

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, May 6, 2003, at 7:00 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

(Supervisor Kozakiewicz called the meeting to order at 7:05 p.m.)

Supervisor Kozakiewicz: "Tell me when you're ready. All right. Can I have everyone's attention, please? The time of 7:05 p.m. having arrived, I call tonight's meeting to order. And I'm going to ask Mr. Tria if you'd stand up and lead us in the Pledge of Allegiance.

I told you, Mr. Tria."

(At this time, the Pledge of Allegiance was recited, led by Mr. Tria)

Supervisor Kozakiewicz: "And I'm not sure, Judy, do you want to join us, too? Judy, come on up.

We do this every year. While they're stepping up, this is Older Americans Month. And over the last few years I've been asked and I'm kind of kept up to date by Judy who does a great job over at our Senior Citizens Center with keeping me apprised and informed of dates. And, once again, it's my honor to present to Mr. Pfeiffer and to Virginia Hubbard a proclamation which is proclaiming the month of May as Older Americans Day.

I think it's something that we should try to do more often and maybe not just for the month of May but recognize them all 12 months of the year. Once a year is enough, really, Virginia? You feel a little uncomfortable being up here? You don't want me doing this every month?

But I think it's something that's befitting. They've obviously got a lot of wisdom to bestow upon us and I know they keep Judy going. Right, Judy?

Do- Henry or Virginia want to say a word?"

Virginia Hubbard: "I'd be more than happy to accept that."

Henry Pfeiffer: "I think it's altogether appropriate that we recognize the older Americans as an integral and (inaudible) part of the community and I am happy to be the representative because there's nobody older than I."

Supervisor Kozakiewicz: "Do you want to say a few words or just want to accept the proclamation?"

Virginia Hubbard: "I will accept it. Thank you."

Supervisor Kozakiewicz: "All right. And thank you."

Virginia Hubbard: "And I will hang it on the wall in our beautiful new center."

Supervisor Kozakiewicz: "Thank you."

Virginia Hubbard: "Again, thank you all for our big beautiful center."

Supervisor Kozakiewicz: "Okay. Getting back to business at hand. Is there a motion to approve the minutes of the April 15, 2003 meeting as well as the Special board meeting convened on April 21, 2003?"

Councilman Lull: "So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilwoman Sanders: "Seconded."

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

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

Councilman Densieski: "I wasn't present, so I'll abstain."

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

Supervisor Kozakiewicz: "Reports, please."

REPORTS:

Receiver of Taxes

Total collected to date was \$43,219,212.47

Utility collections report for April, 2003, total collected was \$189,873.32

Town Clerk

Monthly report for April. The total collected was \$9,352.53

Open Bid Reports

Traffic signals, Altec Model AT37-G Bucket Truck, and for Annual asphalt construction. All of these bids may be seen in the Town Clerk's Office

Barbara Grattan: "That concludes Reports."

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

APPLICATIONS:

Shows & Exhibition Permit

The Boardwalk, May 10, 2003 3:00 p.m. to 9:00 p.m., car show and 50/60's music

Cooley's Anemia Foundation September 20th, 7:00 a.m. to 5 p.m., a bike-a-thon

Darlene Raynor - Dressage Horse Show, June 22, Sept. 7, Oct. 5 and 12, 6:00 a.m. to 6 p.m.

Radio Shack, May 23rd to the 26th, 9:00 a.m. to 6:00 p.m., retail sale event

Site Plan

Amended-Grumman Memorial Park

Amended site plan for Alexander-Tuthill Funeral Home for the expansion of the parking lot

Amended site plan-Charnette Enterprises, Inc. (Carving Board Restaurant), replacement of awning and construction of 639 square feet glass enclosed addition to building

Parade Permit

Combined Vets, May 26, 2003 at 9:00 a.m.

Barbara Grattan: "That concludes Applications."

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

CORRESPONDENCE:

Ann and William Miloski, Art Binder, James & Ellen Madden, Gena Johnson, Theresa Galdi, Corrina Bollermann, Brian Bollerman, Stephen Kuhl, Joseph Troise
Opposition to the rules and regulations proposed for the Calverton Enterprise Park

Petition
572 names in support of the special permit of Atlanta Bread Bakery Café located at 11 Commerce Ave., Riverhead

Barbara Grattan: "And I think that's it in Correspondence."

Supervisor Kozakiewicz: "Thank you, Barbara. Is there any Reports from Committees? Are there any reports? I'm sorry."

Councilman Densieski: "Kind of a report. I'd just like to thank all the people that helped with the beach cleanup, especially East End Sports Fishing Club, the Northville Beach Civic Association, the Greater Jamesport Civic Association, Bagel Lovers Deli, Snowflake Ice Cream, Thrifty Beverage, Riverhead Recreation Department. All

these people helped collect about 55 yards of garbage off our beaches. So, thank you."

Supervisor Kozakiewicz: "Barbara?"

Councilwoman Blass: "No, sir."

Supervisor Kozakiewicz: "Okay. I just want to make a quick mention that this Friday is the annual PAL bike rodeo at Stotzky Park. Registration starts at 8:30 in the morning. So if you have a young man or a young lady who wants to participate in this very interesting and fun event, that's at Stotzky Park, that's the PAL bike rodeo."

The time of 7:12 p.m. having arrived, Barbara, would you read the affidavit of publishing and posting for our first public hearing scheduled for this evening?"

Public Hearing opened: 7:12 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 May 6, 2003, at 7:05 p.m. regarding the purchase of development rights of 45 acres of agricultural lands owned by Abbess Farms, Ltd., located on the southerly side of Middle Country Road, Calverton, at \$36,000 per acre."

Supervisor Kozakiewicz: "Thank you. Sean, are you going to step forward on this or is Hoot? Mr. Sherman."

Hoot Sherman: "Good evening. My name is Hoot Sherman. I'm from the Peconic Land Trust representing the Farmland Select Committee."

We've done all of the proper posting and sending out of the notices of this purchase of development rights but the Farmland Committee wants to postpone it because there's not a firm agreement on exactly what it is, that the outline of the development rights purchase would be. They're not sure of exactly the number of acres and what part of the property that they would be purchasing the development rights on.

So the Farmland Development Committee wants to take another look at it tomorrow night and then come back to you at a later date, at your next meeting or whenever we can get it on the agenda, to come up with a firm proposal. But right now, they're not 100% sure of what it

is they're buying."

Supervisor Kozakiewicz: "Are you asking us to put this off and republish and repost, Hoot? Is that the procedure we're going to utilize here?"

Hoot Sherman: "Yeah. We would have to go through the whole process again."

Supervisor Kozakiewicz: "Okay. Okay. So- "

Hoot Sherman: "Everybody would be aware of it. Yes, sir."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "You couldn't hold the hearing open, Mr. Supervisor?"

Supervisor Kozakiewicz: "Um- "

Councilwoman Blass: (Inaudible)

Supervisor Kozakiewicz: "Yeah, it would because if there's different acreage or a different price or different particulars of the sale, it will need to be re-noticed because if those details aren't accurate and those, I think, would amount to a substantive change, would have to republish and repost.

Counsel, who has been working on this, do you agree or- "

Sean Walter: "I agree."

Supervisor Kozakiewicz: "Marie? Yeah, why don't you come up? You've got to come up to the microphone, announce your name and address for the record, please."

Marie Tooker: "Hi. I'm Marie Guerra- Marie Tooker, owner of Abbess Farms, 3581 Middle Country Road in Calverton. I was unaware that they were not sure of what property until today. As far as I was concerned, it was all agreed and understood which property I was selling. Julie from the Peconic Trust also came down and she was aware and this happened a couple weeks ago and we were going to have the survey but then they told me that it was going to be adjourned because for some reason they thought they were buying 45 acres of the whole front, which is not 45 acres, by the way.

So, I think that there's a discrepancy somewhere and somebody is not talking or telling the truth somewhere along the line."

Supervisor Kozakiewicz: "Now, Marie, what is the acreage that you thought was agreed."

Marie Tooker: "I was selling 45 acres."

Supervisor Kozakiewicz: "Okay."

Marie Tooker: "And there was five acres in the front and there was 40 acres in the back."

Supervisor Kozakiewicz: "Okay. So the five acres would have been fronting the Main Road?"

Marie Tooker: "Yes, it is."

Supervisor Kozakiewicz: "Okay. Would these be two separate parcels or one contiguous parcel?"

Marie Tooker: "Well, it can't be- "

Supervisor Kozakiewicz: "Would have to be one contiguous. Correct?"

Marie Tooker: "Well, it will be continued by a road that will go down there."

Supervisor Kozakiewicz: "Okay."

Marie Tooker: "A right of way road that you guys asked for. The only reason why it can't be, because the barns are right in the middle of the property and I was told they do not want to buy any building with the development rights. So- "

Supervisor Kozakiewicz: "Well, not only do we not want to, I don't think you would prefer us doing that because it would limit your uses."

Marie Tooker: "Yes, I agree."

Supervisor Kozakiewicz: "Right."

Marie Tooker: "And I think that giving you five acres in the

front is more than fair because at one time, we were supposed to buy 80 acres. And a little finagling went around and a little game playing went around that I was not happy about. And right at the end when we were going to make the resolution, we were told there was no more money left and they could only buy 45 acres. So I agreed and then the next day, they came back and said, oh, the deal fell through, now we have it. But, I mean, this has been going back and forth for over a year now."

Supervisor Kozakiewicz: "Well, I know that at one point in time, the intent was to try and do this as a combined effort between the town and the county because- "

Marie Tooker: "I understand that."

Supervisor Kozakiewicz: "-- because we knew that the amount of acreage we were talking about, we wouldn't be able to probably do it alone."

Marie Tooker: "Right. But now that we have come to an agreement of price, which is a fair market price, that's what you're buying out there now. I'm told by many people that nobody sells their frontage. Not one farm this year was sold-- their frontage and now I'm told that if I don't sell all of my frontage, that it's not going to be bought at all. And I think that's not fair. And I would like to see all the farms that were bought this year and how many farms were bought their frontage. Sean, do you have that paperwork that I could see?"

Supervisor Kozakiewicz: "Well, we can certainly provide you and, Marie, I would provide you a list of the properties we've purchased. I can do that for you."

Marie Tooker: "Unfortunately, Bob, I'm not happy about the situation. I think I've been dragged around a little bit and things have been done under the table that I'm not comfortable with. And I'm very sad and I don't want this farm which is probably one of the most beautiful farms on 25, it's the opening door to your town. It's absolutely gorgeous. If I had a picture right now to show you, I think everybody would agree. It's a gorgeous farm. And I don't think you guys want to lose a preservation- farm. You already lost half the property. And 45 acres is fair."

