

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Riverhead Town Hall, Riverhead, New York, on Tuesday, January 18, 1994, at 7:00 p.m.

Present:

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

Also Present:

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

Absent:

Joseph F. Janoski,	Supervisor
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Councilman Stark called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Councilman Stark: "Is there a motion to approve the minutes of the Regular Meeting of January 4th?"

Councilman Prusinowski: "So moved."

Councilwoman Gilliam: "Seconded."

Councilman Stark: "Moved and seconded."

The Vote: Gilliam, yes; Stark, yes; Prusinowski, yes. 3 Yes.

REPORTS:

Sewer District	Discharge Monitoring Report for December, 1993
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Receiver of Taxes	1993 Collections Report for water \$1,494,814.25;
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landfill - \$1,220,535.97;
scavenger waste - \$486,916.00
Total collections for the month of
December, 1993, \$253,057.75 (water,
landfill and scavenger waste)

Receiver of Taxes

Taxes collected as of 1/14/94 -
(\$19,380,118.92)

APPLICATIONS:

None

CORRESPONDENCE:

Katherine Pugh

Writes that she does not feel that
she should be charged for Riverhead
Town water since she has her own
well and has no interest in Town
water

Nora M. Dirska,
Senior Citizens Club

Notifies Town of the officers of
the Nora M. Dirska Senior Citizens
Club

Nancy Neems

Submitting a letter of resignation
from the Riverhead Building Department
effective January 31, 1994

H2M Group

Letter tabulating the approximate
pipe footage of water mains in the
Riverhead Water District (168.3
miles or 888,697 footage)

County of Suffolk

Notices of enactment for zoning
actions in the Town of Southold -
Amended Zoning Ordinances
1. Section 100-284(H) (1) (g) Local
Law No. 26 of 1993
2. Section 100-31B - Local Law No.
27 of 1993

Councilman Stark: "Thank you. And there are no Public Hearings tonight. The Chair will recognize anybody in the audience who would wish to speak on any particular subject. Sherry."

Sherry Patterson: "Good evening. Sherry Patterson, 3 Madison Court, Riverhead, New York. I have some questions on Resolution #81. The Resolution calls for the appointment of an insurance manager and in reading the Resolution I find that a salary of \$29,388.49 a year plus benefits, which is a package of, I estimate about \$42,000, and I have a few questions regarding this position."

In the past, Bill Mullen performed the duties that are described in this Resolution for \$700 a month, and we are also currently paying \$25,000 administration fee to an associate of Gallagher & Co. for performance of many of the duties listed in this Resolution. I don't understand why we need this new position.

Two portions of this job description are duties that, by law, are supposed to be performed by the Town Clerk. I understand that the Town Clerk's office is understaffed and I think it would be more cost effective if they hired part time help there rather than creating this new position.

Where is the money coming from for this position? It's not in the budget. I spoke to a number of licensed insurance brokers about this issue and a number of them said that they or someone in their employ would have been interested in this job had they known about it. I heard it was posted in house and I don't know exactly what that means.

I'd like to go on record that I have nothing personal against Ed Kelly. I hardly know the man. But according to the New York State Department of Insurance, his insurance license has been revoked. How can he hold a position as insurance manager with no license?

According to New York State law, unless licensed as an insurance agent, insurance broker, or insurance consultant, no person, firm, association or corporation shall in this State identify or hold himself out to be an insurance advisor, consultant or counselor.

It seems to me that this job description has an awful lot of advising and counseling. Number 3 says, unless licensed as an insurance agent, insurance broker or insurance consultant with respect to relevant

kinds of insurance, no person, firm or association or corporation shall receive any money, fee, commission or thing of value for examining, appraising, reviewing or evaluating any insurance policy. There's a lot of appraising, reviewing and evaluating in this job description.

I would think that at the very least this job description, and Mr. Kelly's application, should be sent to the State Insurance Commission for a ruling on whether Mr. Kelly can, in fact, legally hold this position. Unfortunately, though it is obvious to me and I think everyone in this Town, that what is happening here is political patronage at its worst. It's bad enough when every job and appointment is given to a friend, relative, or committee person who supported the Republican team, but when positions are created as political pay-offs, I'm enraged, and I think the people of this community should be enraged. In these hard times when people are struggling to make ends meet and most notably pay their taxes, this is inexcusable.

