

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, April 7, 1992 at 7:00 p.m.

Present: Joseph F. Janoski, Supervisor
 Victor Prusinowski, Councilman
 James Stark, Councilman
 Frank Creighton, Councilman
 Harriet Gilliam, Councilwoman

Also Present: Patricia Moore, Town Attorney
 Barbara Grattan, Town Clerk

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

Minutes were approved for a Special Board Meeting held 12/31/1991. Councilwoman Gilliam abstained from the vote as she was not a member of the Town Board at that time.

REPORTS:

RECEIVER OF TAXES Monthly report to the County Treasurer
 Total: \$22,745,092.70

BUILDING DEPARTMENT Monthly report

APPLICATIONS:

RIVERHEAD, JAMESPORT, AND WADING RIVER FIRE DEPTS. Parade permit application for 6/7/1992

DONALD R. PORTER MINISTRIES Parade and rally permit for 5/23/1992

AFRICAN-AMERICAN LEADERSHIP COUNCIL OF RIVERHEAD Parade permit for 8/22/1992

MARYHAVEN CENTER OF HOPE Bike-a-thon on 6/14/1992

SITE PLAN Fink's Country Farm House

SITE PLAN 1260 Old Country Road, Inc. (Mobile Oil)

CORRESPONDENCE:

PAM CHANCE-HERZING Writing Town Board regarding opposition to the Methadone Clinic

WILLIAM H. LARKIN Writing on the behalf of the Nassau-Suffolk Regional EMS Council, notifying Town of a public hearing to be held on 4/7/1992 with respect to the Application for Ambulance Service Certificate

S.C. DEPT. OF HEALTH Notice of Public Meeting regarding Brown Tide Comprehensive Assessment and Management Program on Tuesday, April 21, 1992 at 7:30 p.m. at the Riverhead County Center, Legislative Auditorium

SOUTHAMPTON TOWN CLERK Notice of Adoption of Local Law No. 4-1992. A Local Law Amending Chapter 292 (Subdivision Regulations) of the Southampton Town Code

102 PETITIONS Asking the Town Board to forward message to county and state officials in regard to the Methadone Clinic: "Stop dumping on Riverhead"

LEWIS G. GOLDSTEIN Offers letter of resignation as of 4/10/1992

Supervisor Janoski: "On the agenda is a reminder that the Riverhead Community Cookbook is available. It's available at the Recreation Dept. and the Town Clerk's Office for the price of \$7.00 and it says here what a great gift idea and by getting one you are helping to support and defray the cost of the Riverhead Bicentennial Celebration. There is one minute remaining till the first public hearing. I think we will just sit it out. Let the record show that the hour of 7:10 p.m. has arrived, the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:10 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to held at Riverhead Town Hall at 7:10 p.m. on Tuesday, April 7, 1992, to hear all interested persons who wish to be heard regarding:

THE SPECIAL PERMIT PETITION OF 422 REALTY CORPORATION TO EXPAND A PREEXISTING, NONCONFORMING USE BY CONVERTING AN EXISTING REPAIR FACILITY WITH A RETAIL CONVENIENCE STORE."

Supervisor Janoski: "Thank you. Is there anyone present representing the applicant?"

Allen Smith: "Mr. Supervisor, members of the Board, my name is Allen Smith and I do represent the applicant. What you have before you is a special permit application to include a convenience store in an existing gas station which is located on the westerly end of Route 58 on the south side of the road near what we commonly call Haegy's Truck Stop. The site is already improved by the gas station. The bays that have been used in the past for automobile repair are the bays being considered by this Board for inclusion as a convenience store. Assuming that the Board will view the application favorably, the repair facility