We're putting the North Fork Classic there. We're opening up a horse park, an equestrian park, for all of the town. For everybody to

benefit from. And I think everybody wants that. They need a place for the horses. And my farm is beautiful and it's a horse farm and it's a perfect spot for it.

So I think that whatever problems or situations that are going under the table have to be corrected. Somewhere, something's happening."

Supervisor Kozakiewicz: "Well, I know that we're offering the appraised value."

Marie Tooker: "Okay."

Supervisor Kozakiewicz: "That much I know."

Marie Tooker: "And we agreed to that."

Supervisor Kozakiewicz: "As far as the acreage, I- I'm, you know, let's take a step back. We hold the public hearing to hear what the public's interest is and to hear what other people have to say. If we, you know, have an understanding between the parties and then we pass a resolution authorizing to proceed forward, contracts are then sent out and at that point in time we have a binding deal, which is what the State of New York is, that you have to have a written document that's signed by both parties to be bound.

Again, you know, I'm hearing some discrepancies here. I don't think we're disagreeing on the asking price. It's just I think a configuration that, from what I'm hearing, you're opposed to all frontage or a majority of frontage and apparently Farmland Select Committee when they received this or saw this application, was of the opinion that's what they were going to receive. So- "

Marie Tooker: "Well, unfortunately, I was not told that. I was told that that was accepted, the five acres in the front and the 40 acres in the back. And that it worked and that it was a good thing. That's what I was told. And just this morning, I'm told otherwise."

Supervisor Kozakiewicz: "Okay. We'll certainly look into this further. Thank you."

Marie Tooker: "But I definitely don't want it to be put to the side. I'd rather keep it open if it can be kept open than- is that- what's the deal with that, when you keep it open- "

Supervisor Kozakiewicz: "Well- "

Councilman Densieski: "Well, I guess it's going to have to be re-posted, right?"

Supervisor Kozakiewicz: "Well, it really comes down to whether we're agreeing upon the number of acres, the price, and all the other things. If the description is adequate where we don't have to republish and post, we can finish it. We can conclude."

Marie Tooker: "Well, what do you do now? Are you going to- "

Supervisor Kozakiewicz: "Well, I'm going to ask others to come up and speak since it's been opened up to see whether they're in favor of this, Marie, or opposed to this- "

Marie Tooker: "Okay. Good idea."

Supervisor Kozakiewicz: "-- and then I'm going to close the public hearing for tonight."

Marie Tooker: "Okay."

Supervisor Kozakiewicz: "Okay?"

Marie Tooker: "Good idea."

Supervisor Kozakiewicz: "Thank you."

Marie Tooker: "Thank you."

Supervisor Kozakiewicz: "Sean Walter."

Sean Walter: "I think that- Sean Walter from Riverhead Town Attorney's office. I think the discrepancy with this farm was we sat down with her attorney and another attorney, John Lamura and Ken Auerbach. He had a site plan set up. He showed us 45 acres in the front with a small portion of road frontage. The balance was her homestead, another small lot she wished to retain for herself, and then a flag lot going into the back. So it was proposed to us as just a small section of road frontage and then the back, from the road back until we hit 45 acres. And it was a function of cost because as you said, it's an expensive purchase for us.

Somewhere between that original survey and in the last couple

days there was a little bit of a disconnect. The problem that I think the Farmland Select Committee has is the back portion of the property is wooded and not farmed and so it would be- we have to have them take a look at it to see exactly where that wooded area- the wood line is, where the 45 acres would come and intersect with the wood line so that we're sure that we are buying farmland.

But I don't think there is any disagreement in the price or the amount of acres. It's just a configuration issue. And, in fact, we went to the Farmland Select Committee to discuss the possibility of her having a polo event there and they were generally in favor- if not opposed to it or I guess I could say they were in favor of it. I see Barbara shaking her head; she was there. The exception was parking. They didn't want to see parking on farmland but they felt that that was an accessory use to that type of farm operation.

So I've been working very closely with Marie but there may be a little bit of a disconnect and, you know, I apologize. We'll try to get that squared away and, you know, it doesn't matter whether we re-publish or post- or hold it open. I think normally we just re-publish and re-post it but it's at the discretion of the Board."

Supervisor Kozakiewicz: "Well, what we'll do tonight, and I don't think anybody is disagreeing on the acreage amount nor the price. But I think what we're going to have to do is hold this- I don't think I can close it because I don't think it's fair to the public to close it without at least an area being described or something that we can picture.

So, we're not going to be able to do that tonight because apparently there's some disagreement or difference of opinion as to what the 45 acres consisted of.

Now, if it changes and it's no longer 45 acres, we're going to have to re-publish and re-post. There's no way around it because it becomes a substantive change and we would be ill advised and running against the law if we were to try and proceed in that fashion.

What I would suggest, if the Board agrees with me, is that we hold this over until our next meeting on May 20th and commence with this first on the agenda after we finish other business in order to allow us if we have time to have a drawing and at least the 45 acres that we agree upon so the public knows what it is that's being acquired and whether it makes sense to use development rights monies to do that.

If it is woods, and I agree with counsel, then it's obviously not something that we should proceed with and we need to fine tune it, so with that said, I open it up to any other people to address us who haven't had a chance to address us because this was noticed and obviously people may have come here to speak on this particular application. If not, we'll adjourn it today and hold it over to May 20th, it will be the first one we'll take up and in the meantime, Sean, you'll speak to Mr. Auerbach and Mr. Lamura and the Peconic Land Trust and see if we can arrive at an agreed upon area so that we can have a depiction of it so that the public knows what's being done. Is that agreed?"

Marie Tooker: (From the audience, inaudible)

Supervisor Kozakiewicz: "Well, as I say, I didn't get into it because those issues are issues that I think are going to have to be addressed between counsel and yourself and see if everyone agrees. Okay? All right.

So that being the case, the time being 7:24 p.m, we're going to adjourn it over to May 20th. We'll proceed with it at 7:05 at that time, right off the bat, and whatever else is on obviously will have to follow thereafter. And at this point in time, we'll adjourn and we'll go to the second public hearing."

Public Hearing adjourned: 7:24 p.m.

Public Hearing opened: 7:25 p.m.

Supervisor Kozakiewicz: "Barbara, if you would, the time being 7:25 p.m., would you read the affidavit of publishing and posting for our second 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 May 6, 2003, at 7:10 p.m. regarding the purchase of development rights of 18.1 acres of agricultural lands owned by Benny Gatz located on the southerly side of Sound Avenue, Northville, at \$25,000 per acre."

Supervisor Kozakiewicz: "I know Mr. Sherman will be joining us in a few minutes. While he's stepping up, this public hearing is to hear from interested people regarding the acquisition of about 18.1

acres of agricultural lands owned by Mr. Gatz. The property is on the south side of Sound Avenue in Northville. It's I believe my recollection serves me right, on the east side of Tuttle's or east of Tuttle's- Church, that's correct because Tuttle's comes up and then intersects with Church. That's correct.

And the proposal is to purchase approximately 18.1 acres as indicated at the price of \$25,000 per acre.

Mr. Sherman."

Hoot Sherman: "Hi. I'm Hoot Sherman, from the Peconic Land Trust. And you're right, this is Benny Gatz's piece. The Suffolk County Tax Map Number 600-21-2-10.1. It's Ag A. It's currently farmed in row crops. It is 18 acres.

The appraisal was done by Pat Gibbons a year ago. It was March 28, 2002, and it was at \$28,000 an acre and Mr. Gatz has agreed for a bargain sale of \$25,000 an acre. It's located south of Sound Avenue, east of Church Lane.

This property was previously in contract with the county and he was going to put in a limited subdivision and sell another acre to the cemetery and he has agreed to sell the development rights on the whole piece now, rather than doing a limited subdivision.

The piece on question is the yellow piece on the map and as you can see it's surrounded by protected land. That one piece right next to him, the long thin piece there, is currently in nursery and greenhouses and we've talked to that owner several times and although the development rights haven't been sold on it, it's in good solid agriculture and there's no plans to do anything with it.

So, that whole area is getting a nice block of protected land and this will just add to it."

Supervisor Kozakiewicz: "Any questions for Mr. Sherman? Is there anyone else who would like to address the Board with respect to this purchase of development rights from Mr. Gatz?"

Seeing nobody wish to speak, declare the public hearing closed, the time being 7:27 p.m."

Public Hearing closed: 7:27 p.m.

Public Hearing opened: 7:27 p.m.

Supervisor Kozakiewicz: "And the time still being 7:27, Barbara, would you read the affidavits of publishing and posting for our next public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on May 6, 2003, at 7:15 p.m. regarding the purchase of development rights of 7.1 acres of agricultural lands owned by Richard and Gaspar Pisacano located on the southerly side of Sound Avenue at \$31,000 per acre."

Supervisor Kozakiewicz: "Mr. Sherman. You've got to do the flip of the board? Okay."

Hoot Sherman: "Good evening. Mr. Sherman-- Hoot Sherman, from the Peconic Land Trust.

This is a 7.1 acre parcel to the south of Sound Avenue. There's a piece of protected land just to the southwest of this. This is Suffolk County Tax Map Number 600-17-5-4.3. It's zoned Ag A and it's currently planted in vineyards. And although it's a fairly small piece, the new Ag and Markets Law allows you now to protect pieces down to seven acres. And this is a little over seven acres that he's going to protect.

It is supported by an appraisal by Pat Gibbon which was done January 30, 2003 at \$31,000 an acre and for a total price of \$220,100.

So it's recommended by the Farmland Committee that the town purchase the development rights on this piece."

Supervisor Kozakiewicz: "I really can't see this, but I'm guessing this is right next to Schmidt (phonetic), Schmidt's farm is right on the corner of-- is that Roanoke and Sound?"

Hoot Sherman: "It's Sound Avenue- "

Supervisor Kozakiewicz: "Okay. It's just east of that, just south of Dolphin."

Hoot Sherman: "Yeah. Just south of Dolphin."

Supervisor Kozakiewicz: "Okay. All right. Thank you. Is there anybody else who would like to address the board regarding this-- yes, Rolph Kestling, please."

Rolph Kestling: "Rolph Kestling, Wading River. Mine's more of a question. We always get to hear what the development rights are, the price, the basic thousand dollars an acre. Why aren't we informed what the rest of it is? How much is the real property worth?"

