

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, May 21, 1991 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
Denise Civiletti, Councilwoman  
Victor Prusinowski, Councilman  
James Stark, Councilman  
Frank Creighton, Councilman

**Also Present:** Irene J. Pendzick, Town Clerk  
Patricia Moore, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

**Supervisor Janoski:** "May I have a motion to approve the minutes of the Regular Board Meeting of April 16th, 1991."

**Councilwoman Civiletti:** "So moved."

**Councilman Prusinowski:** "Seconded."

**Supervisor Janoski:** "Moved and seconded."

**The Vote:** Creighton, yes; Stark, yes; Civiletti, yes; Prusinowski, yes; Janoski, yes. 5 YES

**Supervisor Janoski:** "Reports."

**REPORTS:**

Tax Receiver Collections as of May 10, 1991  
\$23,330,969.00  
Collections as of May 20, 1991  
\$25,091,578.00

Vail Leavitt Accountant's report as of 3/31/88;  
Music Hall Financial Statement as of 3/31/89 and  
3/31/90

Manorville Fire Results of Special Election held 5/14/91

Suffolk County National Estuary Program Nomination

**Supervisor Janoski:** "Thank you. Applications."

**APPLICATIONS:**

Site Plan Riverhead Ice Cream Company to renovate  
building at 315 East Main Street

Site Plan William Dunkirk to amend drainage plan for Raynor Avenue

Site Plan Metro One for cellular telephone Wading River

Site Plan Metro One for cellular telephone Northville

Site Plan Finks Farm Stand - add door and windows

Supervisor Janoski: "Thank you. Correspondence."

CORRESPONDENCE:

Allen Smith, Esq. Requesting extension for Special Permit of William Hubbard

Allen Smith, Esq. Re: Preliminary site plan for chapel and cemetery on Twomey Avenue

Supervisor Janoski: "There are about seventeen minutes remaining before our first public hearing. The Eve Weber change of zone application has been postponed to June 4th. I would recognize anyone who wishes to be heard on any subject, any question on what's on the agenda? Steve."

Steve Haizlip, Calverton: "Mr. Janoski, I think I would like to address this to you and get the answers, because I think Miss Civiletti is involved as well, because it deals with the waste, the landfill I should say. In the May 8th issue of the SUFFOLK LIFE I was reading on page three where the commissioner said that he is going to ask an administrative law judge to pose fines for the three towns. I guess that's Riverhead, East Hampton and Southold."

Supervisor Janoski: "That's right."

Steve Haizlip: "It went on to elaborate that he was going to hold a hearing after the administrative law judge for a hearing and if those were the fines that were going to be proper to be posed. Here's the technical question. When this hearing is going to be held, the one that he is proposing for the administrative law judge to hear, is that going to be way up in Albany? Are you people going get a chance to sit in and defend us?"

Supervisor Janoski: "No we will be here locally."

Steve Haizlip: "You will be here, but where is it being held?"

Supervisor Janoski: "In Stonybrook. The D.E.C. Regional Office in Stonybrook."

Steve Haizlip: "And you will be there?"

Supervisor Janoski: "We are taking legal action right now to push that aside. As a matter of fact we are scheduled to be in the Appellate Division tomorrow arguing the preliminary injunction to prevent them from taking action against the Town."

Steve Haizlip: "The way I understand it a judge somewhere has ruled against us so that we can't operate too much longer and he is asking his administrative law judge to make us comply with the L.I.L.L. the Long Island Landfill Law. I urge you this afternoon and I'm with you. Why can't we operate and take care of things in our town? Why do we have to have dictators from up above to do it for us? And it seems like Tony Bullock was right, they are just trying pose big fines and get some money up there in the coffer."

Councilwoman Civiletti: "Mr. Haizlip, I just wanted to say that the State Court judges, who are a lot more objective than the judges in the Kangaroo Court in Stonybrook at D.E.C., have not said that the D.E.C. should shut us down. What they said was that they weren't going to give us an injunction to prevent the D.E.C. from bringing this administrative proceeding against us. Because, the D.E.C. in its papers in court, said that they were going to give us 60 to 90 days to close anyway from the date of the order that the Commissioner will issue. The judge said if you are going to give them from 60 to 90 days anyway you can have a trial within that time and actually have a State Court Judge decide the merits of the case. So an injunction is not necessary.

The reason why we are back in the Appellate Division is because the State's dragging its feet on going to the trial which we expected they would do, because they would rather it be in their kangaroo court in Stonybrook where they are guaranteed to win."

Steve Haizlip: "Yes, I want to join you on that word 'kangaroo'. I had it on my mind and it didn't come out."

Councilwoman Civiletti: "Just like your motor vehicle hearings. It's the same thing."

Supervisor Janoski: "Is there anyone else wishing to address the Board on any subject? Henry."