would be abandoned, and the convenience store would take it's place. I am present this evening for Mr. John Chase who is the owner and operator of the facility. Mr. Chase is not a stranger to this Board or the Riverhead Community. His track record has been proven as an operator of a class act. I would point to the Metro Station in Jamesport and the landscaping and the clean orderly fashion in which he conducts his business at that location. The Board can reasonably anticipate that Mr. Chase and his partners will operate this site in the same kind of way as he is operating the Jamesport site. Mr. Chase and others like him are independents, they are not Ameretta Hess or the like. The economics of operating a small, independent gas station have been changed dramatically, among other things, by Article 12. The upgrading of facilities, the requirement for removal of tanks, the vapor recovery, all the rest of that. As we know, some of our friends that we grew up with, like Warren Ruthinowski, have been forced out of the gas station business because of the economic pressures that are attendant to these upgrades. Long and short of it is, you can no longer operate a gas station under the old economics. It must have uses such as the convenience store or they are no longer viable to the community. Really what is before the Board this evening is somewhat of a misnomer. It talks in terms of the expansion of a nonconforming use. That's really not what you have before you. This site and this building are in fact a nonconforming gas station use at this particular location. In truth, the Zoning Board and the Planning Board of the Town of Riverhead have interpreted the Zoning Code of the Town of Riverhead, that a convenience store is included within a gas station use. So, really what we talking about is a blessing, if you will, of the removal of the bays and the oil repair business and supplanting that with a convenience store which is including within the definition of gas station, which is the preexisting use. If that is an issue and is not self evident in and of itself, you can find references to that interpretation both in the Planning Board letter that has been filed with this Board and in the staff report that includes this particular application as part of the record. Mr. Chase and I are here, and we'll answer any questions that anybody may have, but beyond that, that is the presentation. Thank you."

Supervisor Janoski: "Thank you Allen. Is there anyone present wishing to comment on the application of Metro to put a convenience operation in their station on Route 58? That being the case, and without objection, I declare the hearing to be closed. We have a minute before the next public hearing and I guess we'll sit that one out."

Councilman Stark: "Dick? Do you want to take up a minute?"

Supervisor Janoski: "Let the record show that the hour of 7:15 p.m. has arrived, the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:15 P.M.

Barbara Grattan: "I have affidavits of publishing and posting if a public notice for a public hearing to be held at Riverhead Town Hall at 7:15 p.m. on Tuesday, April 7, 1992, to hear all interested persons who wish to be heard regarding:

THE CONSIDERATION OF REPEALING CHAPTER 84 "PEDDLING AND SOLICITING" AND PROPOSING A NEW CHAPTER 84, "PEDDLING AND SOLICITING."

Supervisor Janoski: "Madame Town Attorney."

Patricia Moore: "The Town has proposed the amendment to the peddler's permit provisions in our Town Code. Over time, other towns have prohibited peddling from within their borders and because the Town of Riverhead has a code which allowed peddling, we have felt the brunt of all these peddlers. So, in that, we have proposed that the ordinance be amended to prohibit peddling within the Town of Riverhead except for certain specific uses which are enumerated within this ordinance. Is that enough? Thank you."

Supervisor Janoski: "The attempt is to make clear of what is meant by the code and what is targeted, I guess, as an example, is the trailer truck that comes up from South Carolina, sets up shop and sells furniture at Jeffrey's Plaza. That will not be permitted under this code and it more clearly defines what is allowed and what is not. Is there anyone present wishing to address the Board on this amended version? That being the case and without objection, I declare the hearing to be closed. Before we take up the resolutions, I will recognize anyone who wishes to be heard on any matter. Dick..."

Dick Benedict: "Dick Benedict, Fanning Blvd. Resolution #210, the Day Care Center tonight. I have several questions on it. First of all, I think it should be tabled. Second of all, I think there should be a public hearing when we plan on spending approximately \$400,000 dollars, a \$300,000 dollar bond. Second of all, I question why the Town wants to be in the Day Care Center business. All the years I've been coming here, I know of probably at least three private industry that was turned down for one reason or another that wanted to open Day Care Centers. Stotzky Park, I though was for recreation for the Town. The Resolution says that if we don't meet the interest on the bond, it could possibly come out of the tax payers' pockets. I think we're setting a bad precedent. First of all, I don't think we should be in this business. Second of all, I don't think it serves all of Riverhead and thirdly, I don't know how low income people can afford this, but I think there's a lot of questions and I don't think that this should go without a public hearing. Thank you."