The reason I'm asking this is if the property that's left over is worth a thousand dollars more, I'm just saying, why don't we buy the whole piece? It may be better off. You follow me?

If you sell development-- I mean, if you just have a-- protected for development rights, the farmers still can farm it, or he still can put up a barn, he can put up a temporary greenhouse, he still can do a lot of (inaudible)."

Supervisor Kozakiewicz: "Well, I think there's a couple problems and maybe I'm misplaced on this. But, one, most of the individuals who are participating in the farmland development rights purchase program are committed to staying in the agricultural practice and, therefore, they have no need for the development rights portion which is what we're acquiring but they still want to remain the keepers or the makers of their own destiny and, therefore, they want that fee title at the bottom."

So I think that's part of the reason why these deals go forward. The process obviously is something that the county put into effect in the '70's and it's worked successfully because at the end of the day the farmer gets to do what he wants to do-- farm. And so long as he's not in violation of the Ag and-- "

Rolph Kestling: "I'm not against it but-- "

Supervisor Kozakiewicz: "Right."

Rolph Kestling: "-- I thought it'd be nice to know what the balance is worth."

Supervisor Kozakiewicz: "I think generally and, Sean, if I'm incorrect on this shake your head. But generally when we file the appraisal with the Town Clerk's office, they do have a break out to

show what the development rights portion is and what the ag rights development-- the ag right remaining portion is so you get a total appraisal. So we can do that from now on. If you want to hear the comparison, we can try and do that. Sure."

Rolph Kestling: "There's another- "

Supervisor Kozakiewicz: "Unless- well, I'll take it under advice from counsel. Maybe he'll say it's a bad idea. We're getting too involved. I don't know."

Rolph Kestling: "Now, back in the '70's when this development purchase came about and there was a lot of it written up in the newspapers and I may be wrong, it may be I remember the wrong things- what do they call it? There's a name for it, false remembrance. But I seem to believe there was a way that the farmer could buy back his development rights. I may be wrong but have you ever investigated to see if- "

Supervisor Kozakiewicz: "In fact, that was part of the issue with the Traditional Links and Talmage proposal. They were looking to do that and, in fact, it's never been done and there was a-- "

Rolph Kestling: "Just because it's never been done, doesn't mean it hasn't been (inaudible) sort of forgotten about."

Supervisor Kozakiewicz: "I think those rights are sold and they- I think our program allows us to alienate them to the county but that is it. Under the way the law's written, it's not alienable to anybody else. And that would include the original property owner, I presume."

Rolph Kestling: "Now we've got it on record."

Supervisor Kozakiewicz: "Thank you."

Rolph Kestling: "That's what (inaudible). Thank you."

Supervisor Kozakiewicz: "Thank you. All right. Is there anybody else who would like to address the board regarding this acquisition of development rights on the south side of Sound Avenue, almost south of Dolphin Way? Not seeing anybody wish to do so, the time being 7:34 p.m., declare this public hearing closed."

Public Hearing closed: 7:34 p.m.

Public Hearing opened: 7:34 p.m.

Supervisor Kozakiewicz: "Thank you, Mr. Sherman. Have a good evening. All right. And the time being 7:34 p.m., Barbara, would you read the affidavit of publishing and posting for the next public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on May 7, 2003, at 7:30 p.m. regarding the consideration of a proposed local law to amend Chapter 98-8 of the town code entitled Dumpsters."

Supervisor Kozakiewicz: "All right. This particular section of the code is an effort to beef up Chapter 98, in particular that section that deals with the enclosure of dumpsters.

The new revised code which pretty much speaks for itself, I'm going to read a couple of provisions that are notable as far as change. One is that we allow for appropriate screening enclosure, before it was not more than five feet, now it's not less than five, not more than six.

It's also a requirement that and this was in there before that, be equipped with a lid and shall be of durable construction. What we've added is that in addition thereto, it must be closed, shall be closed and locked when physically not in use.

We also provide a provision that it must remain in working condition and functional and this is an idea to try and, as I say, clamp down a little bit more in the way dumpsters appear around town.

Is there anybody who would like to be heard with respect to this particular code change? Either for or against. Hand in the back, come on up. While you're stepping up, state your name and address for the record, please."

Neil Siegel: "Neil Siegel, (inaudible), Glen Cove, New York. I'm the property manager for the Aid Auto Shopping Center and I think you'll find that we have always tried to maintain things. I know that Mr. White knows me, we always try and keep things right and for years

we've tried to find some way, I've tried to address this to make this possible to keep things clean because we don't like it any more than you do and it doesn't help us.

We have a particular problem and I don't think it's unusual. One is every one of the enclosures I've seen around town become battered, destroyed by the- you know, the garbage guys are in a rush, they have big trucks. I wish somebody could propose something that could be manageable because the way the code is written, it's not- it doesn't- unless we built brick enclosures, it's very difficult to do that without becoming something that's battered to death and then unoperable. I've been around town, I (inaudible) to see somebody to show me some way to do this that's actually works. If you go to every single place, the few that have them according to the code as it stands regardless of the difference in the height now, they're all in dreadful shape. We even tried-- Dunkin Donuts put one in and he even found it not only inoperable and the guys hit it but they- they pulled out phone lines from high above apparently because of where they were located in terms of the store.

I mean, we've been really tossed- we don't know how to really address it. Our shopping center is very narrow in the back. It doesn't allow the trucks to back out deep enough to make it work without encroaching on the fire lanes and I've talked to- you know, and the guys have been very decent about it, said look, I'll just make sure it stays in order and if I get complaints, we're going to have to address it. And I've been working at that. And I'm concerned. I don't like to have a problem with it.

So I guess my only reason to come up here is to appeal to you. I don't know if there's a method of getting some assistance in sensible design for this thing more than just a notion that you can just put a lid on something and it stays closed. It's a little bit more involved, I'm sorry. I know you have other things but it's a concern for us and a practical concern and we have not found a real practical way to address it without it becoming just a mess."

Supervisor Kozakiewicz: "Okay, thank you, sir. Is there anybody else who would like- yes, sir."

Richard Israel: "How are you doing? Richie Israel. As you know, I represent a lot of people downtown and one question I have is what will happen with downtown when a lot of properties don't even have the property to properly put a dumpster. Is it- what happens now? Does the Parking District now take on that responsibility? Are

we going to get land back if we have to build particular enclosures and this and that?"

Supervisor Kozakiewicz: "Yeah. We've actually and I'm going to pass it over to Jim, been talking about this for at least three years now, different locations, different concepts, a common enclosure area and I know we've inched along in the process and I think Jim has been very involved in it. I don't know if I would have been able to withstand it so I'm going to pass it over to Councilman Lull to explain."

Councilman Lull: "Rich, we have met with all of the owners downtown and parking lot #1, Peconic Avenue parking lot which is what we want to concentrate on first. The parking lot between Roanoke and Griffing behind Digger's there, that has a community dumpster pad and the dumpsters are all in one place. It is our feeling that if somebody has the amount of land that is necessary to build a dumpster enclosure, they should build a dumpster enclosure. If they do not have the amount of land, then there will be a dumpster enclosure where they could rent space and when I say rent space, we're talking about a fee which would cover maintenance and that type of thing. This would be within the Parking District and maintained by Buildings and Grounds.

The question about exactly where it is has been a very difficult thing and we have met a couple times down there on the spot. We have another meeting coming up next week on the spot and we will come up with an answer there. After that we will then address the First Street parking lot which we will not really address seriously until the theater is underway.

But for the downtown parking places where it's Business D where the buildings can build out to 100%, there are obviously people who have done so and who do not have room and we're going to have to be providing that alternative. If people do have room, we'll be asking them to take the six months it's going to take and build the enclosure for themselves."

Richard Israel: "And if you do have the room, will you be required to go through site plan in order to put the structure that's necessary?"

Councilman Lull: "One of the things we're looking to do is we're looking to get a series of possible designs approved ahead of time by the Architectural Review Board so that they would be available

for somebody, you know, whatever kind of fencing, height of fencing, color, and that type of thing. And that would be something that we might be doing ahead of time. That's what we hope to have. So there wouldn't be a site plan issue, no."

Supervisor Kozakiewicz: "Thank you, Mr. Israel. Anybody else who would like to address the Board? Not seeing anybody wish to do so, declare the public hearing closed, the time being 7:41 p.m."

Public Hearing closed: 7:41 p.m.

Public Hearing opened: 7:41 p.m.

Supervisor Kozakiewicz: "And the time still being 7:41 p.m, we'll go to our last public hearing, and, Barbara, if you would read please the affidavits of publishing and posting and I see Mr. Lucas coming up from H2M, do you need help with getting up on the podium? Okay."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on May 6, 2003, at 7:35 p.m. regarding the petition of Gatz Estates to construct a lateral water main, at the sole cost of the developer."

Supervisor Kozakiewicz: "Your name and address for the record, please?"

Bob Lucas: "Yeah. My name is Bob Lucas from H2M Group. We're the engineers for the Riverhead Water District and I'm presenting an exhibit for the water main extension for Gatz Estates, Hubbard Avenue.

The developer of this property has petitioned the Town Board requesting that the subdivision be served by the Riverhead Water District. The subdivision is already located within the boundaries of the Riverhead Water District so there would be no extension of the boundaries required.

The District could service the proposed six lot subdivision by connecting to the existing eight inch main on Hubbard Avenue. That would require approximately 600 linear feet of six inch water main running through the cul de sac and dead ending with the hydrant at the common lot line of lots 5 and 6.

It is our understanding that the Gatz road, the proposed name of the proposed cul de sac, is going to be dedicated to the Town of Riverhead. Therefore, a water main easement for the water main would not be required.

As I outlined in the color there, the red indicates the outline of the subdivision and the blue shows the dead end route of the water main.

The projected water use for the subdivision is an average of about 1,800 gallons per day with a maximum daily water use estimated at 5,400 gallons per day. The district currently should be able to handle that demand from the subdivision.

The cost of the project-- estimated cost is \$42,000. That includes construction of the water main, inspection, engineering, legal fees, contingencies, etc. The entire cost of this project as stated earlier is to be borne by the developer with no cost chargeable to the Riverhead Water District.

Additionally there's cost- I'm sorry. In addition to that, there are costs of key money fees, \$2,500 per dwelling unit. That will total \$15,000 for the six lot subdivision.

With that, we recommend the Town Board approve this lateral water main extension for Gatz Estate."