In closing, I'd like to say I've taught my children to work hard and get an education so, hopefully, they would be able to get ahead in his world. Maybe I should have taught them instead in Riverhead, become a Republican committee person and a job would be made for you. Thank you."

Councilman Stark: "Thank you. Anybody else would like to approach the podium to make comments?"

Councilwoman Gilliam: "I would just like to make a-- recognize me to make a comment."

Councilman Stark: "I recognize Councilwoman Gilliam."

Councilwoman Gilliam: "I think that Miss Patterson raised a number of questions to which there was no response forthcoming from the Board, and many of these same questions I raised during the Work Session last Thursday, and I, likewise, received no response or rationale. But as of this afternoon when I spoke with the Insurance Department, I was informed that there is some activity investigation ongoing regarding this matter and certainly I have spoken to the Town Attorney regarding sending a copy of the job description to the Insurance Department to determine whether, in fact, there is a requirement that the individual performing these duties have and hold a license and be in good standing. So there will be some follow-up with regard to those

issues, but I think there is still some questions as to the rationale for the appointment in the first place when we do have Gallagher. We have a contract with them for a little over \$25,000 performing many of the same duties. And certainly in these times, we do not need a duplication of efforts at an additional cost to the taxpayers. So I have asked my fellow Board members for the rationale for this appointment and the only response I got from one of them was, yes, we're giving Ed Kelly a job, and I think that about sums it up."

Councilman Stark: "Is there any other comments from the audience at this particular time? Lauren, would you notify the Supervisor we are ready for the Resolutions."

At this time, Supervisor Janoski entered the Board Room at 7:15 to take up the Resolutions.

Councilman Stark: "Welcome back, Supervisor."

Supervisor Janoski: "We have two people that we want to recognize this evening for their contribution to the Town government, serving on two of our Boards, the Architectural Review Board, which was created as a result of the Wading River Hamlet Study, I guess about five, six years ago. A group of professionals who have volunteered their services to the Town to review all proposals for development and signs and in that manner try to see if we can do things the best way they can possibly be done.

One of the individuals is leaving that Board and that is Joan Rogers and we have a Resolution acknowledging Joan Rogers for five years of service on the Architectural Review Board.

WHEREAS, it is proper that the Town of Riverhead acknowledge the accomplishments of its citizens who give of themselves to serve the Town of Riverhead; and

WHEREAS, the Architectural Review Board of the Town of Riverhead is committed to preserving the rural character of the Town of Riverhead; and

WHEREAS, Joan Rogers is one of the original members of the Architectural Review Board giving her knowledge, expertise and insight to benefit the aesthetic character of the Town of Riverhead,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby extends their sincere thanks to Joan Rogers for her dedication and commitment to the Town of Riverhead.

I'd like to make that motion."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam.

Councilman Stark: "Mr. Supervisor, I ask that it be done by acclamation."

Supervisor Janoski: "So ordered by acclamation.

Also, we have-- is there another Resolution?

(inaudible)

So, Joan, why don't you come and-- "

Councilman Stark: "Joan, on behalf of the Supervisor and the Town Board of the Town of Riverhead, we'd like to present you with this Proclamation. We thank you very much for your service to the Town of Riverhead."

Joan Rogers: "Thank you very much."

Supervisor Janoski: "Thank you, Joan."

Resolution #64:

Councilman Prusinowski: "Public interest order extending the Riverhead Water District. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes;

Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #65

Councilman Stark: "Designates the official newspaper, so moved."

Supervisor Janoski: "Seconded."

The Vote: Gilliam, no; Creighton, yes; Stark, yes; Prusinowski, abstain; Janoski, yes. This Resolution is adopted.

Resolution #66

Councilman Creighton: "This reappoints a Bingo Inspector. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #67

Councilwoman Gilliam: "Awards bid for fuel oil to Quogue Sinclair Fuel, Inc. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #68

Councilman Prusinowski: "Appoints member to the Planning Board, Richard Spanburgh, \$4300 per year for a five year term. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "Mr. Supervisor, I would like to put a motion on the table to table this Resolution. There appears to be some conflicting information as to whether or not there was a recommendation from the Planning Board, and also, last Thursday, I had asked of Mr. Stark a list of all of the individuals who had applied for the position and, to date, I have not received that information, and I would propose that we table this Resolution regarding this appointment until such time as that information is forthcoming and we as a Board have discussed a recommendation."

