise renewal agreement. Okay?"

Zabby: "Yes."

Supervisor Kozakiewicz: "So we all agree?"

Zabby: "Yes."

Supervisor Kozakiewicz: "Okay, good. Let's go."

Zabby: "Now, I have the law here that discusses how a franchise agreement should be written and all the due diligence that the town needs to utilize in order to make sure that they represent the public's interest. And this is directly- goes right into the franchise agreement request, so this all- "

Supervisor Kozakiewicz: "Let's get into it."

Zabby: "- goes into it."

Supervisor Kozakiewicz: "Let's go."

Zabby: "Now, I would like to- since the Cardinale letter needs to be read, it's a very good letter. Cardinale worked on this for a long time. I think he deserves the respect of having the letter that was printed in the August 29th Traveler Watchman read."

Supervisor Kozakiewicz: "If it was printed and it's already been made a public record, why does it need to be read?"

Zabby: "Well, I'm going to read it. Because it is pertinent to the whole cable franchise agreement and I- so, that's how we're going to start."

Supervisor Kozakiewicz: "Barbara has already agreed that she was going to read the letter Zabby, so get into your comments with respect to the franchise agreement. Your concerns, please."

Zabby: "Well, Mr. Cardinale's- I'm going to read some of it- this, anyway because- "

Supervisor Kozakiewicz: "You just can't get it, can you?"

Zabby: "This is all- this is all pertinent what I am about to tell you. The financial- you know, we've all- "

Councilman Densieski: "It's already part of the record."

Zabby: "We've heard two speakers talk about the financial stability of Cablevision and according to the law here, I can read out of the law book, Bob."

Supervisor Kozakiewicz: "Let go."

Zabby: "Bob, please stop interrupting me because you know what? You're holding me up."

Supervisor Kozakiewicz: "Go ahead. I'm leaving."

Zabby: "Bob."

Supervisor Kozakiewicz: "I need to take a break. All right. I'll be back. I have to use the bathroom. Go ahead."

Councilman Densieski: "So do I."

Zabby: "Well, I don't- I have the right to wait until he's back."

Councilman Densieski: "We have a quorum and we have the deputy supervisor. Continue, please."

Zabby: "I don't- I don't think this is right."

Councilman Densieski: "Okay, then we'll call the next speaker."

Zabby: "I just don't think this is right. I'm going to read Cardinale's letter in the meantime while he's gone because he did read it, I guess, or I don't know, maybe. Cardinale says to hold off on the cable pact; hold off on the cable pact, especially #5 requirements for public access to the public access channel. Cablevision has been in dispute for a lengthy period with those members of the public who seek access to the public access channels. Cablevision has seen fit

to impose a 36 page public access kit including accessor, user, application, access rules, access user contract privilege, and that's quote- in quotes privilege, suspension guidelines for violations of access users etc. The fundamental problem is that Cablevision refused to understand that public airways belong to the public.

The fundamental problem is that Cablevision refuses to understand that public airways belong to the public. Access to these airways is, therefore, not a privilege but a right and it's protected by federal, state and local law. While Cablevision and- so it persists, Cablevision persists in imposing improper rules limiting access to the airways for those who are using it.

In effect, it becomes big brother in violation of the public's first amendment right. The proposed contract endorsed by this administration does nothing to address the problem, this first amendment right violation. The proposed contract does nothing to address the problem. It accepts Cablevision's much criticized access kit without revision and without concern. Without revision and without concern. It makes no provision for necessary updating of studio equipment and it specifically permits Cablevision to move the public access studio in Riverhead to any location within 25 miles of Riverhead."

Councilman Lull: "I think that's already been dealt with, Zabby. Skip it over."

Zabby: "The town can and should do better for the public access channel users and viewers."

Councilman Lull: "Okay, now- "

Zabby: "Resolution of breaches, this is #6, the last section that I'm reading. Resolution of breaches of existing contract. Cablevision has consistently and arrogantly breached the existing- Ed, and, thank you.

Resolution of breaches of existing contract. Cablevision has consistently and arrogantly breached the existing franchise contract. It has failed to honor for a decade the senior citizen discount set forth in that contract. It has failed to honor the provisions of that contract in regard to providing public access channels to the public. It has failed to make available its corporate records to the town as required by that contract.

The current administration, over objection from myself and others, chose nonetheless to negotiate a new contract while Cablevision disregarded the obligations- "

Councilman Lull: "Zabby, we have the- at issue here, you're supposed to be talking about the present cable franchise. You're talking right now about a- "

Zabby: "Don't you want the people to know- "

Councilman Lull: "Can you please be quite while I am talking?"

Zabby: "Okay. Sure."

Councilman Lull: "You are talking right now about a member of a previous administration who refused to do anything about this contract. Can we please move on to talk about this contract and not about one person's impressions of what went on in the past? That is strictly what it is."

Zabby: "I- it's my impression that, in fact, Mr. Cardinale took a firm stand and he was not willing to negotiate with this and you, Mr. Lull, also agreed with Cardinale on the end- the Board unanimously said that you would make Cablevision- you would make them remedy the breaches."

Councilman Lull: "That's not at issue at this public hearing, Zabby. What I'm saying- "

Zabby: "Oh, yes it is."

Councilman Lull: "No. What has gone on in the past is not at issue to the present- the present franchise agreement. Sorry, Bob."

Zabby: "Okay, well, then I disagree because as- "

Councilman Lull: "I believe the Chair makes the rules."

Zabby: "A few people have already indicated that we need another public channel while you- "

Councilman Lull: "That's a perfectly legitimate point of view for you to take. That is a direct- "

Supervisor Kozakiewicz: "Let me- "

Councilman Lull: "- comment on this particular franchise agreement. We welcome that."

Supervisor Kozakiewicz: "Let me chime in at this point, Jim. The question of whether we need another public access channel is a fair comment with respect to this particular agreement and as indicated by Mr. Lull, Deputy, we're here to consider the franchise agreement not the history of where we've been and what has happened. We're here to hear the comments, the public's comments, all interested persons comments with respect to the agreement. What can we do to change it? If need be and (inaudible). So that's what we have to deal with. Let's stay with that. Okay?"

Zabby: "Thanks for facilitating, Bob. And so my point is that this new franchise agreement, in fact, does not give us another public channel and, therefore, it's a deficit for the town and so as it says here while Cablevision disregards its obligations under the existing contract, it elected to negotiate with a gun at its head. The current administration over objection from myself and others chose nonetheless to negotiate a new contract while Cablevision disregarded its obligations under the existing contract. It elected to negotiate with a gun at its head. This fact is reflected in the resulting proposed contract.

Finally, ask yourself this. Why should the town or any of us expect Cablevision to comply with the proposed franchise renewal contract when it has consistently with impunity failed to comply with the existing contract.

Now, you wrote a letter and signed a letter with- I have the April 28 letter, requesting another public channel according to the franchise agreement. You've been in office two years- "

Supervisor Kozakiewicz: "We've heard other people comment about that, yes. So we know about that. Okay. And- "

Zabby: "So what's going to be done?"

Supervisor Kozakiewicz: "Well, you've just raised the question about a second public access channel. So go ahead. And we're talking about the agreement today. Keep going."

Zabby: "Okay. So that would be- now I'll finish with- "

Supervisor Kozakiewicz: "I know that the other speakers who

came up were very focused and I want to applaud them for presenting, especially Charlie, but Roseann as well, with the issues of the contract, with what they believe the shortcomings were with the contract. They touched upon the issues, moved upon the issues, explained why they felt where they were adequate and, if I may, I would ask you to do the same as what the individual speakers who preceded you did. So that we can address the hearing for which we're here today."

Zabby: "Okay. And I would like to comment. I appreciated all the speakers as well. I take exception to one thing though that Charlie Styler commented on, that this here kit Cablevision has been using for many years here and their traditional rules. He says the rules, there should be separate rules, separate rules. There shouldn't be the public education and governmental kit. He says there should be separate rules for the public and I agree with him wholeheartedly that Cablevision really shouldn't be writing or you should at least, you know, check with the writing, but we believe that Cablevision shouldn't write the rules. I believe that Cablevision should not write the rules at all because there's an inherent conflict of interest and for you to abdicate that responsibility to your town people without, you know, to have rules without censorship, that your abdicating that when you allow them to write the public- this kit. Because, Bob, you wouldn't even sign the contract that they- was in the kit that they wanted you to sign. You couldn't even get our government show on when we had the problem with Cablevision. Also decided that they weren't going to tape our meetings any more which luckily for you because you did step up to the bat and threaten lawsuit, they- we do have Cablevision and by the way you are the only town, you know, Southampton is still (inaudible) for themselves.