Supervisor Kozakiewicz: "Thank you. Is there any questions for Mr. Lucas? Is there anybody else who would like to be heard with respect to the proposed extension for the Gatz subdivision? Seeing nobody wishing to do so, thank you, Mr. Lucas. Declare the public hearing closed, the time of 7:45 p.m. having arrived."

Public Hearing closed: 7:45 p.m.

Supervisor Kozakiewicz: "What we're going to do now is go to comment period on resolutions. We have quite a bit of resolutions tonight so that should at least instill some discussion and if you wish to come up at this time to address us on any resolution that's before us in tonight's packet, now is the time to do so.

Is there anybody who would like to address us on resolutions?
Yes, Mr. Stein."

Stuart Stein: "Ladies and gentlemen, my name is Stuart Stein, 400 Garden City Plaza, Garden City, New York regarding Resolution #519.

First I want to thank the Town staff for having the resolution 518 and 519 with care. The resolution 519, the portion that says Resolved refers to restaurant use. The application that I brought before this Board two or three months ago, had had the approval of the county Planning Board, was for two restaurants. And I just want to be clear that the term restaurant use does not limit the use to a single restaurant but only to that use and permits two restaurants. And that's my only comment. It's really for clarification and, again, I want to thank the town staff."

Supervisor Kozakiewicz: "Is there anybody else who would like to address us on resolutions? Step up, Mr. Rogers."

Dan Rogers: "Good evening. My name is Dan Rogers. I'm an attorney here in Riverhead. I'm not sure which resolution it is, but it involves the application of the Atlanta Bread Company. Perhaps you could help me with that. I'm not sure which number it was on all those."

Supervisor Kozakiewicz: "449. It's- yeah, the reason it's labeled approves the special permit petition of Paul Martin, Riverhead Commerce Park. That's 449."

Dan Rogers: "I guess that would be correct. Thank you for that. I'd like to begin by saying that I am an attorney here in Riverhead but I'm not here tonight as an attorney. I'm here on behalf of Jimmy Spano and Katie's Deli in regards to this, I believe it's a special permit application that's before the Board tonight.

I'm here because Jimmy is a friend. Again, I'm not here as an attorney. I've never been before the Board, this is a first for me. But in this particular situation I felt compelled. And the reason is this. I know there has been some talk recently about this application for this business to come into Riverhead and certainly I'd like to begin by saying that I'm sure the folks at the Atlanta Bread Company are good people. Obviously they're business people and they want to make a living and certainly nobody would object to that.

However, my concern is that the approach the Board takes to this issue and as a town, you know, we all have concerns. We've heard talk that you have one business, that being Katie's Deli, and directly

adjacent to his business, there's going to be this Atlanta Bread Factory which my understanding is going to be in direct competition with the business he does. Ninety percent of the business that they will be doing is going to be a repetition of exactly of what Katie's Deli and Jimmy Spano do.

Now my concern is this, is that there has been some talk that we don't as a Town Board want to regulate competition. But I would note that, you know, this isn't about competition. Certainly nobody would want to, you know, rule out competition. It's good for the consumer; it's good for the citizens of Riverhead.

But I ask the Board to consider this. Competition at what price? Katie's Deli has been there for 10 years. I've known Jimmy for a long time. I remember at certain points when Jimmy was struggling with his business and he ran into some financial difficulty like many young business people do. And he asked me for advice. And I said to him, Jimmy, I said do you really believe in this business? Is this business really what you want to do? And he said yes, unequivocally. I said, Jimmy, do you have any toys? He had a boat, I think. He had a recreational vehicle or something like that. I said sell them, get rid of everything. If this is really what you want to do, you know, get rid of the toys. Put your money where your mouth is. And he did. And here it is 10 years later. He's still there.

You know, Jimmy Spano is a citizen, he's a businessman, he's a member of our community. And my concern is if we don't give him the right to be heard and the right to run his own business and the idea that we want competition in town, what kind of message is that going to send? You know, there's a reason why we're asking the Board to consider these factors because this is not about competition, it's about regulation and planning. And we're asking the Town Board to regulate and plan.

Nobody is saying that the Atlanta Bread Factory shouldn't be allowed to compete in the Town of Riverhead. But the idea is location. By allowing this company to start a business directly adjacent to this young man's business that he's been establishing for 10 years, it's going to completely and totally put him out of business. And what kind of message does that send to future business owners who want to come to Riverhead? Who's going to be next?

You know, there's a reason why we don't have an Applebee's on Main Street. And the reason is regulation and planning. It's nice to have an Applebee's but it's also nice to have a Digger O'Dell's and a

Rendezvous Restaurant. We don't want to lose those. Just like we don't want to lose a place like Katie's Deli.

Again, this is not about competition. We welcome folks like the Atlanta Bread Factory. Again, as I said, I'm sure these are good people and they're honest business people and they want to earn a living here in the Town of Riverhead. But we're asking the Board to simply consider the fact that there are many, many locations in the Town of Riverhead that are not going to put someone like Jimmy Spano or Katie's Deli out of business. That's all that this is about. Competition is welcome, but, again, I ask you to consider competition at what price.

I would just ask you to consider that when you take your vote. Keep in mind that, again, you know, some day it's going to be somebody after Jimmy Spano and somebody after that and somebody after that. And I think that they need to rest assured and have some confidence that if they start a business in the Town of Riverhead that, you know, the Town Board is not going to shirk their responsibility and allow a direct competitor to move in directly next door to them and effectively put them out of business.

That's all I have to say. Thank you very much for your time."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address- Jimmy Spano."

Jimmy Spano: "Jim Spano, the owner of Katie's Deli. I have some more petitions that were filled out by my customers I'd like to hand in at this time."

Supervisor Kozakiewicz: "Okay. Thank you. Give them to Barbara, please."

Barbara Grattan: "Thanks."

Jimmy Spano: "I, too, have nothing against the people that would like to open up next door to Katie's Deli but come on, I've been here for a long time. When I opened up, I remember filling out all my paperwork like it was yesterday. People telling me, what are you doing opening up in the middle of nowhere? Because I don't want to open up across the street from anybody else's deli.

The volume of people that are in the Town of Riverhead doesn't match up. There's not enough people just yet. Maybe five years from

now, yeah. Things are just starting to get busy for me now. But, please, listen to what I'm saying to you. By these guys coming in, Atlanta Bread Company, is definitely going to put me out of business. It's too close. You know, move down the road, I don't know, a quarter of a mile, an eighth of a mile. But right smack dab next door? In what town do you ever see another deli next door to another deli? Call it what you want, but you're pretty much selling the same exact things as what I'm going to be selling.

In Mattituck we have McDonalds. How long did it take McDonalds to open up in Mattituck? They're still trying to put in the drive thru. It ain't never going to happen. Why isn't there a Burger King next to McDonalds in Mattituck? Because they're regulating. Why isn't it in Southampton? Westhampton? For Pete's sakes, this is our town. We've got to start regulating what's going to happen. It's our community here, for Pete's sakes.

Right next door? No way. No way. That's all I have to say."

Supervisor Kozakiewicz: "Is there anybody else who would like to address us on resolutions? If not, time being 7:55, you need your glasses? We have one more? Yes, please step forward. I didn't see your hand in the back. I'm sorry. Is there someone else who wants to address us as well? Okay."

Anne Spade: "Hi."

Supervisor Kozakiewicz: "Your name and address, please."

Anne Spade: "Sure. My name is Anne Spade. I live in Sayville, 27 Marlene Drive. I am hoping to be the owner of the Atlanta Bread Store. First of all, we're not a deli. We're a sit down restaurant. We serve bakery goods. It's a really 138 seat restaurant. I mean I'm not here to put anyone out of business. I'm not trying to- all I'm asking for is a chance to open my own store.

I mean, I have no right to tell anyone else where they're allowed to put their stores. And I thought in America you had the right to put your store where you really want to put your store. You have in shopping centers- you have bagels and deli stores right in the same shopping centers. You have McDonalds and Burger King right next door to each other. Competition is good.

I don't sell cold cuts. I don't sell milk, I don't sell potato salad. Someone can come into my store, buy a loaf of bread, the rye

bread or whatever. Go next door, which is right next door to his place, and buy the potato salad and the cold cuts and what he needs to actually put on to this sandwich.

Basically also having my store there brings a crowd in, hopefully, who knows? That also will help him because right now having just the one area, I guess if you have more to shop in, you'll come in and say, oh well, I don't want this. I'll pick up this and I'll go over there and I'll pick up something else that she doesn't sell or that she doesn't have.

All I'm asking for is the same chance that Jim had. Jim had a chance to open up his own business, to have his own dream.

Why I picked that spot, to be perfectly honest with you, is the most affordable spot on county 58. I could not afford to go to Home Depot. I am not a big corporation. I put my whole life savings into this business and I'm just asking for the same chance that he had 10 years ago to open his business. I'm asking a chance to please open up mine. That's it. Thank you."

Supervisor Kozakiewicz: "Is there anyone else who would like to address us? This is not going to go back and forth. I'll allow you one chance to rebut. Come on up, Jimmy."

Jimmy Spano: "What I'd like to add to that is that the amount of salads and cold cuts that I sell is probably one percent of my whole business so for me to take another crap shoot at the amount of customers that they're going to draw in, maybe they'll come over to my place of business, I'm sorry, I've got a family, too. I don't want a crap shoot anymore. I just want to go to work, earn a decent living, say hello to my regular customers every morning, and go home instead of attending Town Board meetings when you've got to get up at 4:30 in the morning. But I'm here and I'm going to keep coming here. Thank you."

Supervisor Kozakiewicz: "Thank you. Anyone else who would like to address the Board on resolutions? If not, we'll take up resolutions. The only one I have a question on is- we can adjourn and go to the CDA portion, but I think there's one on the CDA, while you're stepping up, Andrea, that probably requires the Town Board action first. I'm- just a question, Dawn, on the second resolution which is the one authorizing the license, would we need to do the site plan first? No? We have- "

Andrea Lohneiss: "I think it's Rick's preference that you adopt the license first."

Supervisor Kozakiewicz: "Really? It's okay? All right. Just want to make sure sequentially we're okay. Okay."

Andrea Lohneiss: "So that the use is established prior to the site plan."

Supervisor Kozakiewicz: "Good. Okay. Wonderful."

Meeting adjourned: 8:00 p.m.

Meeting reconvened: 8:01 p.m.

Supervisor Kozakiewicz: "And resume the Town Board meeting at 8:01 p.m."

