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Minutes of a Public Hearing held by the Town Board of the Town of Riverhead, held in the Riverhead Town Hall, on Monday, August 15, 1994, at 7:00 p.m.

Present:

Victor Prusinowski,	Councilman
James Stark,	Deputy Supervisor
Frank Creighton,	Councilman
Harriet Gilliam,	Councilwoman

Also Present:

Robert Kozakiewicz, Esq.	Town Attorney
Barbara Grattan,	Town Clerk

Deputy Supervisor Stark called the public hearing to order at 7:05 p.m.

Public Hearing Opened: 7:05 p.m.

Deputy Supervisor Stark: "Let the record show that the hour of 7:05 has arrived. Will the Town Clerk please read the Public Notice."

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall, Riverhead, New York at 7:00 p.m. on Monday, August 15, 1994, to hear all interested persons who wish to be heard regarding the establishment of a community residential facility operated by the Aid to the Developmentally Disabled, Inc. for four adults to be located at 40 Cross River Drive, Aquebogue, New York."

Deputy Supervisor Stark called upon the Town Attorney, Robert Kozakiewicz, to explain the purpose of the Hearing.

Robert Kozakiewicz: "-- law, which is sometimes referred to as Padavan Law. Pursuant to Section 41.34 of that law, a sponsoring agency is required to notify the chief executive officer of a municipality in writing when they have selected a site for a community residential facility for the disabled.

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Further, the town of Riverhead and many residents previously have suggested that New York state proposals would be more effective if the agency worked with the town to identify for acquisition homes in need of rehabilitation. This would serve agency needs while raising local housing standards. There are numerous homes in the town of adequate size and location which could be acquired and substantially improved at a comparable cost to the purchase of new homes while providing a positive impact on the community."

Deputy Supervisor Stark: "Thank you, Andrea. With the Board's permission, I would like to make a comment.

It's very evident that the state governing agency at this particular time really is not got a lot of concern about this Public Hearing tonight, because they were notified that this particular Public Hearing was being held and have not chose to participate in it.

It has always been my feeling that the town is ready, willing and most able to cooperate with the agencies that would like to put handicapped homes, group homes, in the town of Riverhead. And all we have ever asked is that they cooperate with us rather than come in and tell us that they are placing a home in a particular area, but yet to come in and say where do you find in the town of Riverhead, what particular area would you feel that this type of home would be best fitted?

Certainly my own personal feelings is that a group home for handicapped, mentally retarded or whatever you want to call it, is not any four lane major highway where traffic is at an exceedingly high speed.

There is no possible way that this particular group of individuals again can interreact with a community without some transportation to downtown business areas. They are kind of isolated out in the country. Maybe that's what they're seeking. I for one feel that they would be better served within the mainstream of our community, not out in the farm area. I think it's very dangerous out there but, again, my point being that it is again the state, through their state jurisdiction which supersedes ours, again, has refused to cooperate with this town as they do with other towns, and I noticed that this particular time they are having a battle out in Southold where they determine where they are going prior to asking the town for their help.

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In this instance, the sponsoring agency, Aid to Developmentally Disabled or ADD notified the Supervisor's office by letter dated July 12, 1994, that they had an interest and intention of establishing such a community residence in the town of Riverhead, in this particular case, 40 Cross River Drive, which is approximately 755 feet south of Sound Avenue. The site, if-- well, there's nobody here, is south of Briermere Farm Stand, approximately 800 feet.

Unlike other Town Board hearings, the applications or alternatives available to the town are spelled forth in the Mental Hygiene Law. In this instance, the town must, within 40 days of receiving notice, respond to the sponsoring agency as well as to the state Department of Mental Hygiene as to one of those three alternatives.

In this instance, the three alternatives under the Mental Hygiene Law are to approve the site as recommended by the sponsoring agency, the second is to suggest one or more suitable sites within the jurisdiction and within the town of Riverhead in this case which could accommodate such a facility, or object to the establishment of the facility of the kind described by the sponsoring agency, because to do so would result in such a concentration of community residential facilities for the mentally disabled in the municipality or in the area in proximity to the site selected, or a combination of such facilities with other community residences or similar facilities within the municipality would be of such a nature and kind that it would substantially alter the nature and character.

This is the purpose for which the meeting has been called. Andrea has been kind enough to put together some statistics for the town and for this Hearing as far as this particular facility is concerned, and I would at this point in time turn it over to Miss Andrea Lohneiss of the Community Development."

Deputy Supervisor Stark: "Thank you, Robert. Andrea, please."

Andrea Lohneiss: "Having held several hearings pursuant to the Padavan Law over the past two years and considering the figures before us today, it's clear that the town of Riverhead is bearing far beyond its share of the cumulative impact of group homes, institutional living facilities, and nursing homes.

Specifically, institutions located in the town of Riverhead

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include Central Suffolk Hospital, Little Flower, Riverhead Correctional Facility, and Suffolk County Honor Farm. Nursing homes include Central Suffolk Hospital, the Henry Perkins, and the Riverhead Nursing Home. Group homes located in the town of Riverhead include Timothy Hill, South River Road, Calverton, Hilton Court, South Jamesport Avenue, Little Flower, Sound Shore Road, Middle Road, Roanoke Avenue, Lincoln Avenue, Washington Avenue, Elton Place, Harrison Avenue, Love-M on west Main Street, Main Road, Aquebogue, Bayview Hotel, South Jamesport, Little Flower, Madonna Heights, Corwin Street, Middle Road, Timothy Hill and Madonna Heights in Wading River.

Viewed as a percentage of total population in comparison with surrounding towns, the significance of Riverhead's burden becomes apparent. The number of persons housed in licensed settings in the town of Riverhead is 2009 to a population of 23,011 or 9.08%.