Now the reason why you would not want to have a separate committee that would determine rules for the government and educational channels is because- and I have understood that- I understand that, you know, there are special interest producers who would like to, including Charlie Styler and there is a plan for him, anyway not him, perhaps, but, you know, he might- I'm sure he'll put his hat into the ring, to run the government channel, to administer it with the town rules, that's what he's trying to do, that's- however, guess what? It only takes 5,000- less than \$5,000 a year to tape this town board meeting here and, Bob, it only takes less than \$5,000 to tape this meeting. And the thing is is that were you to get some special interest producers and I understand Vic Prusinowski had spoken to Roseann Astrip and said that even he wasn't- or the idea of-of, you know, having a studio run by producers who would, in fact, take

advantage of the taxpayers money and this is how- "

Supervisor Kozakiewicz: "Listen, we're getting off the base here. What conversations you had, which, you know, which I'm not even indicating were, in fact, had, is not relevant to the discussion here. And by commenting on it, I don't know what it is you're looking to achieve, but let's deal with the topic at hand. Let's talk about the agreement, let's talk about what you feel as a producer you would want to see in the agreement that we should as Board members consider."

Zabby: "Okay."

Supervisor Kozakiewicz: "Snide comments, you know, even if they were true, what relevance do they have to what we're doing here? Let's talk about the agreement."

Zabby: "Well, okay. The relevance is that in the future, if Cablevision were to move this studio and you don't fix that up, the studio may-- you may-- Southampton might like to get part of the, you know, get money to do this. And, I-- in Floral Park, in South Floral Park, in Bellerose in Nassau County, producers are, in fact, managing a channel like a separate channel for government, and at their making-- for one show, for instance, (inaudible) they're charging the towns \$25,000 a year to produce. So a half hour show for \$25,000. No. I say that Cablevision has been doing it now-- cable company has been doing it now for 18 years and they have been running the government channel, the educational channel, and the public channel and I want Cablevision to continue running that for free. We shouldn't have to pay Charlie Styler for instance or any producer who would like to make a profit and that's corporate welfare, and I don't support producers who would like to take advantage--"

Supervisor Kozakiewicz: "Zabby, Zabby. Please. You know, we're dealing with an agreement. I don't know why you have to keep getting into (inaudible) issues, why you have to try (inaudible) comments about individuals. That has no place. Please. The agreement."

Zabby: "All right. In the agreement by the way, you see, there is just- so anyway in the agreement you do have Exhibit D for David and I have the August 13th letter from Cablevision that- where they delivered you 38 pages of franchise agreement that they inadvertently didn't hand in to the Town Clerk's Office so that the public could actually see the complete document and I thank you- "

Supervisor Kozakiewicz: "That's old news, Zabby. Let's deal with what's on hand now, please."

Zabby: "I thank you for all canceling that hearing because that was August 20th. And now with the news, the recent newspaper, I have a copy here of today's Investor's Business Daily and it says that, in fact, Cablevision is thinking of selling and it's been the testimony, thinking of selling, the company to AOL Warner. And I would like you to wait to see what happens because also Mr. Dolan did an article in the Wall Street- in the New York Times on well, I guess it was yesterday, and it may be hype, because you know what? In may-- Cablevision may be a sinking ship and you see it's not- "

Supervisor Kozakiewicz: "What may be- what could be what will happen down the road is speculative. Let's, you know. This is the way I see it. I am interested in comment."

Mr. Supervisor, I would suggest to you that the public access provisions are insufficient and I would ask you to provide for a second public access channel. Boom. Point one done. Mr. Supervisor, I would suggest to you the following: please consider this. Boom. Why can't you do that? I'm not asking you to do anything- deal with the agreement, hit the points that you feel need to be addressed, and let's move on. This is like very terrible cross-examination or direct. I'm dying here. Please. It's not difficult. As I said, the speakers before you were able to do it, move on, deal with the points that they felt were important to deal with as far as the agreement, and go forward. It's not that difficult."

Zabby: "All right. Well, then let me go to the law because I believe that you really- according to the law, this Town Board is treading on dangerous water- "

Supervisor Kozakiewicz: "All right. That's it. I'm going to do what a judge did to me once when I got out of line. We're recessing. I'm going to ask you to rethink what you're doing and then we'll resume. We're taking a five minute break."

Zabby: "Okay. Thank you very much, Bob."

Councilman Densieski: "Thank you very much."

Recess

Reconvene: 5:25 p.m.

Supervisor Kozakiewicz: "All right. Zabby, are you ready? All right. Let's call this meeting back to order, the hearing. If I may have everyone's attention, please. We're going to reconvene, the time being 5:25. We're in the middle of a hearing with respect to the Cablevision renewal franchise- franchise renewal agreement. I have one question and that is can you limit your comments to five or 10 minutes? If not, what I'm going to do is do something unusual. I'm going to adjourn. I'm going to go to comments on resolutions, take up resolutions and take up some other business so that we can move along. Can you do that?"

Zabby: "Can you possibly then- "

Supervisor Kozakiewicz: "I'm going to leave this open for written comment. So you have a right to written comment. I'm going to leave it open for a period of time to hear from individuals but I- we've got to move this along."

Zabby: "When are you going to take the vote for this?"

Supervisor Kozakiewicz: "Well, there's no resolution on tonight, I'll tell you that. And there's none coming off the floor. Okay? This is a public hearing and I think for us or the suggestion that we have some resolution to take up today would be contrary to the way we do business as you know. We don't have resolutions on to approve the same night we have the public hearings."

Zabby: "Okay. I would like to point out that everything in Section 17 which is the public access section, every sentence that you have, that you add at no cost to the town."

Supervisor Kozakiewicz: "Okay."

Zabby: "At no cost to the town. And also that you, in fact, make sure you have the right as a town to demand that that studio be kept in Riverhead. And number three, we want that other public channel in there and they actually owe us- they've owed us since April 28, 2000. That's two and a half years they put pornography, game shows and this and that. We should get that money. That could be money that they should give you for them taking that channel and I agree too that the performance bond there is- that's why it was a hundred, that's why they haven't done anything all this time. They've never measured up to what their promised were. They never kept their promises."

Cablevision-- and this all must be done, everything, at no cost to the town and I want them to keep administering it and operating it but with the rules of the east end access kit. The rules of the east end access kit that was presented to you and there's no place in the minimum standards that say that the people cannot write the rules and I ask you to let us write the rules. We submitted the east end public access kit and education and governmental kit to you and it serves as Roseann Astrip said, it's good for Cablevision, it's good for the town, and it is constitutional because they have that outrageous 13 week rule that says that after 13 weeks they- it circumvents the law. It's an indirect way of censorship and you see that does open the town, Cablevision and the Public Service to lawsuits and there's a lawsuit right now over the fact that their kit has been allowed in the rest of New York State and in the northeast quadrant.

And, so, please don't allow Cablevision substitute the east end access kit for their rules, Exhibit D. And by the way, this town wrote two letters already saying that they didn't want Cablevision's kit because Cablevision tried twice, three years ago and one year ago- two years ago and one year ago, to slip that through and you guys wrote letters, saying no, that's unconstitutional. So for you now to- and then they tried to slip through again without, you know, as they did, so that, you know, they left it out. They were going to slip that under the rug if they could. So, please, don't allow them to do that.

And, because we need to preserve our freedom of speech here. And I have faith in this Town Board. I believe you are going to do the right thing. I really do. I believe if you knew the right thing and you did take the time and I would like if you could meet with me, Bob, out of this room so that I could, in fact, give you the benefit of a lot of the laws here and Mister- "

Councilman Densieski: "I would support that."

Zabby: "Mr. Ed Densieski has refused to speak to me. I think it's highly unprofessional that he did. He put, you know, why couldn't he-

Supervisor Kozakiewicz: "We're getting off the subject."