Resolution #445

Councilman Lull: "Rescinds Resolution #415 of 2003 and authorizes the Supervisor to execute a stipulation of settlement with a town employee. 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 #446

Councilman Densieski: "Authorizes the Supervisor to execute an agreement with the Chamber of Commerce. 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 #447

Councilwoman Blass: "This is a resolution which authorizes a water service contract with Kozakiewicz Riverhead Water District. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #448

Councilman Densieski: "Resolution authorizing the Supervisor to execute a change order No. 4 for the Riverhead Water District for the construction of plant No. 11. 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 #449

Councilman Lull: "449 approves the special permit petition of Paul Martin/Riverhead Commerce Park. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "I've got to say something before I vote. Because I know that there was some very passionate speeches and comments made tonight and I don't want and, of course, the record won't reflect the fact that I have heard those passionate words. For example, taking into consideration Jimmy Spano and I heard don't shirk your duty as an official in the government. Those are pretty strong words and clearly I do not ever want to put anyone out of business

certainly Mr. Spano or anybody else. And I know that he referred to other townships and other municipalities, made a very impassioned plea why we shouldn't move forward with this particular application.

Um, however, when I looked at the application and looked at the recommendations made by the others who have been referred this application including the Planning Board, it's clear that we are guided by the special permit criteria. The special permit criteria did not or were not such to shoot down this application. Based upon what the record is before the Board, it supports this application moving forward. And, again, this is not an easy vote.

We had some discussion about limiting the sale of alcohol to beer and wine that's in the resolution. There's also some limitation on hours of operation based upon discussions with the applicant.

I hope that by my vote I don't put any one out of business but weighing all the factors, especially those set forth by state law and by our own law for special permit, I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #450

Councilman Densieski: "Approves the temporary sign permit of Eagle Rentals. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "Can anyone answer whether this is the same sign that we approved three months ago? Same exact sign?"

Supervisor Kozakiewicz: "It appears to be. Yes."

Councilwoman Sanders: "And is there a reason why we're extending or approving another three month extension of this temporary sign? Does anybody know why?"

Councilman Densieski: "A local businessman has asked us to."

Councilwoman Sanders: "Why doesn't he just put in for a

permanent sign? I'm just curious. If it's something different- "

Councilman Densieski: "Apparently he doesn't need one. I think he's under construction there, Rose."

Councilwoman Sanders: "All right. If it were a different sign, I would consider it. But being that it is the same sign, I'm going to vote no."

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

Supervisor Kozakiewicz: "Couldn't hear? All of us?"

Councilman Lull: "Testing. Yeah, mine's on."

Councilwoman Sanders: "I'm sorry. I'll repeat what I said. Would you like me to do that? Okay."

If it were a different sign other than the original sign that we approved the temporary permit on three months ago, it's the exact same sign. If it were a different sign or an attempt to make that sign a permanent sign, I would support it. But being that it is not, I vote no."

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

Resolution #451

Councilwoman Sanders: "Approves temporary sign permit of Timothy Hill Ranch- Timothy Hill Children's Ranch, I'm sorry. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, no; Blass, no; Densieski, yes; Lull, no; Kozakiewicz, yes. That resolution is not adopted."

Supervisor Kozakiewicz: "Did not pass. Did not. Failed."

Resolution #452

Councilman Densieski: "Approves the application of Cooley's

Anemia Foundation, Inc. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "I hope they don't need a temporary sign. Yes."

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

Supervisor Kozakiewicz: "Nothing from the front row. Yes. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #453

Councilman Lull: "Approves the application of Darlene W. Raynor for a horse show. 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 #454

Councilman Lull: "Approves the application of Radio Shack for a tent sale. 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 #455

Councilwoman Blass: "This resolution authorizes the Supervisor

to execute an intermunicipal agreement with the County of Suffolk for the maintenance of parking regulation signs, bus stop location signs and bus passenger shelters. 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 #456

Councilwoman Blass: "This resolution adopts a local law to amend Chapter 108 entitled zoning of the Riverhead town code - definition of country inn. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "Thank you, Councilwoman Blass for your work and effort in seeing that the definition is now clearly explained in the zone. I vote yes."

The Vote (Cont'd.): "Blass, yes; Densieski."

Councilman Densieski: "I don't think the number of 20 units is going to be appropriate. I think this is going to kill the use. There will be no more country inns and maybe that's the motivation. But I don't think with 20 rooms- I've talked to some country inn owners and people who have an interest and I think this terminates- this eliminates the use.

This is not a bread and breakfast. This is a country inn. We are trying to be a tourist town or so we say. I think there could have been another compromise number- compromise number, I'm sorry, but I don't think 20 is going to allow somebody to make money. So it will kill the use. With that said, I'm going to have to vote no."

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

Supervisor Kozakiewicz: "There's been a lot of discussion on

this one, too, and clearly zoning is a living type of thing. If things change and the intentions of the parties, meaning us or prior people who sat and our position was to see a certain thing happen. I know when the country inn started, and I'm not making any comment about what happened out there at all because that's not the case. I know there was a very nice building built and it may have not been what some people believed it to be.

I think, however, we have to re-visit the issue. I think we had to take a look at it and this is an effort to re-visit code changes and re-visit the zoning ordinance as time comes along.

I am a little concerned about the number of rooms allowed but there's nothing that's going to prevent us from, down the road, should we find out that it's not working or not having any ability to move forward, out, in the real world, we can come back and re-visit this issue again and say, well, gee, it's not quite working the way it is now. We can tweak the code a little bit more, change the code, allow 30, 40 rooms, whatever the number is, to see if it will work and become economically viable. We've been told it won't, but we don't know that until we take a stab at it.

And this puts limits on accessory uses which I think is good. It puts some other constraints and guidelines into it as far as the type of building construction materials. So I'm going to vote yes and hope it works. If it doesn't, I'm hoping that we can come back to it at a later date."

Barbara Grattan: "Okay, Resolution is adopted."

Resolution #457

Councilman Lull: "457 authorizes the Supervisor to execute an agreement with the County of Suffolk in connection with the installation of traffic control devices at County Route 105, Cross River Drive, at Riverside Drive, Indian Island Golf Course in the Town of Riverhead. So moved."

Councilwoman Sanders: "I'd rather before I second it, suggest that we table this resolution. Isn't this the resolution on the traffic circle on County Road 105 that we wanted to table?"

Supervisor Kozakiewicz: "This one is the intersection that leads into the golf course."

Councilman Densieski: "Riverside 105."

Supervisor Kozakiewicz: "I mean we can move this. There's no discussion on a motion to table. If there's a second to table, we can move forward. I think-."

Councilwoman Sanders: "Okay. Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, no; Blass, no; Densieski."

Councilman Densieski: "What this is going to do is stop the left hand turns into 105 or proposes to stop the left hand turns into 105 and I applaud the county for doing something but I don't think this is the solution. This is going to put an undue burden on other residential areas such as Hubbard Avenue.

I do believe we have to do something but I don't think this is it. The reason we have to do something is because people have died there and people are going to die there and public safety should be our first concern but I just don't think this is the answer so I'm going to have to join my colleagues and vote no."

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

Councilman Lull: "Yeah, I think what Ed said about redirecting the problem to other locations, notably Hubbard Avenue, and even more than that, to the incredibly dangerous intersection at 25 and 105, does not really make sense. There needs to be a better way of going about it.

Also, this would redirect half the large trucks that go to our sewer plant- to our scavenger waste plant. It would redirect half of them to have to make U-turns, the ones that are coming from the south- to have to make U-turns either at the county park which is an unfortunate choice for a tractor trailer, or at Hubbard Avenue which has a very dangerous exit ramp.

The answer to the problem, we all know the answer to the problem, the county won't do it. The road is engineered wrong. The dip where it crosses over Saw Mill Creek should not be anywhere near as low as it is. It should have been raised at that point or the rise as you come off that culvert, shouldn't be as high. It should be- should have been instead of made into a hill, it should have been made into a

gradual slope up the Riverside Drive. Therefore, people could have seen the intersection.

At this particular point, the intersection exists so that if you are traveling 55 or 60 miles an hour and heading south on 105, by the time you clear the rise and can see Riverside Drive, you can't stop for it. It's very badly engineered and I think it needs some more work by the county.

There are some better things that can be done immediately. The county did put up traffic lights to indicate to people that there was something coming up that was potentially dangerous, but they have never moved the signs to be back prior to the hills so people can see them before they get to the top of the hill but there are other things that need to be done.

But I believe a re-engineering of the culvert or, in fact, a leveling of the road is what is really is going to be called for. I don't know how long we're going to wait for that from the county but that's really what's necessary. This is not going to solve it. No."

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

Supervisor Kozakiewicz: "I'm going to say it a lot briefer. No."

Barbara Grattan: "The resolution is not adopted."

Councilman Lull: "We've had the conversation today."

Resolution #458

Councilman Lull: "Dam Road canoe access ramp capital project budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "Just quickly. Unless you own a canoe or a kayak you probably are unaware of what we did up there. There's a beautiful little launching site and you should take advantage of it if you are a canoer or a kayaker. Yes."

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

Councilman Lull: "Yes. It's really very, very nice. And this Dam Road- D-A-M. Yes."

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

Resolution #459

Councilwoman Sanders: "It's a general fund budget adjustment. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "Is the first item, the appropriated fund balance- I'm not- is that supposed to be \$121,500?"

Supervisor Kozakiewicz: "That's what it's supposed to be. They still didn't get the comma in the right spot."

Councilwoman Sanders: "Okay."

Supervisor Kozakiewicz: "So you are absolutely right."

Councilwoman Sanders: "I wasn't quite sure what that amount of money was."

Supervisor Kozakiewicz: "That's what it is. It's \$121 comma 500."

Councilman Lull: "Never noticed."

Councilwoman Sanders: "Yes."

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

Resolution #460

Councilman Densieski: "CDBG Consortium 2002 budget adjustment."

Is that supposed to be 2002, Bob?"

Supervisor Kozakiewicz: "Yes, it is. Yes."

Councilman Densieski: "2002 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."

Resolution #461

Councilman Lull: "Authorizes the Supervisor to enter into between the Town of Riverhead and Central Suffolk Hospital for the acquisition, installation, and maintenance of two bus passenger waiting shelters and for the town to accept the conveyance from the hospital of certain real property related thereto. Yes. So moved."

Councilwoman Sanders: "Ed, yoo-hoo."

Councilman Densieski: "Oh, I'm sorry. Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

Councilman Densieski: "Sorry, Jim."