Supervisor Janoski: "Motion to table."

Councilman Creighton: "I second that motion."

Supervisor Janoski: "Moved and seconded."

Councilman Creighton: "I don't see any reason why we can't get the full information before we go forward."

Supervisor Janoski: "Moved and seconded on the motion to table."

The Vote: Gilliam, yes; Creighton, yes; Stark, no; Prusinowski, no; Janoski, no. This Resolution is adopted.

Supervisor Janoski: "Motion to table failed. Now on the question."

The Vote (on the motion): Gilliam.

Councilwoman Gilliam: "No, for the reasons I stated in the motion to table."

The Vote (Cont'd.): Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes.

Resolution #69

Councilman Stark: "Appoints a member to the Zoning Board of

Appeals in the person of Otto Wittmeier (phonetic). So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "No, for the same reasons as to the appointment to the Planning Board."

The Vote (Cont'd.): Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #70

Councilman Creighton: "This Resolution standardizes the Town's Sewer District submersible pumps for purposes of bidding and acquisition. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #71

Councilwoman Gilliam: "Authorizes Town Clerk to publish and post notice to bidders to advertise for sealed bids for furnishing submersible pumping equipment and appurtenances for the Riverhead Sewer District. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #72

Councilman Prusinowski: "Authorizes Town Clerk to publish and post public notice to consider an amendment to Chapter 108 Zoning of the Riverhead Town Code. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #73

Councilman Stark: "Authorizes Town Clerk to publish and post public notice to consider an amendment to Chapter 108 Zoning of the Riverhead Town Code. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #74

Councilman Creighton: "This authorizes the Town Clerk to re-publish and re-post a notice to bidders to advertise for sealed bids for the purchase of street light and traffic signal maintenance parts. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #75

Councilwoman Gilliam: "Adopts Local Law to amend Chapter 103 Section 103-20(E) of the Riverhead Town Code. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #76

Councilman Prusinowski: "Appoints part time mini bus driver to Nutrition Center. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #77

Councilman Stark: "Appoints vice chairman to the Zoning Board of Appeals, Russell Kratoville. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "Again, I vote no. I think that this is again a situation where we should hear a recommendation from the chairperson of that Board and, again, there was no list of other names forthcoming."

The Vote (Cont'd.): Creighton.

Councilman Creighton: "I vote no for the same reason. In addition, I understand that there-- we have a vice-chairman on the Zoning Board of Appeals and there has been no such recommendation from the chairman to make a change in that and I believe this is purely ugly politics."

The Vote (Cont'd.): Stark, yes; Prusinowski, yes; Janoski, yes.
This Resolution is adopted.

Resolution #78

Councilman Creighton: "This accepts the performance bond of Son Mar Carting, Inc. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #79

Councilwoman Gilliam: "Accepts bond of Sunset Construction Co., Inc. for improvements of subdivision entitled Tall Trees at Wading River. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. This Resolution is adopted.

Resolution #80

Councilman Prusinowski: "Appoints provisional assessment clerk in Assessor's Office. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. The Resolution is adopted.

Resolution #81

Councilman Stark: "Appoints provisional insurance manager, Edward Kelly. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "I think this is one of those situations where the matter of principle should prevail. And even if you stand alone, I think it's important that you stand for what you believe is right, and I cannot, in good conscience, support the placing or giving this job to Ed Kelly as an insurance manager when, in fact, I have learned from the State that there is an investigation under way. The job was not posted to solicit interest from other people in Riverhead to see if they were interested and, again, I have not been given any rationale for why we need this additional position when we already have a contract with Gallagher Basset (phonetic) performing many of the same duties. I think that in light of all of these concerns, that at the very least, we should hold off on making this appointment until those questions have been resolved at the State level. As I said earlier, I have spoken to the Town Attorney about submitting a request for an opinion from the Insurance Department as to whether or not the duties of the insurance manager are viewed as being close enough to practicing or engaging in insurance business as to require a license, although Civil Service may not require that this position-- that the person holding the position have a license. I think it behooves us to get an opinion from the Insurance Department as well in light of the ongoing investigation and concerns that we have about this individual. For all of those reasons, I vote no."