Zabby: "Okay."

Councilman Densieski: "As usual."

Supervisor Kozakiewicz: "The agreement, please."

Zabby: "Okay. So, and we don't- so, also, the technology. You see, the technology may be changing to digital and in the (inaudible), they should put equipment. I think it was great that you guys arranged to have cameras here for live coverage of the Town Board meetings and I think, you know, you have done a lot of good work here, Ed and Vic, you did. You know, that's a good idea. But they should change the technology from analogue to digital. Guess what? You're going to be stuck with the bill if you don't put in the contract at no cost to the town after every single sentence in Section 17. Because the (inaudible) equipment- that's very expensive."

The Town of East Hampton, by the way, did this similar public hearing and do you know they voted for it that night and that's what I thought would happen tonight. So I apologize. Because I thought that was going to happen. And I was as I said ready to camp out rather than see this town get on board with a sinking ship. Because I believe- I believe that there's articles that this is- that Cablevision will be the second Adelphia (phonetic) and they, too had said- talked about their subscribers over- they went bankrupt, Adelphia and so all- I've been keeping up on the financial pages. That's the only reason I wanted- I have those papers here."

Supervisor Kozakiewicz: "Any other comments with respect to the agreement?"

Zabby: "Okay. Here's another thing."

Supervisor Kozakiewicz: "Because I'm going to ask Rolph Kestling to get up. I know he wanted to speak."

Zabby: "Okay. All right. And if I could maybe at the end come back. If I think of anything else, I'd be glad. If something real important. Would that be okay?"

Supervisor Kozakiewicz: "As I said, I'm going to keep this open for written comment so you have a right to put it in writing."

Zabby: "Okay. One other thing is that the satellite subscribers do not get- do not get public access and education and government access and there are a lot of satellite subscribers because they all left Cablevision over the Yankees. And you see- "

Supervisor Kozakiewicz: "Yes. Yes."

Zabby: "And you see, they are in really- I looked, I'm an accountant. I looked at their annual report in 1999 and 2000. I could see it coming. They were over-extended."

Supervisor Kozakiewicz: "So your request is that- so we keep to the subject."

Zabby: "Well, I- you can- okay, thank you, Bob, for facilitating it. Bob, no, really, I appreciate it."

Supervisor Kozakiewicz: "So your request is with respect to cable- to the satellite users."

Zabby: "That you put down that they- Cablevision beam it up to the satellite companies so that they can beam it down to the satellite subscribers. And, also, Bob, did you know that- "

Supervisor Kozakiewicz: "So that they have public access is provided to satellite subscribers. Is that what you're asking?"

Zabby: "That's right. Not only that, Bob, according to federal law 521, Cablevision is supposed to be responsive to the community's needs and I have a stack of letters- "

Supervisor Kozakiewicz: "That's why I want Rolph to get up here. He's- he's part of the community. He's a Wading River resident."

Zabby: "Now, please, now, please, I am doing what you asked so I'd appreciate your respect and that you don't interrupt me."

Supervisor Kozakiewicz: "Okay. Any other question- any other things with respect to the agreement?"

Zabby: "Well, that's what I'm trying to do but you've interrupted me a couple times."

Supervisor Kozakiewicz: "Well, I- because I asked in the beginning if you could do this in 10 minutes and it's now been 12. And before we took a break, it was 20. So it's a total of 32 minutes so far."

Zabby: "That's why I'm asking if I might come back if I think of something else that's important after everybody- I mean you asked Rolph if he has some other second thing and he could have come up so I

think that would be fair. And, now, the thing is that I have letters. We had wanted a- to use our government channel for- so we could see the State Assembly and the Senate meetings, and we could see our County meetings and we could see our local Town meetings. We could have brought that together but now the channel is being utilized for only one Town Board meeting, the Riverhead Town Board meeting, Channel 71 is."

Supervisor Kozakiewicz: "There's nothing in the agreement- as I understand it, nothing in the agreement that is presently draft prohibits what you are saying can be done. So the answer to that is that agreement does allow that to take place. Okay. So next?"

Zabby: "Okay. So I would suggest that you get that accomplished because the Assembly is being videotaped as we speak and you could get- call Mr. Pataki and ask him to send the tape down here because we're only utilizing that channel 71 four hours a week."

Supervisor Kozakiewicz: "Okay."

Zabby: "That's not right."

Supervisor Kozakiewicz: "Understood. Understood Again- "

Zabby: "And Cablevision is using it for game shows."

Supervisor Kozakiewicz: "The utilization- "

Zabby: "That's a conflict of interest."

Supervisor Kozakiewicz: "The utilization and the ability to take advantage of the particular provision in the contract is not the question. The question is the agreement. I am going to ask you to sum up. I am going to ask you to sum up."

Zabby: "But you, Bob, can tell Cablevision to do it because they administer that channel. You can get it done but you haven't in two years."

Supervisor Kozakiewicz: "I can't get you to sum up. How can I tell- "

Zabby: "Well, I am for you not at all- I'm for you discontinuing negotiations with Cablevision. I was against you having this public hearing because AOL may take over and then you can-

they'll take all the liabilities of Cablevision as well as its assets and then maybe you can get the millions of dollars that Cablevision owes this town and the east end for using its channels."

Supervisor Kozakiewicz: "Thank you."

Zabby: "And- and I think you should pursue that and not negotiate with them because first of all if AOL has said by the way that Cablevision's price is too high I believe- "

Supervisor Kozakiewicz: "We've been there. I'm going to ask you to sum up. We're going- I'm going to break again because I have other people, I have other business."

Zabby: "Give me just one chance more."

Supervisor Kozakiewicz: "No, that's it. I'm going to ask you to sum up once and for all and ask Rolph Kestling- because I have individuals who wish to speak and you've been up there for over a half an hour already."

Zabby: "Okay. But- don't forget this is a public hearing and I can."

Supervisor Kozakiewicz: "But, yeah, as a result of your (inaudible) to take a term from college, the time I can't even allow other people to tell us what they want to say to us and what their feelings are about the agreement. You have basically taken over all of the time. I can't even get to a resident to hear what his concerns are about the agreement."

Zabby: "Could I possibly get an appointment with you?"

Supervisor Kozakiewicz: "Well, not this month. I have a budget to do. But, Rolph Kestling, please. Rolph Kestling, please."

Zabby: "I mean before- well, let me give my sum up. You said I could sum up."

Supervisor Kozakiewicz: "All right. Go."

Zabby: "I think it would be wrong for this town to sign another contract with- renew this contract, because the contract you have is still in effect. It's better than the proposed if you could only get Cablevision to do- honor their promises and you'd get- you'd be better

off not signing a renewal contract and waiting to see. Because I predict that perhaps that Article in the New York Times was all hype and that Cablevision is a sinking ship because AOL Time Warner said that the price was too high for Cablevision."

Supervisor Kozakiewicz: "As a judge would say, been asked and answered. Question has been repeated; the comments have been repeated. Next speaker, please."

Zabby: "Okay. Thank you very much."

Supervisor Kozakiewicz: "Rolph Kestling. I don't know how you can follow that, Rolph. Your name and address for the record, please."

Rolph Kestling: "Rolph Kestling, Wading River. Everything you heard is written here, you don't have to hear it again. Second. All I want to do is I want to make a comment. I also read the paper and get out. I put a little note on the bottom. This is just like signing a long term lease with a landlord and then finding a for sale sign on the building outside as you leave. Thank you."

Supervisor Kozakiewicz: "I love the way you did that and I appreciate your brevity and directness. Mr. Prusinowski, please. Thank you, Rolph."

Victor Prusinowski: "Great- it was a great show. Vic Prusinowski, Elton Street. I just want to say for the record that I applaud the Town Board with the proposal that we have. We still have some work to do to get a final agreement. But I just want to point out to the public that the majority- the overwhelming majority of issues- breaches, were solved during the contract negotiations.

Also, Cablevision was required to shell over \$450,000 of corporate money, not franchise fee which comes out of the tax- out of the pockets of the bills that you get at home if you have Cablevision.

What our goal was was to have a document that was fair to the ratepayers of the Cablevision subscribers of Riverhead and to the Town of Riverhead. This thing has been going on for 10 years. It's nice that Mr. Cardinale sent that letter but nothing was solved in the last three years and it was time to move forward and I'll be the first one to admit it.