On the board here, you can see that Shelter Island has zero facilities at this time, or zero per cent of its population. East Hampton has 58-- a capacity of 58 or .36% of its population housed in such facilities. Southampton has 468 individuals housed or 1% of its population. Brookhaven town has 5,430 or 1.3% and Southold town has 342 or 1.7%.

The contrast in these numbers is striking and while the town is sensitive to the needs of the state in placing institutionalized individuals in group homes throughout the county, and to the needs of these individuals to live as close to normal lives as possible, the impact of the tax-exempt properties on town and school district revenues is significant, equating to an estimated \$30 million loss in assessed value.

Graphically, the colored parcels shown on the map of the town are presently receiving one of several types of tax exemptions. Only the parcels shown in white are being taxed at full value and are supporting more than their fair share of the costs of operating the town and school district.

The town's position is, therefore, that the municipality, as compared to those by which we are surrounded, bears an overwhelming burden of support for the individuals needing and deserving state care. New York state should try to achieve a balance between communities when distributing its social services.

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It's an unfortunate circumstance. It's a circumstance that I think could be avoided by simply communicating. So I want the record to show that the state of New York, that the Aid to the Developmentally Disability, Inc., again, is not even interested enough to come in and communicate through our Public Hearing. But, again, will force any particular facility down this community's throat of which this particular community has well demonstrated by Andrea and Bob Kozakiewicz, Andrea Lohneiss, that this community has done its fair share and is in ratio to the five eastern towns and our neighboring town to the west, far exceeding above their percentages.

At this particular time, prior to asking the Board for any comment that they may want to make, is there anybody in the audience that would like to make a comment on this particular Public Hearing tonight?

Ma'am, we are going to do this so we get you on the record. If you walk up here-- we have to have a Public Hearing. We have to have people on the record. Nothing to be afraid of or anything else. We have to develop a record here. This is an official Public Hearing. Feel comfortable. Relax."

Ginny DiNunzio: "Do you want me to state my name?"

Deputy Supervisor Stark: "Yes. Your name and where you live."

Ginny DiNunzio: "Ginny DiNunzio, Wading River. I'm just curious as to why Riverhead-- the town of Riverhead, has such a predominance of state mandated and tax exempt situation as opposed to the other towns, and what makes the difference of whether a facility is tax exempt or not tax exempt?"

Councilman Prusinowski: "They purchase it as tax exempt. They lease it, they probably-- . My experience with these programs, if they purchase it and it's owned by a non-profit organization such as this one that is proposing this home, they don't pay any property taxes. If they lease it, they do pay property taxes."

Ginny DiNunzio: "So the agency itself is not-- purchases the property."

Councilman Prusinowski: "Right."

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Ginny DiNunzio: "And because the agency itself is tax exempt."

Councilman Prusinowski: "Exactly."

Ginny DiNunzio: "Okay, so there are private agencies and then there are-- "

Councilman Prusinowski: "Public."

Ginny DiNunzio: "Public agencies which are run by the state or-- ."

Deputy Supervisor Stark: "Either run by the state or subsidized by the state."

Ginny DiNunzio: "I see. Thank you."

Deputy Supervisor Stark: "Thank you. Is there any member of the Board at this particular time that would like to make a statement of any sort or another? Harriet."

Councilwoman Gilliam: "Just that I concur with Councilman Stark's assessment of the situation and I think it's also very telling that ADD is not here nor is the state here in terms of explaining how they intend to address issues such as transportation and providing access to necessary services, rehabilitation, or shopping, or recreational types of activities for the individuals who may be housed in this area. As was stated, that this is a pretty remote location and the state in times past has demonstrated that they-- that they do have some sort of a plan or system worked out whereby they would provide adequate transportation to ensure that the individuals can live a full well-rounded life, and their absence this evening is hard to assess whether the individuals if they were to be located at this particular location would have those benefits."

Deputy Supervisor Stark: "I would also like if you would put into the record, Robert, your indication of sending the state notice of these meetings here tonight by fax, so that the record can show this."

Robert Kozakiewicz: "This is with respect to the state."

Deputy Supervisor Stark: "Notifying of the Public Hearing."

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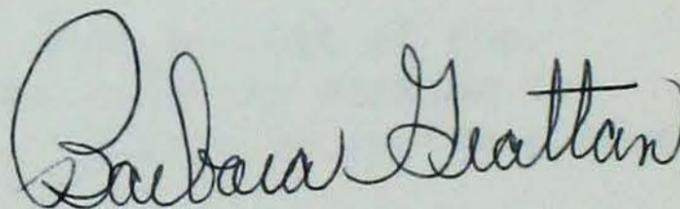
Robert Kozakiewicz: "They were notified, by fax, a fax was sent to them late, admittedly, August 12th. The Aid to Developmentally Disabled were provided with a certified copy of the resolution which would have been around the time that the matter was heard at the Town Board, which would have been on or about August 2nd, 1994.

The only other party who was notified in this instance was the office of Greg Blass. They were notified as well by fax."

Deputy Supervisor Stark: "Very good. Are there any other comments to be heard tonight? I would ask that these minutes be transcribed as soon as possible and tomorrow night I would ask that the Board recognize a resolution that these minutes and a copy letter be forwarded to our state legislators and the ADD, and a notice of our dissatisfaction with them that they didn't even have enough respect to come down here and partake in this. That's the way I feel. If the Board so feels, then we will prepare a resolution for tomorrow night's Town Board meeting.

If there are no other comments, without objection, I declare this Hearing closed."

Public Hearing closed: 7:20 p.m.



TOWN CLERK