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

Resolution #462

Councilwoman Blass: "This resolution is an order calling a public hearing for extension No. 1 River- excuse me- the Calverton Sewer District. 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 #463

Councilwoman Sanders: "Order calling a public hearing for the Extension 75 to the Riverhead Water District at Calverton Enterprise Park. 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 #464

Councilwoman Blass: "This resolution appoints Scott Sulzer as a laborer in the Buildings and Grounds Department. 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 #465

Councilman Lull: "Appoints Haywood Bullock as temporary secretary to the Board of Assessment Review. 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 #466

Councilwoman Blass: "This resolution appoints two temporary clerks in the Tax Receiver's Office, Dillon Palmer and Gregory Sanders. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #467

Councilman Lull: "It says appoints recreation personnel salaries but I believe it should say adjusts recreation personnel salaries. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "I believe that we're going to move these through- "

Councilman Lull: "No."

Councilwoman Sanders: "No, these are different- not yet."

Supervisor Kozakiewicz: "Okay."

Councilwoman Sanders: "You jumped the gun."

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

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

Resolution #468

Councilman Lull: "Amends Resolution 176. 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 #469

Councilman Lull: "Amends Resolution 193. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "And seconded. Moved and seconded."

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

Resolution #470 to 489

Councilman Lull: "I will move 470 to 489 which are all appointments for temporary part time personnel in the Recreation Department for the summer."

Councilman Densieski: "I'll second it."

Councilman Lull: "So moved."

Councilman Densieski: "I'm sorry."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolutions are adopted."

Resolution #490 & 491

Councilman Lull: "490 and 491 appoints more temporary personnel to the Recreation Department. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, abstain; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The resolutions are adopted."

Resolution #492

Councilwoman Blass: "This resolution authorizes attendance at the Empire Zone conference. So moved."

Supervisor Kozakiewicz: "Is there a second, Jim?"

Councilman Lull: "I'm sorry, second."

Supervisor Kozakiewicz: "Moved and seconded."

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

Resolution #493

Councilman Lull: "Authorizes the attendance of a police officer to the 16th Colonel Henry F. Williams Homicide Seminar in Albany, New York. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "Let's hope we don't need them. Yes."

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

Resolution #494

Councilman Lull: "Approves request for leave of absence. 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 #495

Councilman Densieski: "Authorizes the Town Clerk to publish a help wanted as for a BINGO inspector. 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 #496

Councilwoman Sanders: "Awards bid for snack vendors. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Lull: "Question for a second. Either Rose or Supervisor. Is this an exclusive? In other words, is the snack vendor we are contracting with for Stotzky Park the exclusive vendor for Stotzky Park?"

Councilman Densieski: "Yeah. I think he's paying for that right."

Supervisor Kozakiewicz: "There was- I think we are allowing for the sale of beverages."

Councilman Lull: "Okay. There are people who are cooking and selling on outdoor grills up there at certain times of the day, usually on Sunday when it's adults being up there and we have not-traditionally have not had a code enforcement officer on Sunday. But I would ask you to- "

Supervisor Kozakiewicz: "Okay."

Councilman Lull: "I vote yes."

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

Resolution #497

Councilwoman Blass: "This resolution awards a bid for removal of household hazardous waste. 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 #498

Councilman Densieski: "Amends Resolution #360 of 2003 which awards a bid for Stotzky park basketball project. 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 #499

Councilman Lull: "Awards bid Riverhead Water District Birchwood at Wading River, Section 2. 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 #500

Councilman Densieski: "Awards a bid for the Riverhead Water District for Shade Tree Acres, Section 2. 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 #501

Councilwoman Sanders: "Extends bid contract for well and pump emergency service for the Riverhead Water District. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "I just want to note that the vendor, that is Delta Well and Pump Co. has agreed to extend the contract until May 22, 2004 at the original bid amount. So I just thought that was worthy of mentioning. Yes."

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

Resolution #502

Councilman Lull: "Classifies the action on a special permit site plan of Lyrical Children's Preschool and refers petition to the Planning Board. 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 #503

Councilwoman Sanders: "Approves site plan of 31 Main Road Riverhead Corporation. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "The project didn't turn out the way I had hoped. However, I'm very appreciative of the efforts made by the principals of the project. With that said, I'll abstain."

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

Resolution #504

Councilman Densieski: "Approves the site plan of Calverton Enterprises, Inc. It's a Hess station on State Route 25 and 25A. 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 #505

Councilman Lull: "We're getting there."

Barbara Grattan: "Slowly."

Councilman Lull: "Approves the site plan of Quality Affordable Landscaping, Inc., Pulaski Street, Polish Town. So moved."

Councilwoman Sanders: "And seconded."

Councilwoman Blass: "Discussion."

Supervisor Kozakiewicz: "Moved and seconded. Discussion."

Councilwoman Blass: "I believe when we talked about this at work session, there were two conditions that we had hoped would be incorporated into this site plan, one being that there would be no outside storage and second that the trees, even though they were designated on the map itself, that they were to remain. We wanted to- "

Richard Hanley: "There was an agreement."

Councilwoman Blass: "-- have that as a covenant."

Richard Hanley: "So could we add- "

Councilwoman Blass: "So could we amend those at the- "

Richard Hanley: "-- a couple of those conditions? Was it 15 and 16, those conditions? No outdoor storage and no tree removal on

the site."

Supervisor Kozakiewicz: "Okay. So is there a motion to amend?"

Councilwoman Sanders: "There was a motion- I make a motion to amend."

Supervisor Kozakiewicz: "Okay."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Okay. Vote on the amendment."

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

Barbara Grattan: "Have you got that written down?"

Supervisor Kozakiewicz: "Well, that was just on the amendment. I want- just to do the amendment and then we'll vote on the resolution as amended. I'm sorry. Got a little confusing. Okay? Now the actual vote as on the resolution as amended."

Councilman Lull: "It's already been moved."

Supervisor Kozakiewicz: "Yeah, it's been moved. So, vote, please."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "Yes. And I just want to make a comment. This should help the revitalization of that area and it's a new business coming to the Polish Town area so I- it's an attractive building."

Councilman Densieski: "Good point."

Supervisor Kozakiewicz: "So I want to just make those comments. Now we're just going to have to get out sign out of there."

Councilman Densieski: "Our signs are there?"

Supervisor Kozakiewicz: "Yeah. Yes."

Councilman Densieski: "Do we have a permit?"

Councilman Lull: "It's going to be in Polish- "

Supervisor Kozakiewicz: "I do."

Resolution #506

Councilman Densieski: "Approves the amended site plan of Phil's Restaurant and Sports Bar addition. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders."

Councilwoman Sanders: "Discussion."

Supervisor Kozakiewicz: "Discussion."

Councilwoman Sanders: "Similar circumstance. There was some additional language in this resolution that was to be in there regarding the occupancy of the second story and Mr. Hanley is on his way up to the podium and he is going to tell us what that language should be."

Supervisor Kozakiewicz: "You're busy today, Rick."

Rick Hanley: "Yeah."

Supervisor Kozakiewicz: "You're working up a sweat?"

Rick Hanley: "I've been more busy during- "

Supervisor Kozakiewicz: "It's warm in here."

Rick Hanley: "-- after Thursday would be busy tonight. I think what we had discussed was the fact that there is limited use of the second story. At one time I think it was used as a restaurant area and he maintained or the owner maintained at the work session that

that it no longer the case. It's only used as an accessory to the restaurant."

Councilwoman Sanders: "What does that mean?"

Rick Hanley: "So I think the concern was with respect to the seating as it related to the parking because the parking schedule in this district, I think there was some concern that restaurants typically park at one per three seats and in this particular district it's unique and the parking is one per 250 square feet. So I think we wanted to have language in the resolution that identified the fact that the upstairs seating is accessory seating to the downstairs restaurant use."

Councilman Lull: "Do you want to make that correction?"

Supervisor Kozakiewicz: "So what you're asking- "

Rick Hanley: "It could be a Whereas, Whereas it is- "

Supervisor Kozakiewicz: "Well, what you're going to do is you're going to add as further resolved or- "

Rick Hanley: "We could do it either way. We could do it as a Whereas that it's a finding of fact that you've made or you can make it as a condition. But I think a condition is going to get very cumbersome to enforce.

What you could say and Whereas the owner has maintained that upstairs seating is accessory seating to the restaurant use and will not impact upon the parking area."

Councilwoman Sanders: "And Whereas the owner has maintained that- "

Rick Hanley: "Whereas the owner has maintained that the upstairs seating is accessory seating to the restaurant use. It will not adversely impact upon the parking area."

Supervisor Kozakiewicz: "Okay. So- I've got an idea. How about this? Can we put this one to the side?"

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "It's moved and rather than try to do

this, move on to the other resolutions. You'll- "

Rick Hanley: "You want me to scribe it right now?"

Supervisor Kozakiewicz: "If you could and just the words you just put down so we all know what we're voting on?"

Rick Hanley: "Will do."

Supervisor Kozakiewicz: "Thank you, Rick."

Resolution #507

Councilwoman Blass: "This resolution appoints Valerie Marvin, Esq. as a hearing officer in the matter of a disciplinary proceeding against a town employee. 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 #508

Councilman Lull: "Authorizes the execution of a lease agreement between Kenneth Demchak and the Town of Riverhead. 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 #509

Councilwoman Blass: "This resolution authorizes Mary Hartill to act as Special Prosecutor for violations of the code of the Town of Riverhead. 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 #510

Councilman Lull: "Extends program leader appointment in the Riverhead Recreation Department. 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 #511

Councilman Densieski: "Authorizes the Town Clerk to publish and post a public notice to consider the purchase of a parcel located in the Town of Riverhead that being of Paul Esposito and Carole Dugan. 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 #512

Councilwoman Blass: "This resolution approves the application of Edward Densieski for the Agricultural Heritage Festival. Moved with enthusiasm, Ed."

Councilman Densieski: "Thank you, Barbara."

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 #513

Councilman Densieski: "Approves the site plan of Riverhead Post 273 which is the American Legion. 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 #514

Councilwoman Sanders: "Approves the application of Central Suffolk Hospital to have a holiday garden festival and plant sale in the parking lot on May 9 and May 10 between the hours of 9 and 5 p.m. So moved."

Councilwoman Blass: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Supervisor Kozakiewicz: "And not a bit too soon. May 9 and May 10. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #515

Councilman Lull: "Extends the full time status of part time clerk typist through May 23, 2003. 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 #516

Councilman Lull: "Mr. Supervisor, I'd like to move that we table this."

Supervisor Kozakiewicz: "After all the work to get this resolution here?"

Councilman Lull: "Yeah."

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

Councilman Densieski: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded to table."