The things that made it a little bit different today than it was

10 years ago, I'm a direct TV satellite customer now. Because I chose to go out and get direct TV which was not available to me 10 years ago because I want to subscribe to the Yankees. In the meantime, Cablevision lost revenue from me because I cut down from the top tier of the bill down to the bottom tier. I still have Cablevision but they lost \$60.00 a month from me times whatever thousands of people.

There is a lot in the agreement that's good for the Town of Riverhead. We will look at the kit for the channel 70 public access channel. We are-- they are required to give us three channels if we can fill the time. As far as the government educational channel which you gentlemen gave me the honor of appointing me Chairman, we will convene that as soon as the agreement is signed. We will write a kit for the government education channel. I've discussed with Bob and the Town Board members we want to start swapping Town Board meetings from the other towns which was very popular which was not being done and we'll look into the State Assembly and we will get-- we have our dream also, Eddie and I, we want to have school board meetings televised. You know, the school board spends two-thirds of our tax dollars and I think they should be televised, put them on the government education channel.

When the government education channel gets full- (inaudible) is here from the State of New York, it is required that Cablevision give us the third channel. Right now, nobody to my knowledge has been denied access in the 25 years I've been associated with town government and with Cablevision from Times Mirror to the three other owners of the system, denied any access on channel 70 whatsoever.

To be honest with you, three years ago, another capacity, we went up to the studio before the kit was introduced to try and get some time for certain members of the community and lo and behold it was completely monopolized by a group mostly from out of towners. And the kit was devised to be fair. It's not anybody's God given right to come up there and get 25 shows, take up the best times, and have other people in the community who want to also get on the public access channel-- even if you have two public access channels.

The other thing Mr. Figliosi (phonetic) said to me was that at any time should the Town Board want to take over the studio, the law-- state law requires that if we notify Cablevision, we can take over, run that facility. I'm against that. I think that part of them doing business in a community is they should pay out of their corporate profits. We don't charge a franchise fee but it's the option of the Town Board in the future should you want to impose this franchise fee.

Not everybody in town is a Cablevision subscriber. That's why we did not want- and we took the lead and did not want the taxpayers paying for the Town Board meetings. I find it funny today that now we're getting criticized or applauded, I don't know which way, because for a while there everybody in the east end said, oh, no, we'll pay for our own Town Board meetings and then when they tried to pull that on us, we negotiated with the Cablevision and Cablevision agreed to resume paying for these Town Board meetings.

And now the Vice-President (inaudible) and I came up with the scenario so there's no more tape gates that- that's a joke- that we will send the show out live or the Town Board meeting out live, so on Tuesday night at 7:00 when people are home, just like C-Span, you can turn on the television and you are live so that everybody at home- and we'll replay those. We'll have a tape backup, and then we'll replay those at another time during the week so that those that are not home at 2:00- Tuesday nights, are- when the Town Board meetings- sometimes you have them in the afternoon, that you can see them at another time.

So there are things that still have to be worked out with the agreement but overall I think that the Town of Riverhead has come to the conclusion on this matter after 10 years.

As far as the sale, that's in the public domain. There's a whole section in the contract that deals with the transfer of a franchise. It is also regulated on the federal law. The Town Board- Eddie was there and Bob and the book that you have to fill out the form to submit to the federal government on a transfer is quite extensive. The town has to have a public hearing. It just doesn't happen. I mean even the last times when I was on the Town Board, we had two transfers. You have to have public hearings, public disclosure. If Time Warner were to buy Cablevision now, it's just not- they just don't sign the documents and we're in the dark, we have no input. So that will be covered, too. Thank you very much."

Councilman Densieski: "Thank you, Victor."

Supervisor Kozakiewicz: "Anybody who hasn't had a chance to address the Board and wishes to speak? Yes, Molly Roach."

Molly Roach: "I'm Molly Roach from Riverhead. And this is another voice for more public access and another voice for keeping the studio in Riverhead. I think the public access is so important as our

community changes that we get to know our community. And I don't know whether it's education or public access but for civic involvement, you know, for the government including the school board to be taped is very important.

My understanding of the contract being offered to the Town Board at this time is that it's a bad contract from a faulty corporation. I ask you not to accept it. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who has not had a chance to address the Board? Bill Kasperovich."

William Kasperovich: "William Kasperovich. I live on 15th Street, that's so the Town Board knows the street that they're ignoring. And a lot of what I wanted to say was covered in several directions from different people. There's the first that- I'd like the town to make known to the people who- that I was- well, let me start again. I was informed that these 40 pages of legal paper, legal contract, franchise, and 38 pages of the access kit were the total effort of the negotiating team."

Supervisor Kozakiewicz: "Go ahead, Bill."

William Kasperovich: "We're listening again?"

Supervisor Kozakiewicz: "We're listening."

William Kasperovich: "That this was- "

Supervisor Kozakiewicz: "Contract and public access kit."

William Kasperovich: "This was- negotiations- this was the final papers that were produced after the negotiating team met with Cablevision. Now it seems to be that this is not so especially after Mr. Prusinowski's comment. That this is not the final franchise printing. Now, this is something that is most bothersome to me. That we are here at a public hearing and we don't have the last word, that this is an open end presentation and the Town Board could modify this any way they want afterwards. This grinds me no end.

Secondly, to this day, I don't know what constituted the negotiating team for the town and how does Mr. Prusinowski get to be the Chairman? He abstained from every vote on Cablevision that came up at the Board for the past years."

Supervisor Kozakiewicz: "Bill, Mr. Kasperovich, we're talking about the agreement. The question of who was on the- "

William Kasperovich: "The agreement I was told was the result of Mr. Prusinowski- "

Supervisor Kozakiewicz: "You asked a question and I am trying to respond to the comment and you're not giving me an opportunity."

William Kasperovich: "Well don't respond to the comment, answer the question."

Supervisor Kozakiewicz: "Well, that's what I'm trying to do if I can speak. If I may. First and foremost, the question with respect to who was on the negotiating team is not relevant to the question of is the document a document which addresses the needs of the community, a document that adequately takes care of the needs of the community, that addresses the concerns, provides for coverage in the event of breaches, addresses the issues with respect to transfers, changes.

I would say the following. Mr. Prusinowski spent a considerable amount of time on the Town Board. He put in a considerable amount of time with respect to this Cablevision issue and I for one felt that that knowledge, that institutional knowledge, that memory in all the work that he had done in the past, would be beneficial to the town when we chose to bring him on as part of the negotiation team. I think that but for a lot of effort and time, work, sweat that he put in, we wouldn't be to the point we are today which is discussing an agreement.

As far as the other comment or the other question, when we go to public hearing we propose a particular draft of legislation. That draft of legislation is to what we think is the right thing to do for the public but under the procedures we want to hear from all the people in the Town of Riverhead. All those who are interested in telling us either we missed something; we didn't miss something and why it's good, why it's bad. This is not at all different. We've sat down. We've bargained, we banged our heads against the table maybe or we banged these things around or worked very hard to get to an agreement. We're here to hear from the public and why the agreement should be modified, changed, beefed up and what your concerns are. That's exactly what this hearing process is about."

Councilman Lull: "Bob, can I say for just a second. Bill, you've been involved in public hearings or sitting here for public

hearings long enough to realize that if there's any substantial change which comes out of the public hearing, we have to do another public hearing. We can't just take a public hearing, have a public hearing for an agreement, change the agreement, change the agreement by a substantial amount and consider that we've had a public hearing on that agreement. If there's a substantial change, it has to be done again.

And the second question as to how Mr. Prusinowski is on the Committee, you were here, I'm sure, when we appointed that Committee last year."

William Kasperovich: "The Committee was appointed but not the Chairman."

Councilman Lull: "They choose their own Chairman. Every Committee does."

William Kasperovich: "Mr. Lull, if what you said was true, I'd be the happiest man in this township. But this is not true. In my exposure to the history of this township on what is done after the public hearing, this is not true. Now, if Mr. Prusinowski was able to stand up here and off the cuff speak of different items that should be in the franchise or covered in the franchise in a different manner, I wouldn't hesitate to accept his presence and effort completely, 100 percent. But since these 40 pages of legal jargon and 38 pages of the access kit were told to me to be the last end result of the final negotiating team, this what you tell me is not so."