Supervisor Janoski: "You're welcome. Is there anyone else wishing to be heard at this time. Yes, sir..."

Rolf Koesling: "My name is Rolf Koesling. I'm from Wading River. I agree with the gentleman that just spoke. I don't think Riverhead belongs in that kind of business and that isn't the reason that I came up. I came up for two more things. First thing, I've been noticing your name plates as I sit down here. I want to ask why the junior member, one of the junior members of Town Board, gets larger letters than the more senior members."

Supervisor Janoski: "Well, obviously for Victor's name, his letters would have to be smaller because of the number of letters in his name. My plate is a very old plate."

Councilman Creighton: "I demand to know who has the bigger letters. Show your letters."

Supervisor Janoski: "That's just the way it turned out."

Rolf Koesling: "Okay. Thank you."

Supervisor Janoski: "Let me address this because it has now come up twice. There was a public hearing, we must have a public hearing when we go out to bond. It is a requirement of law. The proposal for day care has been around for quite some time. It was the subject of a public hearing as far as the HUD program and Small Cities Block Red program. It was clearly identified as an application, or part of the application as a purpose in that program. We were granted money for the purpose of providing a day care center as part of the Federal program. The \$300,000 dollars to be sure, if for some reasons, the payments can not be made would become an obligation of the Town of Riverhead, however, we have every reason to believe, that over the next three years I believe, that the Federal government will continue to finance the project and that it will be paid off as part of the federal expenditure in the Town of Riverhead. As to whether the Town should be in the business, that's a reasonable question. Governments get into a number of business where they identify a need and as to whether a low or moderate income person can afford it, moderate income these days is identified as, I believe, \$50,000 for a family of four. So, and what we want to do, of course is to make them not low income by having this available to them so that individuals needing child care can go out and find a meaningful job and become part of the economic base of the Town. Victor points out a very important fact, is that what we have done in this instance is to privatize it. The Town of Riverhead is not going to be running it. I would not want to run a day care center, what we did was go out to bid, so that a private company with expertise and ability and a track record in providing this kind of service, they came forward. The individuals who wanted the bid were awarded the bid and quite frankly, speaking for myself, I'm very proud of what we've done here in the Town of Riverhead and I guess that just about addresses every question that you raised."

Councilwoman Gilliam: "May I make a comment Mr. Supervisor? Just to further address this issue, in the letter which was received from HUD authorizing the Town to use the grant money to pay off the principle and interest on any bonds that would be issued to commence construction. So the federal government does acknowledge that this is contingent upon the availability of future community block grant money so there is the possibility that, especially with this year being an election year, there may be a change in administration, there is a possibility that there may be some change that might affect the availability of future grant money which would then place the obligation on the Town and the taxpayers. Secondly there is grant money to be allocated for fiscal years 91, 92 and 93. The 91 money, to my understanding has been received and I learned today that the 92 money should be forthcoming within a couple of weeks and so, I think there should be some question as to whether or not we should move forward at this point when the receipt of the 92 grant money is eminent. Perhaps that money could be directly applied to the construction of the facility rather than applying to a bond and the principle and interest on that bond."

Supervisor Janoski: "Okay. Is there anyone else wishing to address the Town?"

Councilman Creighton: "While she's on the way up, I got to tell you that I was, you know, this was well underway and well examined and a lot of judgements made before I got on the Board and I had to catch up on it and I was challenged by my wife who also thought that perhaps the Town should not be involved in the day care business and particularly providing perhaps, as some might have believed, this service for its own employees, primarily and those that are the ones that are getting the primary benefit from this so I looked very hard at this. I looked out into the community to find out how other places did it and lo and behold, I found that it's becoming more and more acceptable across the nation for employers, being expected to provide day care service for their employees. I further confirmed that, that is not in fact the motivation behind this particular one, even though it may end up serving many of our Town employees, by the way some of whom probably do need the low income status because of the salaries in some cases that the Town pays. So, after exhaustive examination of this to include looking at the HUD documents and everything pertaining to it, I'm convinced that it is the right thing to do, that it is a proper thing for the Town to facilitate this, especially being that it is going to be operated by a private operator and the Town will only be a landlord and receive rents from this. Rents of course could also go to paying the interests on whatever bonds that the Town may have. These bonds are limited to five years I believe the letter from HUD was pretty positive in that this money will be forthcoming. So I'm comfortable that the Town will not be burdened with costs in this regard and if so, not much. Thank you."