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

Supervisor Kozakiewicz: "I guess something came up subsequent to discussions. I want to apologize to staff members who worked hard to get this resolution up here and I vote yes to table."

Barbara Grattan: "Okay. Resolution is tabled."

Resolution #517

Councilwoman Blass: "This resolution amends the findings statement and special permit petition of Riverhead Marquee."

Supervisor Kozakiewicz: "No. 517. 517."

Councilwoman Blass: "Sorry. Wrong one. I wondered why that- whatever happened."

Supervisor Kozakiewicz: "517."

Councilwoman Blass: "I went from 516 to 518. Thank you. Okay. Thank you. This resolution authorizes the Town Clerk to publish and post public notice of public hearing to consider the proposed Local Law for an amendment of Chapter 101 Vehicles and Traffic of the Riverhead Town code, 101.10. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass."

Councilwoman Blass: "Yes. I just want to mention for the Board's edification that this is what we- half of what we talked about at the work session with respect to the signs in South Jamesport. We put them- we are going to put them into two separate resolutions so this is half of what we considered. Yes."

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

Resolution #518

Councilman Densieski: "Amends findings statement for the special permit petition of Riverhead Marquee, LLP. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, no; Blass, no; Densieski, yes; Lull, yes; Kozakiewicz, yes. That resolution is adopted."

Resolution #519

Councilman Densieski: "Approves the special permit petition of Route 58 Riverhead LLC for the Riverhead Marquee Plaza. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, no; Blass."

Councilwoman Blass: "No. In light of the fact that we've already approved the theater under a separate resolution, I vote no on this resolution."

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

Resolution #920

Councilman Densieski: "520 you're talking about, right?"

Supervisor Kozakiewicz: "520."

Councilman Densieski: "Okay. Approves phased site plan of Grumman Park Phase II. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Kozakiewicz: "Moved and seconded."

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

Councilman Densieski: "Yeah. I'd just like to mention Joe Van de Wetering and Steve Kirschenbaum for all the hard work they did to make that a beautiful park and it's going to be an even nicer and bigger park. Yes."

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

Resolution #921

Councilman Densieski: "Approves the application of the Riverhead Business Improvement District Management Association for a car show and a 50/60's music. 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 #922

Barbara Grattan: "Resolution to pay bills is 522."

Councilman Lull: "So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Lull, yes; Kozakiewicz, yes. The bills are paid."

Supervisor Kozakiewicz: "We've got to come back to 506. Rick, keep you going. Thank you."

Rick Hanley: "I have some proposal language on that."

Supervisor Kozakiewicz: "Shoot."

Rick Hanley: "Could we add a Whereas that states: Whereas the petitioner has maintained that all upstairs seating is accessory to the principal restaurant use and it is the finding of this Board that such accessory seating will not adversely impact on the functioning of the proposed parking area."

Councilwoman Sanders: "Fine."

Rick Hanley: "The upstairs seating- what this is saying in a round about way, it's not restaurant seating with tables where there's waitress service. There's lounge type seating."

Councilwoman Blass: "I guess they go upstairs- those that have dinner downstairs apparently go upstairs for dessert."

Rick Hanley: "I wouldn't know but they go upstairs and have a cigar and a cognac."

Councilwoman Blass: "Okay."

Supervisor Kozakiewicz: "Accessory to. All right. So you're going to provide that language?"

Rick Hanley: "I'll give it to the Clerk."

Supervisor Kozakiewicz: "Okay, very good. Any other discussion? Okay, so we're going to vote with that additional Whereas in the resolution. Correct? Vote, please."

The Vote: "Sanders."

Councilwoman Sanders: "Yes, as amended."

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

Barbara Grattan: "I have no more resolutions."

Supervisor Kozakiewicz: "Thank you. Thank you. That being the case, it's now time for public comment. Barbara, do we have any cards?"

Barbara Grattan: "I- "

Supervisor Kozakiewicz: "Or you forgot to bring them out? Mr. Clark."

George Clark: "Good evening. I'd like to inform you- "

Barbara Grattan: "Could you please state your name?"

George Clark: "George Clark, Wading River. I'd like to inform you of the progress with the safety of Great Rock golf course since the last time we spoke.

As you can see by the documents I have given you, Great Rock is well on their way to completing their new halfway house. Tied to that site plan change are the safety changes on hole 7, 17 and 18.

As of today, none of the safety concerns have been addressed to protect the general public. When the site plan changes were approved, I asked you if Great Rock could build the halfway house and let the safety lag. And you said it would not be in Great Rock's best interest to act that way.

Great Rock's action is no surprise to me or any other neighbor who has tried to deal with them in the past two years. None of the residents of the area are opposed to the golf course but we are all opposed to the constantly living in the fear of serious injury.

Great Rock is not even trying to be a good neighbor with the actions they are taking. This week they were on two separate occasions served with two criminal complaints due to excessive noise levels witnessed by two Riverhead policemen before 7:00 a.m.

Since Great Rock has no interest in being a good neighbor, I implore you to instruct the Town Attorney to obtain an injunction to stop the play on holes 7, 17 and 18 until Great Rock makes public safety a priority. Thank you very much."

Supervisor Kozakiewicz: "Thank you. Anybody else who would-

yes, sir, you want to address us?"

From the audience: "I want to go- I'm waiting for (inaudible)."

Supervisor Kozakiewicz: "We're done with resolutions, sir. This is open comment period. You have five minutes. Your name and address for the record, please."

Charlie Cohan: "My name is Charlie Cohan from Long Island Ice Cream. It was on the extension for Stotzky Park."

Supervisor Kozakiewicz: "Right."

Charlie Cohan: "I was higher bidder on it. I noticed on the paperwork you guys awarded it to Leroy Hines (phonetic). I want to understand why, why? If I'm the higher bidder, how can you give it to a lower bidder?"

Supervisor Kozakiewicz: "Well, by law, it's lowest responsible bidder. I'm not sure. This was the recommendation given to us. You know what we'll do? Give us your name to Joey McClellan here. I'm going to ask him to take your name and address, we'll follow up with you tomorrow to find out the information."

Charlie Cohan: "Good. I've been calling for the last couple weeks and nobody's given me straight answers and stuff like that. I've been calling and I really want to understand the reasons why because I do have a responsible business. I am-- Riverhead Raceway, 22 years I'm there. I do all your street vending fairs out here. Leroy Hines is no better than I am. We both have the same type of business, the same quality of business and there's no reason why he should have this park when I outbid him reasonably and legitimately. And if that's the case why it was done that way, that is not right at all. And that means this town is not being fair. It's not being fair for an open bid thing, for a person to have the rights to bid on something when you guys just give it to whoever you want."

Supervisor Kozakiewicz: "As I said, you give your name and address to Mr. McClellan. I'll give you- we'll follow up with you tomorrow, sir."

Charlie Cohan: "Thank you."

Supervisor Kozakiewicz: "Okay? Anybody else who would like to

address- Mr. Brown, please."

Ralph Brown: "Good evening. Ralph Brown from Riverhead. I have a question. I thought that last meeting we had, we had a public hearing on development rights, purchase of development rights for two parcels up in our area, up in- have they been voted on yet?"

Councilman Densieski: "No. I think he's talking about Krupski's. Are you talking about Krupski's, sir?"

Ralph Brown: "Krupski's and also (inaudible)."

Supervisor Kozakiewicz: "Well, we took them off the floor. My recollection is that because there was no comment, adversely, there was a motion to take them off the floor and we took them up that same night, that evening. So to approve it to go forward. I have a cheat sheet here somewhere that says what parcels- it doesn't say if it was accepted. It just calls out there was a public hearing on the 15th for both Krupski and (inaudible). We're going to have to- I thought we did that at the end of the public- at that meeting night, Mr. Brown. Can we- if you stick around, I'll see if we can get an answer for you. I'll go back to the resolutions and, hopefully, get an answer to you before you leave tonight."

Ralph Brown: "All right. I'd just like to make a couple comments on that, if I may."

That property (inaudible) and that's right across the street from my home and I've lived there for more than 60 years and in fact my father and some other men went in there with hand saws and pick axes and they cut down trees and dug up some stumps there in order to make that new ground for farming. And so we're just elated that that land has been purchased, the development rights have been purchased. We're really delighted about that. We've been waking up for the last 60 years hearing those John Deere tractors running out there and they sure beat hearing a cement mixer out there building a house. So we're really happy about that.

There was a farmer back there more than 60 years ago and his name was Henry Kwasneski (phonetic), like Kwasna, Kwasneski, and I'm not really sure if he owned that property but some of my family worked for Mr. Kwasneski and so that's sort of like home to us. We've been there so long right across the street from this property.

And then down the road is Mr. Krupski, Mr. Ed Krupski, and we're

very happy with Mr. Krupski, always have been up that way. Years ago when things were kind of tough and you weren't really sure where your next meal was coming from, you could always go down to Mr. Krupski's and get vegetables and potatoes, etc., in dead winter. And I think the record should show that the kind of people that are preserving this land, they're really good people. People who have been good neighbors, who have looked out for those who are in need and I certainly compliment Mr. Krupski and also Mr. (inaudible) for selling those development rights.

I think if you- last fall I was in Mr. Krupski's yard and I was just down there talking and we went outside of the house and we looked at his property and I think if you were to go down Northville Turnpike, just past his house and looked north, I think you'll see the prettiest piece of land on Long Island. And I hope that that's not- I hope that what's been preserved, I hope that we'll be working on preserving that land. What a beautiful piece of land it is."

Supervisor Kozakiewicz: "Okay. Just so the record is clear. We did take them off the floor in order to accept the offer of development rights for both Krupski and (inaudible). Now what will happen is the contracts will be drafted, the title work, the surveys. We haven't closed yet, but the process is definitely going forward."

Ralph Brown: "Thank you very kindly."

Supervisor Kozakiewicz: "You're welcome."

Councilman Densieski: "Mr. Brown?"

Ralph Brown: "Yes?"

Councilman Densieski: "I know you are tired now. Do you shoot golf balls over there?"

Ralph Brown: "Not really."

Supervisor Kozakiewicz: "On Mr. Krupski's piece he might. Take care."

Ralph Brown: "All right. Thank you."

Supervisor Kozakiewicz: "Okay. Sid Bail."

Sid Bail: "Good evening. Sid Bail, Wading River Civic

Association. Two things I'd like to comment on. One is I hope you can do something to help George Clark out. And he's a very decent man and a very- he doesn't really deserve this. No one really deserves this. And, you know, I don't know what the magic solution is but, you know, he's been a gentleman about this and, you know, but something really should be done.