Supervisor Kozakiewicz: "You're stopping short of continuing that phrase. This was the final document of the negotiating team which then is put forth to a public hearing to hear comments from interested individuals. You didn't finish the sentence."

William Kasperovich: "We have a breach of contract that's in letter form to Cablevision that I have copies of here that have not been resolved or stipulated pointing to this- these papers that were printed as final that this was taken care of. It hasn't been done. Now, you can interpret certain sections of the law which says- that says that you cannot go into a new franchise without resolving that which remains incomplete on the old franchise or the franchise that is expiring. Now, this was taken to me in both sides of the law that yes it could and no it couldn't."

Now, if it could be taken that way then this has to be

accommodated in this franchise. And if it's not accommodated in this franchise, then this franchise is not worth the paper it's printed on. Now, I feel very awkward that I'm talking to an experienced attorney and I spent a minimum of time in law classes. When I don't know something, I go to some senior attorney in the township or in the county and ask him how does the law read on this. And then I come up here and talk.

So you have this situation and this problem. You have a public hearing on a franchise but it's not the final word. From the- excuse me, to emphasize what was spoken before here, I don't think this franchise should- new franchise should go beyond five years. That's a positive statement you wanted with regard to the franchise.

Secondly, that it should be more explicit. You've got in this franchise there will be no cost to the township. This as I read it- I'm not a lawyer, I don't find it. Both in the technical change that may occur in the conditions that may occur for them to operate their business, for several other reasons that could come up in say the next five years that we should stand free, clear and harmless for costs. Now, to me this franchise was written or appears to me to be written by Cablevision. This is not a document prepared by the town."

Supervisor Kozakiewicz: "No. The document had an origination from our counsel in Florida. So, you're wrong."

William Kasperovich: "I'm wrong?"

Supervisor Kozakiewicz: "You're wrong."

Councilman Densieski: "Yes."

William Kasperovich: "All right- "

Supervisor Kozakiewicz: "And then in order to facilitate things, the document was shared on e-mail so that both parties could make movements on it, make changes to it, to expedite the negotiation process."

William Kasperovich: "Well, you could understand my suspicion when I find that the kit was sent to you by mail on August the 13th, forwarding Appendix C and Exhibit D and nobody in this building had a copy of this access kit. I think you would understand why my suspicious mind goes in that direction."

Supervisor Kozakiewicz: "I know there are certain people who don't trust up here and they always think we're trying to do something funky. But the bottom line is this was an agreement that had been drafted by our counsel. There had been some changes in who was handling it in that counsel's office. We then sat down. We marked it up. We got an e-mail copy of it. We shared that e-mail copy with Cablevision so that both parties could make sure that this goes forward. We wanted to try and reach an agreement that was fair to all the parties and that was what was done. That's the God honest truth, whether you want to believe it or not."

William Kasperovich: "Well, let me enlighten you on a policy that I find- "

Councilman Densieski: "In the words of Barbara Blass (inaudible)."

Supervisor Kozakiewicz: "I don't know a Polish phrase, I'm sorry."

(Some inaudible comments among the Board)

William Kasperovich: "Mr. Kozakiewicz, I would suggest a better choice of words, Mr. Densieski."

Supervisor Kozakiewicz: "I would suggest we stay to the topic at hand and finish up why the Cablevision agreement is good or bad. That's what I would want to see us do, please. We're getting off track."

William Kasperovich: "I'm trying to stay on the track that after going through this page by page, I began to understand things that maybe you should know that you elected people up there, I don't expect to be considerate of your adversary or your opponent or the people you have to negotiate with. It's my feeling in this government makeup that you work for us, the people in the township, not on equal terms, but on the best you can do to get more than they're offering or get what they are omitting. Even Stevens with Cablevision doesn't cut water. Cablevision is interested in only one thing, making money and Cablevision."

Supervisor Kozakiewicz: "What is it that- what is it that you're suggesting should be changed? Again, let's deal with the issue at hand, the agreement. To make these rhetorical comments, these very-"

William Kasperovich: "What's a rhetorical comment?"

Supervisor Kozakiewicz: "That's a rhetorical- we- "

William Kasperovich: "You're sitting up there telling me- "

Supervisor Kozakiewicz: "Mr. Kasperovich- "

William Kasperovich: "-- that you are considerate of Cablevision."

Supervisor Kozakiewicz: "Mr. Kasperovich- "

William Kasperovich: "What do you mean? You're- "

Supervisor Kozakiewicz: "Mr. Kasperovich, you have misinterpreted that entirely. This was to keep the negotiations going forward. Next question, next issue, next thing with respect to the agreement that you feel as an interested party, concerned citizen, needs to be addressed in the agreement?"

William Kasperovich: "Well- "

(Unidentified - from the audience): "Point of order."

Supervisor Kozakiewicz: "No, that is it. All right. Adjourned. You're- I am going to- listen, I am going to ask you to leave. This is disrespectful to us. You've done this before and this is one of the reasons why we- excuse me, excuse me. Excuse me. You do not have the podium. The next time you have an outburst we're going to adjourn. I'm going to call 310- the police officer's front desk, ask a police officer to be sent over here and ask you to be escorted. There is no reason why during a public hearing, I have to listen to outbursts from Ms. Carmichael or Miss whatever your name is at this point, Miss Chamberlain. The bottom line is we're conducting a hearing and for you to interrupt is totally disrespectful, totally inconsiderate. You know, I don't know what you're trying to do. Whether you are trying to showboat, trying to get something- I mean that is irresponsible."

Councilman Densieski: "Mr. Supervisor, in light of the fact that there will probably be another public hearing, is that fair to say?"

Supervisor Kozakiewicz: "I suspect same but I don't know whether we have to. I mean there's a lot of comments. Let's hear what

Mr. Kasperovich has to say. I want to get this concluded."

Councilman Densieski: "That's fine, Mr. Supervisor, as long as it has to do with the franchise agreement."

Supervisor Kozakiewicz: "Exactly. And that's what I've been trying- how many times have I repeated myself up here and said the same thing? What do you want me to do?"

Councilman Densieski: "Have the speaker- if he's a hostile speaker, have him sit down if he breaks from the agenda."

Supervisor Kozakiewicz: "All right, thank you. Mr. Kasperovich."

William Kasperovich: "Well, what would you have me do, Mr. Densieski."

Supervisor Kozakiewicz: "Mr. Kasperovich, let's not get off the field. Please. Let's deal with the agreement. Listen. I'm going to- listen, I am going to do the same thing I did a few moments ago. If we can't stay on the topic at hand, we're going to adjourn and I'm going to go to the resolutions and I'm going to deal with the resolutions so that we can finish up resolutions and we can finish the business at hand. Because we're going to be at this all night if we get into these debates. Limit yourself to the agreement, please."

William Kasperovich: "If- "

Supervisor Kozakiewicz: "Am I asking anything unreasonable here?"

William Kasperovich: (Inaudible)

Supervisor Kozakiewicz: "All right, we'll adjourn. Take an adjournment - 6:05."

William Kasperovich: "You're not letting me say anything? You are shutting me off?"

Supervisor Kozakiewicz: "That's correct."

William Kasperovich: "All right you council people. The only area I- "

Councilman Lull: "We are adjourned."

William Kasperovich: "-- is the voting booth and you people go along with this type of conduct got to take the (inaudible) of it because you have to resist the Supervisor from behaving in this manner. I'm asking for information that is not made public, that information that is given out is not complete or not final and this is not to the point."

Councilman Lull: "This is a public hearing. It is not the proper use of a public hearing to engage in a discussion or a debate with the Town Board."

William Kasperovich: "It's not a discussion or debate."

Councilman Lull: "It's a public hearing. You have no right to ask a question of the Town Board during the public hearing."

William Kasperovich: "Oh?"

Councilman Lull: "No, you don't. That's not what a public hearing means. We take the information, we make the information part of the public record. If you want to talk with a member of the Board or the Supervisor, you make an appointment and talk with them at a later time. This is not the time for debate. This is not a debate, it's a public hearing. They are two totally different things."