Judy Detmer: "I'm Judy Detmer, 60 Sound Ave., Riverhead and again my concern really isn't so much who is going to use it, as in this economic time when even our government is in trouble, the idea of that we could be taxed for it is very, very scary and I think it needs a lot more investigation. I agree with you Joe, we did have hearings and everything else, but I think a lot of people thought it was at least put to rest and you know, that at least a little bit more of a needs study. From what I understand, there are places and no waiting lists and that it does require a little more study."

Supervisor Janoski: "Well, I think that one of the things that we have to do is recognize that we are absolutely bottomed out as far as the economy. When this idea began, there was an absolutely dire need for this service and I think that what we are doing is anticipating a need. What are going to do when the economy takes off again, and it will, and people have jobs that are available to them that they'd like to take and wouldn't be able to take them because there is no day care facility available? So what we are doing is anticipating a need. If we wait to establish that a need exists, it will probably be too late to help a great many people. We didn't do this overnight. This has been in the works for three or four years and as I say, we identified a need, it was something that we believe was wanted in the Town of Riverhead by women who wanted to be able to support their families on their own. So, I think that we should work towards the day the jobs will be available again and that there will be waiting lists at some of those other places. Is there anyone else who wishes to address the Board? Sid... "

Sid Bail: "Good evening. Sid Bail, Wading River Civic Assoc. I agree with the Supervisor. I think the economy will rebound in the future, we do have to plan for it, but looking at the resolutions, one of resolutions that I'm a little bit concerned about is resolution #229, change in zone petition for Warder Adel. I believe that's in Wading River and we did go through a Hamlet Study in Wading River and a lot of angst a few years ago. So, I'm a little bit concerned, we're trying to keep an open mind. At our next meeting, some of the people representing Mr. Adel will be there, but we are very, very concerned because... "

Councilman Prusinowski: "Sid, I'm very concerned too, because the last time I left this Board in 87, we started a Hamlet study and one of the questions I asked the applicant who, one of the members was on the Hamlet study, why wasn't this property addressed during that hearing and that was because some of the properties that were obviously had property lines that went beyond the 500 ft. from the road frontage and remember, he's making the application to the Town Board, this is not the Town Board trying to change the Wading River Hamlet Study. I will say though, they brought up some good points concerning the Health Dept. which I think they'll explain to you concerning some of the other properties that they have zoned, so maybe the final product

from the Hamlet Study might have to be amended to reflect the reality of the new Health Dept. regulations, but just remember, this is coming from an applicant to us, we're not here trying, in other words the Town Board did on it's own motion. When they make an application to us, we have to hear them out. Okay?"

Sid Bail: "Thank you."

Supervisor Janoski: "This starts in fact a very exhaustive review procedure. By declaring ourselves Lead Agency, we now set in motion the review process, environmental pact that kind of process."

Sid Bail: "Thank you."

Del Herzog: "Del Herzog, Glenwood Village. I would like to just say one thing when it comes to maybe added taxes on the citizens. We have an awful lot of senior citizens in Riverhead living in mobile parks and every time a tax increase comes through, we suffer for it and we live on very, very limited incomes as it is to start with. I would be in favor of this if I could be assured that it wasn't going to come out of my pocket."

Supervisor Janoski: "Are we talking about the day care center?"

Del Herzog: "Hmm?"

Supervisor Janoski: "The day care center?"

Del Herzog: "About the day care center."