Henry Pfeiffer, Wading River: "One of the greatest assets to the Town of Riverhead and indeed the entire East End is a function that comes not necessarily under the Towns jurisdiction, but under the County's jurisdiction that of the Riverhead Health Center that is located in the County Center. You probably read about all of the difficulties the County Supervisor as well as the Legislature are having their funding of different services

that the County is logically and necessarily providing. In their attempt to curtail spending they have started to reduce the services of this Health Center. They have reduced it recently to where the services would be provided only for infants under the age of six, prenatal care and for adults over the age of six who have venereal diseases or TB. Now in addition to that you may have read that yesterday that it was decided that the County's services would be curtailed by another twenty percent by cutting down one day a week services through all their functions. This seems to me to be intolerable since prenatal care itself they now have a nine to fourteen week wait and we hesitate to think that they might yet suddenly have to wait about nine months before they got any attention.

What I would ask the people up there, you Mr. Janoski, is probably to enact a resolution and perhaps write a letter to the County Executive explaining to him how intolerable it is to cut these services by 20 percent. Thank you."

Supervisor Janoski: "Thank you Henry. We have about ten minutes remaining before the first scheduled public hearing. Way in the back there."

Harold Mazek, Meeting House Creek Road, Aquebogue: "I've been policing up the area for the past forty some odd years. Has anybody on the Town Board been up the creek, Terry's Creek?"

Supervisor Janoski: "Many times."

Harold Mazek: "You have."

Supervisor Janoski: "That particular creek, no."

Harold Mazek: "Has anybody?"

Councilman Prusinowski: "Yes, I've been there."

Harold Mazek: "That is one of the most beautiful spots that you would ever want to see. Actually Terry's Creek is a spawning ground for crabs, fish, water birds. It's like the African Queen if you take a row boat up there. To permit the water skiers to block it with these buoys three across, I think is a sacrilege. If you would picture the town, say the town approved skate boarding and skating around Town Hall here. What would happen? The first thing they would start breaking up the sidewalk and the flowers and things like that. The next thing you know there would be a lot of noise. The next thing you know there would be a liability suit. I think water skiing in that restricted area, where all the boats come in to Meeting House Creek, is a hazard which is a liability. You have water skiers coming down from Riverhead. You've got them going through the wet lands of the County Park, Indian Island. And they will be fighting for the space. Just the other day two young kids came down and said somebody told us that that's the place for the skiing. The arrangers have no authority to stop it; they're not interested."

Our Bay Constable is not interested. So if you were an ecologist, you're interested in fishing, you would be concerned about it. And I am concerned about it. I think it would be alright to have an occasional meet or something like that, but I don't think you should have it during spawning season, because tonight on channel 13 they are going to have a program called the 'Last Fish' and they claim in the year 2000 that there won't be enough fish protein to----it will be just about half the needs of the population. I would take a ride up the creek and then give it serious consideration before I did anything. Thank you."

Supervisor Janoski: "Sir, did you want to make these photographs part of the map, part of the record."

Harold Mazek: "Oh yes."

Supervisor Janoski: "There is about five minutes remaining before the public hearing. Russ."

Russell Kratoville, Aqueboque: "I live right at the end of Terry's Creek on Hubbard Avenue. I also am very familiar with the area because I do live there and I have been there and it is beautiful. I am familiar with the water skiers and the association that is looking for the approval to ski competitively in that area and I do know that they have done their research homework. They have the blessings of the N.Y.S.D.E.C. and the State Army Corps of Engineers have also stated that it is of no harm or danger to any of the marine life in the area. So I do think it is good recreation. As far as liability is concerned they are fully insured. The Association is insured. The boaters are insured. They are professional water skiers that abide by all the rules and regulations of the boating laws. The Bay Constable has also stated that he has no problem with those skiers. Being the closest neighbor to that area noise is definitely not a problem. They are specially designed boats that give off very little noise. I have no objection at all and am in favor of the Town Board approving their wishes to use that site as a competitive water skiing and practice area. Thank you."

Supervisor Janoski: "Thank you Russ. Is there anyone else wishing to address the Board on any subject? Then let us take up the resolutions."

#### RESOLUTIONS #343 - SPLISH SPLASH DRIVE

Supervisor Janoski: "I recognize Councilman Prusinowski for the purpose of making a motion."

Councilman Prusinowski: "Yes, I would like to move Resolution #343 designating the Splish Splash Drive."

WHEREAS the service road south of Route 25 leading to Splish Splash Waterslide Park is currently unnamed; and

WHEREAS, the addition of Splish Splash Waterslide Park to the Town of Riverhead is a positive addition in the provision of jobs, tax revenue and recreational opportunities.

NOW, THEREFORE, BE IT RESOLVED, that it is the consensus of this Town Board that said service road be and hereafter is known as Splish Splash Drive; and

BE IT FURTHER RESOLVED, that the Highway Superintendent be and is hereby requested to erect the appropriate street sign; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Chip Cleary, Highway Superintendent, and Allen M. Smith, Esq. So moved.

Councilman Creighton: "Seconded."

Supervisor Janoski: "It is moved and seconded."