William Kasperovich: "Well, then if you wish to conduct yourself in that manner I have the privilege of speaking as a tax paying citizen of this town when you are wrong. And when you are wrong, the Supervisor can't evict me from the auditorium. You've been wrong so many times I hate to count it."

Councilman Lull: "You can speak on one thing, Mr. Kasperovich. You may speak on the topic and that's it."

William Kasperovich: "If I want to ask a question, I say there's a breach of contract that hasn't been resolved, there's money talks in the negotiations that the public should know and doesn't know."

Councilman Lull: "That's your opinion but you don't know what you're talking about."

Supervisor Kozakiewicz: "I already called."

(Some inaudible discussion)

Zabby: "None of the other council people have spoken up just as Mr. Kasperovich pointed out and we can rock the boat."

Supervisor Kozakiewicz: "What we can do is show total disrespect for any public official is what we can do and what we have done and what we have done."

Zabby: "I don't think it's so. I made a point of order. Cablevision wrote that (inaudible). Not the Florida attorneys."

Councilman Densieski: "Are there any other speakers? Because I think Charlie wanted to speak again."

(Some inaudible discussion)

Supervisor Kozakiewicz: "I'm going to go to resolutions. We're going to go to comment on resolutions. Unless somebody is here on Little Flower- if there's somebody here for Little Flower. I'm- we're going to let people's tempers calm down, we're going to deal with resolutions, we're going to take up resolutions and we're going to deal with that and when everybody has calmed down and they're relaxed, we'll get back to the discussion at hand. But we've got to continue with business and unfortunately the business at hand is not being attended to because people are getting emotional and not thinking clearly. We're going to go to resolutions, we're going to deal with resolutions. We're going to comment on resolutions, and that's what we'll do."

William Kasperovich: "If you want to terminate the- or put aside the public hearing, you can do so by an act of the Town Board, not by yourself. You want to- "

Supervisor Kozakiewicz: "Take me to court, Mr. Kasperovich. That's what I'm doing without objection of the Board and we'll take it up by a vote of the Town Board."

William Kasperovich: "I don't see any indication by the Town Board to give you this right to end a public hearing."

Supervisor Kozakiewicz: "I'm not ending the public hearing anyway. Is there a- we'll take that up for a vote. We'll take that up for a vote if that's what the Board wants to do. So let's take it up for consideration. I think we've got to let things calm down."

Let's deal with the resolutions. I hate to keep everybody here but it seems- "

(Some inaudible discussion among the Board members)

Public Hearing adjourned: 6:10 p.m.

Supervisor Kozakiewicz: "Are we ready? Let the record reflect the time of 6:10 p.m. and I've suggested that we adjourn from the public hearing on the Cablevision. That we move to the next business at hand which we haven't been able to get to now for four hours after the opening of this Town Board meeting which is to hear any comment on resolutions and to take up resolutions. Is there a motion by the Town Board which agrees with this action? Well, I did announce, is there anybody here to talk about the special permit of Little Flower and no one indicated- "

Councilman Densieski: "Thank you, Mr. Supervisor. I appreciate it."

Supervisor Kozakiewicz: "But I'll repeat it. Is there a motion by the Town Board to move onto the discussion on resolutions?"

Councilman Densieski: "Motion."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Sanders: "Second."

Supervisor Kozakiewicz: "Vote, please. All in favor?"

Collective response: "Aye."

Supervisor Kozakiewicz: "All right. Anybody who wishes to address the Board with respect to resolutions? Remind you that there is a five minute rule in effect."

Resolution #961

Councilman Lull: "961 ratifies and approves the stipulation of agreement for the years 2002 through 2004 between Riverhead Town Superior Officers Benevolent Association and the Town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #962

Councilwoman Sanders: "Order calling public hearing Extension 7A to the Riverhead Water District, Mill Pond Commons. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #963

Councilman Lull: "A resolution calling for a public hearing for a lease agreement between Sprint Spectrum, L.P. and the Riverhead Water District. So moved."

Councilman Densieski: "Discussion."

Supervisor Kozakiewicz: "Discussion."

Councilman Densieski: "I'd like to strike the fifth Whereas or at least discuss striking the fifth Whereas where it says the lessee shall have the right to extend the lease past initial term for four consecutive five year periods. I think it might be wise for this Town Board to give future Town Boards the option of negotiating, that I think it might be worth more money in the future."

Supervisor Kozakiewicz: "Discussion. Has anyone- have you talked to counsel from the water district on this issue? I know we've been at this for about six months- seven months."

Councilwoman Blass: "I called Dick Ehlers on this and asked if this was standard language in these kinds of contracts or lease agreements, and he said with the inclusion of that consumer price index automatic increase, if you will, that has been historically able to- or that addresses the issue of increased lease revenues annually. And he felt that- he was- that was comfortable."

Councilman Densieski: "Okay."

Councilwoman Blass: "To cover."

Councilman Densieski: "I'm not sure if I'm comfortable for the simple reason if you bought a house around here five years ago and the annual rate of inflation is two or three percent, whatever it is, certainly the cost of that house these days is quite a bit more and I think the value- is there an objection, a reason why we shouldn't?"

Supervisor Kozakiewicz: "I think that if we strike this, we might as well not do the resolution at all. I think we're going to a public hearing, then we can hear at the public hearing comments from people as to whether this is a bad idea or a good idea. It's not obligating us to enter into the lease agreement."

Councilman Densieski: "Okay."

Supervisor Kozakiewicz: "We can do further negotiation but while we're wrangling over this, we continue to not move forward and allow the potential for this revenue to come to the water district and I think that's ill advised. I think we should at least move forward with the public hearing and hear the comments."

Councilman Densieski: "Very good. One final question then."

Supervisor Kozakiewicz: "Yup."

Councilman Densieski: "If we do renegotiate that fifth Whereas, will we have to re-post another public hearing or can we strike that after the public hearing?"

Supervisor Kozakiewicz: "I think we're set in the outside parameters if we do less. I would think that the argument would be that we've covered it."

Councilman Densieski: "Okay. Very good."

Supervisor Kozakiewicz: "I don't think we can do more. I think we can't go outside what we've noticed."

Councilman Densieski: "I'm satisfied with that."

Supervisor Kozakiewicz: "All right. Thank you. Any other discussion?"

Councilwoman Sanders: "I just want to add to that. My discussion was this wasn't- when we saw the site plan the number of antennas- the number of antennas on the site plan and the height of the antennas is different from what's being proposed but I understand, again, it's part of the standard language and we can address it again."

Supervisor Kozakiewicz: "Vote, please."

Councilwoman Sanders: "I need to second that. I didn't second it yet. I'm sorry."

Supervisor Kozakiewicz: "It was moved. It wasn't seconded, right?"

Councilwoman Sanders: "That is correct. And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #964

Councilwoman Blass: "This is a resolution calling for a public hearing relative to Mill Pond Commons sewer lateral Riverhead Sewer District extension. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #965

Councilwoman Blass: "This is a resolution ordering a public hearing in the matter of the increase and improvement of the facilities of the Riverhead Scavenger Waste District. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "The public hearing is October 1st at 8:00. Yes."

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

Resolution #966

Councilman Densieski: "Authorizes the Town Clerk to publish and post for a public hearing to consider the application of Sound Housing LLC (Willow Ponds), for an exemption pursuant to Riverhead Town Code Section 109-007. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass."

Councilwoman Blass: "Yes, on the public hearing."

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

Resolution #967

Councilwoman Blass: "This resolution authorizes the Town Clerk to publish and post a public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead owned by John Sipala, 48 acres of Manor Lane in Jamesport. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Barbara and Rose are on that Committee. I think it's fair to say, ladies, that there is- there was a map and this was going to be development. So this is a- "

Supervisor Kozakiewicz: "Major subdivision."

Councilman Densieski: "Major subdivision- "

Councilwoman Blass: "With final approval."

Councilman Densieski: "With final approval. So this is a major coup for the town and for the residents. So I'm proud to support and I'm going to vote yes."

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

Resolution #968

Councilman Lull: "Authorizes the Town Clerk to publish and post a public notice to consider the purchase of development rights of parcels located in the Town of Riverhead, more specifically 90 acres of agricultural lands located on Northville Turnpike, Cross River Drive and Sound Avenue owned by the Hartman Family. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, absolutely; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "Yes. I have one question. The third Whereas. Is that correct? Is it 27.9 in addition to the 90? Okay. Thank you. Yes. That's an extra 27 acres that we're getting as part of the deal."