Supervisor Janoski: "Well, you know, the Town provides a number of services. Many of which are for senior citizens, which are the result of property tax payers paying taxes and I think that we've got to be brought in our view of the needs of the Town. Our intention in moving forward with this is that it's not going to cost the taxpayer of the Town of Riverhead a dime. We have reasonable assurance that it never will, but unfortunately when you go out into a bonding process like this to put in place a service, the full faith and credit of the Town is used. It is not our intention to use that faith and credit to pay off any part of this debt, but there is the possibility, remote as it is, but I could point out to you probably a hundred times that the Town of Riverhead has extended itself to provide services to its people which were identified as being needy. So, I just wish that you would take a broad view of the needs of the community because there are many people who are paying taxes to provide services to other segments of the community. Is there anyone else wishing to address the Town Board on any subject? Let us take up the resolutions."

Resolution #209

Councilman Prusinowski: "Authorizes the Town Clerk to publish and post notice to bidders in reason of the Peconic River Boat Ramp improvements, so moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: "Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes."

Supervisor Janoski: "Let me point out that this is one of those instances where the Town of Riverhead is going to do an improvement which will cost some money. I don't have a boat, I don't go fishing, I don't play golf, but I think this is good for the Town of Riverhead, so yes."

The Vote: 5 Yes.

Councilman Stark: "Let me just point out one thing."

Supervisor Janoski: "I'm sorry. I didn't mean to throw golf in there. I'm sorry Jimmy."

Councilman Stark: "That the money that would be spent on the boat ramp would come out of the Recreation Sea money, which was established under Dick's previous term, which I think has benefited this Town tremendously in improvements we are making in the recreational area. So this would be another obvious result of that. Thank you."

Resolution #210

Councilman Creighton: "This is the resolution that authorizes the issuance of \$300,000 dollars serial bonds of the Town of Riverhead to pay part of the cost the construction of a day care center at Stotzky Park in and for said Town and as you've read this it shows that it's our intent to pay the total cost with HUD provided funds on hand now, next year and the year after, so moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

Councilwoman Gilliam: "For reasons previously stated about my concerns about the possible tax liability, I vote no."

The Vote: "Creighton, yes; Stark, yes."

Councilman Prusinowski: "Sixty percent of the working force today are single parents or single head of households. This is a recent study that we have, I just received from Suffolk Life. In order for the northeast and particularly Suffolk County, to

compete in the real world, we must provide those services that industry and commerce are looking for. One of the major things that businesses do when they relocate to an area, taxes, energy costs, and conditions for their employees. One of the major thing today that lure these high tech industries to the area will be providing day care services and to me it's an investment in our tax base for the future. It's just something else positive we can provide when we're trying to lure some business into the area and in the end will provide jobs and will also increase our tax base, so as the Rec. fees in the beginning, in 1987 or 86, we people thought, gee, we're going to add another 2,000 lives, going to increase the cost of housing, and I've heard a hundred reasons why we shouldn't do it, the Town Board did it, and now we have \$2,000,000 dollars and we're improving our recreational facilities in the Town, which, when the recession is over, will also help us attract business and tourism, which we desperately need those tax dollars that will pay sales tax and other income taxes and property taxes. I vote yes."

The Vote: Janoski, yes. 4 Yes, 1 No.

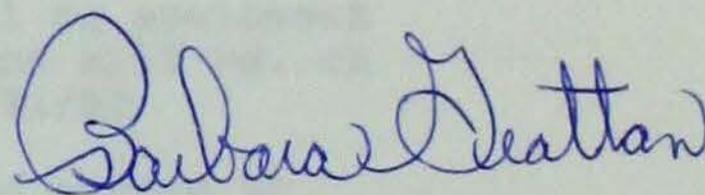
Councilman Prusinowski: "I have one more resolution pursuant to our work session. I'd like to make a resolution that authorizes the Town Clerk to place a help wanted ad in the official newspaper for two temporary 30 day clerks for the Tax Receivers Office and one 60 day temporary clerk for the Town Clerk's Office, so moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes.

Supervisor Janoski: "Without objection this meeting is adjourned." 7:45 p.m.



Barbara Grattan
Town Clerk

BG:gah