Second, airpark rules and regulations. All right? I've been trying to follow the bouncing ball, you know, going to the work sessions. I know you guys are talking about looking at the zoning, re-clarifying or re-defining it, etc. Where does that leave the airpark rules and regulations that were the subject of the April 15th public hearing?"

Supervisor Kozakiewicz: "Same as they've been heretofore. The hearing was closed on the 15th of April. The written comment period is left for one month. And, of course, all the comments will be assembled and digested by the Board."

Sid Bail: "Even if they're indigestible."

Supervisor Kozakiewicz: "Even if they're indigestible, even if we get sick trying to digest them. And we'll try again."

Sid Bail: "Okay. Thank you."

Supervisor Kozakiewicz: "You're welcome. Joan Griffin."

Joan Griffin: "Good evening, Joan Griffin, Baiting Hollow. Question for you, an easy one. May 20th's meeting is at 7 p.m. here or Aquebogue?"

Supervisor Kozakiewicz: "I believe it's Aquebogue. Did we say Riverhead because that's the same night as the Assessor's, right? Okay."

Joan Griffin: "Okay. And in the meantime, the proposal that was made back on April 4th about the Crown situation by you, Mr. Supervisor, where- "

Supervisor Kozakiewicz: "I've heard loud and clear that the people around Crown don't want it to be expanded on the dog pound property that's been exchanged and- "

Joan Griffin: "So that's a dead proposal?"

Supervisor Kozakiewicz: "That was something that I thought might resolve some of the issues that you addressed as a group about the traffic and the vehicles but it's obvious that it was not well received and I think what I heard loud and clear from the community is 30% lot coverage, whatever they have to do to comply with zoning but nothing more."

Joan Griffin: "Okay. And the original paperwork that Crown did for rezoning and special permit, where does that stand now?"

Supervisor Kozakiewicz: "It's still pending. They haven't withdrawn it."

Joan Griffin: "Okay. And that can sit forever type thing?"

Supervisor Kozakiewicz: "At some point, we would, I think this is one of Steve Haizlip's pet peeves. When he used to come, he used to always say at what point are you going to send him a letter and tell them their application is going to be withdrawn because they're not moving forward on it."

Joan Griffin: "Okay. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Hal Lindstrom. Leroy? Aquebogue. Okay. Hal Lindstrom. Thank you. Why am I not surprised? Hal Lindstrom, please."

Hal Lindstrom: "Good evening, Board members and Supervisor. I just had a question on the- I just forgot what I was going to say- on the YMCA. Is that going to- are they going to have a public hearing on that or- "

Supervisor Kozakiewicz: "We're way ahead of ourselves. And that's unfortunately what happens because all of this instantaneous and e-mail and internet stuff tries- kind of puts us- but we have an environmental impact statement. We have a project that we have to look at first and, of course, I think what they said at the last meeting when they came in is that they're now going to add an addendum that shows the YMCA as an alternative to the single family houses, 11 I believe. It's got to be analyzed before we even get close to calling for a public hearing."

Hal Lindstrom: "But that was brought up at a work session, the last- "

Supervisor Kozakiewicz: "It was brought up at a work session as just I think a FYI to let us know what's going on."

Hal Lindstrom: "Right. I don't know if any of you have read the article that Denise wrote in News Review. I think it reflects a lot of what the people feel on that particular project, that, you know, that the YMCA shouldn't be held out as a carrot to put in another shopping center especially on 58. We have quite a few shopping centers on there now, a number of stores. I really feel it would be in the best interest to put the YMCA in the downtown area. I mean, if you look at- "

Supervisor Kozakiewicz: "Unfortunately, the YMCA people and the people who are supporting it don't agree with you, Hal. That's the fact of the matter. They don't agree with that analysis and those thoughts and they don't believe there's enough property to do a Y downtown. So, you know, unless we can get movement one way or another, the Y is not coming to Riverhead or to Calverton nor to any of the hamlets."

Hal Lindstrom: "Well, if you look at other towns, I know when I lived in Riverhead- Bay Shore- they did have it in the downtown area which benefitted a lot of the people in the area. I just don't feel that the YMCA with their location, especially on 58 in a shopping center, you know, I'm not saying that it has to be right in the downtown area, but near the downtown area, if that's possible, especially when they're going to be putting in low income housing. A lot of the kids would benefit from it."

So- and anybody who's in approval of more shopping centers, just has to take a ride into Babylon and just go down Deer Park Road and see what it's like to have, you know, shopping center after shopping center, restaurant. I think there are more stores and restaurants on Deer Park Road than anywhere in the country. And you can see how, you know, just by adding a store or a shopping center and another shopping center, it can lose the rural character of this area. That's all I have to say. Thank you."

Supervisor Kozakiewicz: "Thank you, Hal. Anybody else who would like to address the Board? Yes, sir, come on up."

Ed Purcell: "Ed Purcell, Riverhead. I just have a couple of questions. The new red bricks that are being put around the town. Is that the town doing it?"

Councilman Densieski: "It was done by a grant."

Supervisor Kozakiewicz: "Are you talking about on Second Street?"

Ed Purcell: "Yeah- "

Supervisor Kozakiewicz: "That was part of a revitalization grant."

Ed Purcell: "Okay. Well, somebody has to go back on Second Street and refix it. On the corner of- "

Supervisor Kozakiewicz: "You broke it."

Ed Purcell: "Yeah. I broke it. It's by the Roanoke Lodge."

Supervisor Kozakiewicz: "Okay."

Ed Purcell: "On the corner of 2nd. It's on Roanoke Avenue, south of 2nd Street, the bricks are coming up."

Also is the town going to do anything about the Meyer's Pond on Main Street? Well, you know, because it's a mosquito breeding area. If you don't fill it in or something."

Supervisor Kozakiewicz: "Well, as far as the mosquito issue, if- I know that on that issue specifically because I've had many, many conversations with the town engineer, if there's any evidence of larvae, they throw a larvacide which is a pill in there to deal with it. So that is not a real risk."

Ed Purcell: "Plus there's ducks that are in there and that could be a problem. They could walk in Main Street, get run over by a vehicles and, you know."

Councilman Densieski: "They had baby ducks the other day."

Ed Purcell: "Yeah, there were. I saw them the other day."

Councilman Densieski: "Cute little buggers."

Ed Purcell: "Also, are you going to fix the sidewalks? There's a number of spots- actually right next to on Roanoke Avenue next to where they're putting the bricks in, the sidewalks are- and over by

the Methodist Church and over on the south side of Main Street."

Supervisor Kozakiewicz: "Actually, this probably is not going to sound very good. I don't know if I want to go down this road, but- "

Councilman Densieski: "You tell him."

Supervisor Kozakiewicz: "Yeah. Under state law and our town law, technically the sidewalks are the responsibility of the property owners. In the past, we've been somewhat, I think, good about going out and doing it but and we had talked about- "

Ed Purcell: "Well, I mean, because it's Main Street, it's not like it's, you know, in the outlying areas and the fact that we want to encourage people to come downtown."

Supervisor Kozakiewicz: "Absolutely."

Councilman Densieski: "I'd just like to add something else about the Swezey's property. That's their property, we don't own it. We are trying to get it back through legal mechanism but we really can't enter their property- "

Ed Purcell: "Okay. But is there any way you can force them to do something to maybe fill in a little more, put in a little more fill in there just so you don't- "

Councilman Lull: "If there's a health and safety issue like mosquitoes, we certainly can do that. Otherwise than that, no."

Councilman Densieski: "We're vigorously trying to get it back. I will tell you that."

Councilman Lull: "We'll get it back as soon as we can."

Ed Purcell: "I understand that. Something else. Oh, also, do you meet on a regular basis because I haven't lived in town in about 10 years."

Supervisor Kozakiewicz: "Every Thursday we have a work session."

Ed Purcell: "No, with Southampton town Supervisor."

Supervisor Kozakiewicz: "No, we just shoot each other across the river."

Ed Purcell: "Well, that's what I mean, you know."

Supervisor Kozakiewicz: "And I mean by, you know, comments, not literally taking out the guns like the Hatfields and the McCoys. No, actually I tease. Skip Heaney and I talk often time quite a bit, much more so than the prior Supervisor and I did."

Ed Purcell: "Well, I know that there used to be regular east end where- "

Supervisor Kozakiewicz: "There's an East End Supervisors and Mayors organization that meets regularly. There's also Suffolk County Supervisors Association that meets regularly."

Ed Purcell: "Well because there's a lot of problems across the river and until that gets cleaned up, downtown Riverhead is not going to change."

Supervisor Kozakiewicz: "I- you're preaching to the choir, especially to the guy all the way to the left."

Ed Purcell: "Yeah, I understand that."

Councilman Densieski: "And I didn't pay him to say that either."

Supervisor Kozakiewicz: "I bet you did."

Ed Purcell: "And also, how come there's so many empty stores in downtown Riverhead?"

Councilman Densieski: "There is?"

Ed Purcell: "Has there been a study?"

Councilman Densieski: "There is?"

Ed Purcell: "Yeah, just a couple. Well, I work as a salesman and in the past 10 years, I've worked all over the northeast, tristate area, and I've seen all kinds of areas that have been in worse shape than Riverhead and they've, you know, filled up the stores."

Councilman Densieski: "In 2000, there were 18 vacant stores. I think there's three left."

Councilman Lull: "Yeah."

Councilman Densieski: "1 East Main Street is revitalizing. 75 East Main Street. Which empty stores? We have Woolworth and- "

Councilman Lull: "No. There are several empty stores, Ed."

Councilman Densieski: "Not many."

Councilman Lull: "There's a handful of empty stores but during the last- "

Supervisor Kozakiewicz: "But we're eating into Mr. Purcell's times because he has five minutes and I'm going to ask him to sum up."

Councilman Densieski: "We're going to give him extra."

Supervisor Kozakiewicz: "Rather than get into a debate. See what you've created?"

Ed Purcell: "Hey, it's my legacy. And Mr. Densieski knows. I guess that's it for right now."

Supervisor Kozakiewicz: "All right."

Ed Purcell: "Okay, thank you."

Supervisor Kozakiewicz: "Thank you, Mr. Purcell. Anybody else who would like to address the Board? Not seeing anybody else wish to do so, declare the- is there a motion to adjourn?"

Councilman Densieski: "I'd like to give Mr. Purcell more time to tell us about Southampton. I was enjoying that. Motion to adjourn."

Meeting adjourned: 9:00 p.m.

Barbara Hutton
Town Clerk