Councilman Densieski: "I think Sean Walter probably gets (inaudible) on some of these."

Supervisor Kozakiewicz: "Okay, thank you. Yes. Yes on that."

Barbara Grattan: "The resolution is adopted."

Resolution #969

Councilman Lull: "Resolution authorizing the issuance of \$300,000 of serial bonds of the Town of Riverhead, Suffolk County, New York to pay the cost of reconstruction of the Twin Ponds parking lot

in Wading River, for said town. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes, Densieski."

Councilman Densieski: "Yes. This parking lot has been neglected and it is actually the center of the business district down there and I'm going to support it and vote yes."

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

Resolution #970

Councilwoman Blass: "This resolution adopts a budget for capital project in connection with road improvements on Oak Street, Northside Road and Central Avenue. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #971

Councilman Densieski: "Water District budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #972

Councilman Lull: "Is a budget adjustment in the animal spay and

neuter program. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #973

Councilman Lull: "A budget adjustment in the Sewer District. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #974

Councilman Densieski: "Scavenger Waste District budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #975

Councilwoman Blass: "Budget adjustment for the Highway Department. So moved."

Councilman Lull: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #976

Councilman Densieski: "General fund budget adjustment. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Yeah. There are three pages of budget adjustments that I did not get a chance to review, so I'll abstain."

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

Resolution #977

Councilman Densieski: "Calverton Park CDA budget adjustment. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Mr. Supervisor, I'm sure this was talked about in work session but I don't recall. Could anybody remind me what this was for? I'm sorry, I wasn't listening again."

Supervisor Kozakiewicz: "What was that?"

Councilman Densieski: "CDA- 977, the CDA. I'm just curious what that was."

Councilwoman Blass: "I could tell you. I have one here."

Supervisor Kozakiewicz: "It says on the memo attached- "

Councilman Densieski: "Yeah, my memo is not- "

Supervisor Kozakiewicz: "-- which says that this is due to additional fence work caused by damage of a motor vehicle."

Councilman Densieski: "I remember now, thank you. Yes."

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

Resolution #978

Councilman Densieski: "Grants excavation permit to Serota and Sons, Inc. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Blass: "Discussion."

Supervisor Kozakiewicz: "Discussion."

Councilwoman Blass: "Can I have discussion quickly? I know this is actually the first time the Town Board is authorizing an excavation permit by resolution and I know that it's a good thing and that it gives us the opportunity to for example condition that a monitor be on the site here and that's something that should happen sooner rather than later, so I'm happy to support that.

But I'm a little bit concerned about just a couple of things and that is there are conditions in the code for the issuance of a special permit and my question is with this resolution being silent to those conditions, does that mean we waive the other conditions of the approval?"

Supervisor Kozakiewicz: "Are you suggesting that there was a special permit necessary for this property?"

Councilwoman Blass: "Did I say special permit? I'm sorry."

Supervisor Kozakiewicz: "Yeah."

Councilwoman Blass: "Excavation permit- "

Supervisor Kozakiewicz: "Oh, excavation permit- "

Councilwoman Blass: "I'm sorry, did I say that?"

Supervisor Kozakiewicz: "You said special permit. You lost me there. Whoa, you threw me a curve. Okay."

Councilwoman Blass: "It's been a long afternoon. Excavation permit, there are conditions that are codified and my question is because this resolution doesn't list them, they're silent to them, are we waiving those conditions or are we giving the Building Department the authority to ensure that those other conditions are met? That was my question. I know we've not done this before so I'm just trying to clarify the conditions about the testing of the soil and all of those things that have to happen prior to the issuance of the permit and I don't know- "

Supervisor Kozakiewicz: "It doesn't say that they're waived, therefore, I would presume by operation of Chapter 62 that they are in effect and furthermore I think the Whereas says determine that same is in compliance with requirements of Chapter 62 and last I see Mr. Barnes here and I'm sure he hears us loud and clear in saying that the requirements of Chapter 62 are not being waived and require compliance. And I'm sure he'd come back to us if there were any questions on that. Sure. Since the question has come up."

Leroy Barnes: "When Dawn and I did the resolution, we did discuss that and we talked about if it is silent in the resolution it would be assumed that it was waived- in the initial part of the resolution- "

Supervisor Kozakiewicz: "What's being waived then?"

Leroy Barnes: "I think there's a nematode requirement for a soil sample- sampling for nematode for the potato bugs."

Supervisor Kozakiewicz: "Let me ask a question."

Leroy Barnes: "Okay."

Supervisor Kozakiewicz: "Stop there. Do we do nematode testing on every excavation?"

Leroy Barnes: "No."

Supervisor Kozakiewicz: "Okay."

Leroy Barnes: "No, there hasn't been. There's another condition for a three-dimensional survey. The other conditions were

met, the engineer's estimate of soils to be removed. The Town Board is going to put a cap on the amount of materials to be removed."

Supervisor Kozakiewicz: "Correct. Correct."

Leroy Barnes: "And the others were minor proof of a tax bill that the property taxes were paid and they are paid, obviously they are up to date. So I don't see a great concern. I spoke to Barbara about it in the parking lot and I thought in the future because this is our first one, we should be more specific and the application should be more specific and when the application is made, it should be part of the site plan application, so when they make that application - it should be part of your site plan review and it should be discussed during site plan application. And then there we can determine whether or not what should be waived and not waived because it does depend on the project."

Councilman Densieski: "Leroy, did we get the check?"

Leroy Barnes: "Yes, we got the money."

Councilman Densieski: "Thank you."

Councilwoman Barnes: "It's not always about the money, Ed, really. It shouldn't be. We need to make sure where- "

Leroy Barnes: "That would be one of the conditions of the permit is that they pay the \$14,000 and they did this morning. They came in around 11:00 and that was paid."

Councilwoman Blass: "Okay. And we're paid, you know, this is new territory here and we just want to make sure we have it- "

Leroy Barnes: "I agree with Barbara that in the future we should really point for point say these items are going to be waived because we don't feel it's necessary based on the project. Also, I discussed with Mr. Hanley, the Planning Director, we said in the future we should change the site plan applications to include excavation permits- "

Councilman Densieski: "Absolutely."

Leroy Barnes: "-- in that and we need to be more specific in that when we grant that site plan resolution."

Councilman Densieski: "Count on you to take care of that in the future. Thank you."

Leroy Barnes: "It will be taken care of. Any other questions?"

Councilwoman Blass: "That was my issue, that if we are waiving then we should either at least acknowledge the fact in this resolution- "

Leroy Barnes: "You can do that and you can amend it off the floor if you'd like."

Councilwoman Blass: "-- that other conditions that are required in Chapter 62 are herein waived."

Leroy Barnes: "You could amend that off the floor."

Supervisor Kozakiewicz: "All right. So we're going to ask be it further or are we going add- let's help me here. Where do you want to put that?"

Councilwoman Blass: "Okay."

Supervisor Kozakiewicz: "-- in the first Resolve, second Resolve, third Resolve, fourth Resolve, so that we have it on record that the nematode requirements being waived."

Councilwoman Blass: "I guess there are other- all other have been- "

Leroy Barnes: "I would just say all other- "

Councilwoman Blass: "-- have been either met or are waived according to- "

Leroy Barnes: "Waived."

Councilman Lull: "It should be the third Resolve."

Supervisor Kozakiewicz: "That's where I would put it but is conditioned upon (inaudible) a site monitor to be present on site during excavations. Said monitor be approved by and under the supervision of the Building Department."

Councilwoman Blass: "By the way, do we have a list of those?"

Supervisor Kozakiewicz: "All other conditions- no, we don't, as you said, this is new ground. All other conditions of Chapter 63 having been waived. Is that- "

Leroy Barnes: "62."

Supervisor Kozakiewicz: "62, I'm sorry."

Leroy Barnes: "Have been waived. As per 62.5."

Supervisor Kozakiewicz: "62.5, the section."

Leroy Barnes: "That's the section."

Supervisor Kozakiewicz: "Okay."

Councilman Lull: "And you're going to be working on it-working with Rick on a punch list."