THE VOTE (Cont'd.): Councilman Creighton.

Councilman Creighton: "I, too, vote no on this. We have been handling our self insurance program, the administration of it very well for years, where the paper work was handled by the eight people in the Accounting Office at no additional cost to the Town. In addition, for years we've had an insurance consultant for \$700 a month and, suddenly, for unknown reasons that turns into spending \$25,000 additional to contract out the administrative services, and in addition to that, this job which duplicates that function, will also cost really

a total of \$40,000, or more, considering the benefits involved. So in my mind, it's an unnecessary position. I believe that the contract out for \$25,000 was also unnecessary. Therefore, it's a waste of taxpayers money, and I vote no."

The Vote (Cont'd.): Stark, yes; Prusinowski, yes; Janoski, yes.
The Resolution is adopted.

Resolution #82

Councilman Creighton: "This appoints a Recreation Aide to the Riverhead Recreation Department. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #83

Councilwoman Gilliam: "Amends bid for office supplies. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #84

Councilman Prusinowski: "Budget adjustment for the Risk Retention Fund. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "Again I vote no as to-- this is the Resolution authorizing funding for the position of the insurance consultant and during the Work Session, one of the Council members made a statement that the position is merely a clerical position, but yet it's being placed on the administrative salary schedule, and alluded to the fact that similar positions-- similar functions are being performed by a deputy supervisor in Southampton. So I have some concerns about spending an additional \$41,000 for arguably a clerical position which may or may not be necessary and for those reasons, I vote no."

The Vote (Cont'd.): Creighton.

Councilman Creighton: "I vote no because this takes \$41,000 out of the Risk Retention Fund which is really taxpayers money that was saved up over a period of years to cover liabilities that the Town may face through lawsuits. And it's being used to create unnecessary positions. And in my mind it's unconscionable and I vote no."

The Vote (Cont'd.): Stark, yes; Prusinowski, yes; Janoski, yes.
The Resolution is adopted.

Resolution #85

Councilman Stark: "This is a budget adjustment for the acquisition and-- of the Suffolk Theatre. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #86

Councilman Creighton: "This authorizes the placement with the Town of Riverhead-- in the Town of Riverhead, of a Suffolk County Department of Labor youth in an out of school program, sponsored by and paid for through BOCES. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #87

Councilwoman Gilliam: "Authorizes the solicitation of bids for water service materials for use by the Riverhead Water District. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #88

Councilman Prusinowski: "Releases Parks and Recreation bond of Emil Breitenbach. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #89

Councilman Stark: "Authorizes the Town Clerk to publish and post a help wanted ad for Maintenance Mechanic II in the Lighting District in anticipation of the retirement of Larry Taylor. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #90

Councilman Creighton: "This appoints another Recreation Aide to the Riverhead Recreation Department. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #91

Councilwoman Gilliam: "This is a budget adoption for the 1994 Recreation Facilities Improvement capital project. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #92

Councilman Prusinowski: "This is a budget adjustment of General Fund. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, no; Prusinowski, yes; Janoski, no. The Resolution is adopted.

Resolution #93

Councilman Stark: "To pay bills."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Motion to pay the bills, moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "I vote yes with the exception of the payment to Ed Kelly."

The Vote (Cont'd.): Creighton.

Councilman Creighton: "I vote yes with the exception of the payment to Ed Kelly."

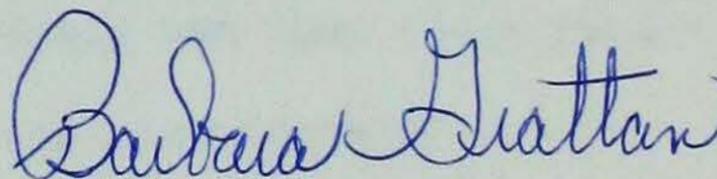
The Vote (Cont'd.): Stark.

Councilman Stark: "I vote to pay all bills."

The Vote (Cont'd.): Prusinowski, yes; on all the bills; Janoski, yes. Resolution is adopted.

Supervisor Janoski: "Without objection, this meeting is adjourned."

Meeting adjourned: 7:34 p.m.



Barbara Grattan
Town Clerk