Leroy Barnes: "In the future on other applications we will. We'll be very specific."

Councilwoman Blass: "Including a list of site plan- or site monitors from which we will be- "

Leroy Barnes: "I discussed that with Mr. Hansen and we're going to advertise."

Councilwoman Blass: "Okay. Okay. Very good. Thank you."

Supervisor Kozakiewicz: "All right. So we're going to add at the end of that Resolve, comma, all other provisions of Chapter 62 being hereby waived in accordance with Section 62-5. Correct?"

Leroy Barnes: "Correct."

Supervisor Kozakiewicz: "All right. All other provisions of Chapter 62 being hereby waived pursuant to Section 62-5. Okay. Is that okay?"

Councilwoman Blass: "Yes."

Leroy Barnes: "Thank you."

Councilwoman Blass: "Thank you."

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

The Vote: "Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Yes. I'd like to point out that Barbara was right. This is the first time that we're going to have a site monitor to calculate the actual sand that's leaving the site but I think my other Board members will agree, this will not be the last time. I'd like to vote yes."

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

Supervisor Kozakiewicz: "Just a different point of view. Every little stage of a project is going to require another resolution and we're going to be having a volume of resolutions here but- "

Councilman Densieski: "Codify- codify it."

Councilwoman Blass: "We can put them in the site plans. Yes."

Supervisor Kozakiewicz: "All right. Good. Yes. Yes. Yes. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #979

Councilman Densieski: "Authorizes the Town Supervisor to execute a change order #2 for the Iron Pier Beach general construction. So moved."

Councilman Lull: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski. Yes; Lull."

Councilman Lull: "I believe Ed has the privilege right here of making two resolutions in a row that put a final end to two of our biggest projects this year. That's Iron Pier. Yes."

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

Barbara Grattan: "The resolution is adopted."

Resolution #980

Councilman Densieski: "Authorizes- yes, I'm sorry."

Councilwoman Blass: "You're good to go."

Supervisor Kozakiewicz: "It's yours."

Councilman Densieski: "Authorizes the Town Supervisor to execute change order No. 2 for Grangebels Park bulkhead replacement project. So moved."

Supervisor Kozakiewicz: "And- "

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded. Thank you."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #981

Councilwoman Blass: "This resolution authorizes the Supervisor to execute a change order No. 2 for the municipal garage mechanics maintenance facility. It's an electrical contract change. So moved."

Councilman Lull: "And second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #982

Councilman Densieski: "Authorizes the Town Clerk to post and publish the attached notice to bidders for the restoration and repair of the Fresh Pond Schoolhouse. So moved."

Councilman Lull: "And second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I'd just like to point out that this is going to be grant money. Yes."

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

Councilman Lull: "I was going to say this is at no cost to the town, a combination of CDB grant funds, Townscape and Rotary pay for it. Yes."

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

Barbara Grattan: "The resolution is adopted."

Supervisor Kozakiewicz: "And I hope that proves to be true."

Resolution #983

Councilman Densieski: "Rescinds Resolution #832 for water service materials and authorizes the Town Clerk to publish and post notice to bidders. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #984

Councilwoman Sanders: "Rejects bid for Chapter 54 demolition of the structure known as 22 Lewis Street. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #985

Councilwoman Blass: "This resolution awards a bid for Chapter 54 demolition of the structure known as 23 Lewis Street in Riverhead. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #986

Councilman Densieski: "Authorizes the Town Clerk to publish and post the attached notice to bidders for the downtown sidewalk beautification project for Second Street and Griffing Avenue. So moved."

Supervisor Kozakiewicz: "This one we should move to withdraw, this one where we were engaged in last minute discussions with the contractor and we're going to have to- the resolution is coming off the floor. So is there a motion to withdraw?"

Councilman Densieski: "Yeah. Move to table- to withdraw Resolution 986."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded to withdraw. Vote, please."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is withdrawn."

Resolution #987

Councilwoman Blass: "This resolution authorizes the Town Clerk to publish and post a notice of public hearing in regard to a change in the definition of Country Inn in the zoning amendment. So moved."

Councilman Densieski: "Second that motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #988

Councilwoman Blass: "This resolution authorizes the Town Clerk to publish and post a public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead owned by Robert Gammon, also on Manor Lane in Jamesport. It is 10 acres of agricultural land. So moved."

Councilman Lull: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #989

Councilman Densieski: "Amends Resolution #133 of 2002 that approves the application of Dressage at Sunny Acres. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #990

Councilman Lull: "Approves an application of Northeast Organic Farming Association for a food tasting and public information- public interest information program, whatever. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "The date of that whatever is September 28th from 11 to 3 p.m. Yes."

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

Resolution #991

Councilwoman Sanders: "Approves the application for fireworks permit of Jane Rivera at the Vineyard Caterers. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass."

Councilwoman Blass: "Can I just make a comment that I had been contacted by two individuals who- "

Supervisor Kozakiewicz: "That was an issue last time when we did the fireworks at the Vineyard Caterers. Is that what you're talking about?"

Councilwoman Blass: "About the fact that there is no notice or warning if you will that these fireworks displays are taking place. There is some concern about individuals that have animals that get spooked when this sudden (inaudible) and whatever, and if we could just be conscious if you will on how we can best either notify (inaudible) or just general consideration of the fact that these are generally affecting residents- it's different, the Fire Department when they do benefits- "

(Some inaudible discussion among the Board members)

Councilwoman Blass: "Maybe even just the adjacent property owners (inaudible)."

Sean Walter: "Could make it a condition or a requirement to notify them in the resolution."

Councilman Densieski: "Or that it's posted- "

Councilwoman Blass: "It's posted at least a week ahead of time."

Councilman Densieski: "It's a public notice (inaudible)."

(Some inaudible discussion among the Board members)

Supervisor Kozakiewicz: "This fireworks display just so you

know is September 22nd. So I'm not sure how much notice we are going to- okay, for future, okay, good. Any other discussion? Vote, please."

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

Resolution #992

Councilman Lull: "Approves the application of Abbess Farm for 14 days of corn walking and pumpkin picking. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #993

Councilman Densieski: "Approves application of Cooperage Inn for pretty much the same thing as the last resolution. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #994

Councilwoman Sanders: "Approves the application of Riverhead Foundation for Marine Research and Preservation. So moved."

Councilman Lull: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Yes. This is for a 5K race. Yes."

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

resolution is adopted."

Resolution #995

Councilman Lull: "Appoints a Polish language interpretation consultant for the Riverhead police department and Justice Court. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #996

Councilwoman Blass: "This resolution appoints a recreation specialist to the Riverhead Recreation Department, that person being Gail Benevente. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "Comment. Just for future reference. Again, when we address the fall program and the spring program we should at that time address (CD stopped recording)."

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

Resolution #997

Councilman Lull: "Appoints purchasing agent. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #998

Councilwoman Sanders: "Authorizes attendance at conference. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #999

Councilwoman Blass: "Authorizes attendance of Assessor at meeting. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1000

Councilwoman Sanders: "Authorizes attendance at the National Animal Control Association Training Academy. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1001

Councilman Lull: "Authorizes attendance of police lieutenant and police officer at training seminar. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1002

Councilwoman Blass: "Accepts irrevocable letter of credit of Wiana Realty Corp./Riverhead Pooh, LLC. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1003

Councilwoman Sanders: "Accepts irrevocable letter of credit of Wiana Realty Corp./Riverhead Pooh, LLC. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1004

Councilwoman Blass: "Accepts irrevocable letter of credit of Riverhead Commerce Park Associates LLC. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resoution #1005

Councilman Densieski: "Approves amended site plan of Suffolk County National Bank Wading River Branch - ATM. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resoution is adopted."

Resolution #1006

Councilman Lull: "Amends site plan of Kamco - loading dock. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolutin is adopted."

Resolution #1007

Barbara Grattan: "Resolution #1007 pay bills, Councilman Lull."

Councilman Lull: "So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The bills are paid."

Resolution #1008

Councilwoman Sanders: "'99 downtown sidewalk improvement capital project budget adjustment. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

(At this time, there was a malfunction with the CD. According to the Town Clerk's notes, Mr. Kasperovich spoke on Cablevision)

Meeting adjourned: 7:00 P.M.

Barbara Nathan
Town Clerk