The Vote: "Creighton, yes; Stark, yes; Civiletti, yes; Prusinowski, yes; Janoski, yes. 5 YES"

#### RESOLUTION #339 - AMENDED

Councilwoman Civiletti: "I would like to ask the Board to perhaps consider an amendment to Resolution #339 which just authorized the Town Clerk to publish and post notice to prohibit "Parking, Stopping and Standing on South Service Road in the vicinity of Splish Splash which we just now renamed to Splish Splash Drive. I would like to amend Resolution #339 to read perhaps Splish Splash Drive. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

Town Clerk, Irene J. Pendzick: "On the amendment to change the name from South Service Road to Splish Splash Drive."

The Vote: Creighton, yes; Stark, yes; Civiletti, yes; Prusinowski, yes; Janoski, yes. 5 YES"

Supervisor Janoski: "We have reached the time and we should note that the hour is 8:03 P.M. and I ask the Town Clerk to please read the notice of public hearing."

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Town Hall on Tuesday, May 21, 1991 at 7:55 P.M. to hear all interested persons wishing to be heard regarding: AN

AMENDMENT TO ARTICLE VII "DISPOSAL OF SCAVENGER WASTES" OF CHAPTER 88, SECTION 88-38 AND 88-54."

Town Attorney, Patricia Moore: "Being that we have a little extra time today I'll read the more important portion.

Chapter 88-38 requires a license of the carters. The scavenger waste from any cesspool or septic tank located within the Town of Riverhead or the Town of Southampton shall be disposed of at the Riverhead-Southampton Joint Scavenger Waste Plant.

As to security. This is a new provision which we're trying to address a problem which we've had with some carters that had gone out of business unfortunately and left some bills that were left outstanding. Prior to the issuance of a license required by Subsection 1 each carter of scavenger waste shall present to the Town Clerk, a Bond, Letter of Credit or other security guaranteeing payment of applicable dumping fees in the amount equal to two months average of the previous years billing as calculated by the Superintendent of the Riverhead-Southampton Joint Scavenger Waste District. Any new carter who does not have a previous annual rate shall post a bond for a period of one year in the minimum amount of \$3,000.00.

We have also added a penalty provision which a violation of any of the provisions in this chapter are subject to a fine of \$250.00."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Town Board on this matter? Marshall."

Marshall Nash, carter: "I am one of the carters in Riverhead and Southampton. My objection is, I've talked to the carters and we feel that there is an injustice to make us put up a bond or any kind of security do to the fact that we have never mispaid anything. Now you have three carters that have. You should punish those three carters. If you want to make the resolution like she said as a new carter coming in I can understand that. But we have been at that plant for five or six years now and there has only been three people that haven't paid. I cannot see why the rest of us have to be punished for what three people did. And those three people were not major carters. So like I said I talked to all the other carters and they agreed to what I'm saying. Thank you."

Supervisor Janoski: "So you are speaking on behalf of a group of carters?"

Marshall Nash: "Right."

Supervisor Janoski: "Okay. Thank you. Steve."

Steve Haizlip, Calverton: "I think I'm beginning to get the drift of this thing now. When you read it in technical terms it is a little hard to decipher."

Supervisor Janoski: "That's why attorney's go to school so long to learn how to make things so complicated that you need them to understand what they are saying."

Steve Haizlip: "If people like Mr. Nash and Mr. Clifford that have been operating in this town for so many years, they are good faithful people. They abide by the rules and so forth. Now if you want him to put up \$3,000.00. When did this man ever get \$3,000.00 back. Does that mean he will have to wait until he retires or go out of business to get it back? I understand what you are driving at. If you've got new carters coming in you want them to put up the \$3,000.00. If they skip town then you've got the thing covered. But when you've got a man that has been here and you know the mans reputation, I believe it should be grandfathered and waived."

Supervisor Janoski: "Thank you Steve. Is there anyone else present wishing to address the Town Board? Mr. Kasperovich."

William Kasperovich, Wading River: "I don't agree with the language in this change. Let me start off by asking where does the owner come into the scene."

Supervisor Janoski: "The homeowner?"

William Kasperovich: "Yes."

Supervisor Janoski: "The homeowner is not included in this."

William Kasperovich: "Well these people do a service for a homeowner or a business or some property owner or renter. These people engage the carter to do this transporting of this waste. Is there no responsibility on their part to see that the fee is paid?"

Supervisor Janoski: "The carter is paid usually on pickup."

Someone from audience: "No!"

Supervisor Janoski: "No? When you go to a home, Marshall, and you pump out the cesspool don't you get paid?"

Marshal Nash: "No sir. There are a lot of places that I go, a lot of parks I go, I bill them the first of the month and I get paid the latter part of the month."

Supervisor Janoski: "Okay. Marshall was telling, for the record, that he bills some of his customers on a monthly basis."

Councilman Creighton: "Is it safe to say that the householder, the owner comes into the picture when these additional costs involved here are passed on in the form of prices. Is that not fair? If you get charged more at the dump to get rid of it you're going to pass on the additional costs."

Marshall Nash: "Oh yes. If the dumping fee goes up."

Frank Creighton: "That's really where the owner, the property owner and the homeowner comes in."

Supervisor Janoski: "Mr. Kasperovich."

William Kasperovich: "The owner who is benefiting from this service is left free and clear. And certainly the homeowner when he is in need of such service is usually in a desperate situation. Consequently if the man asks for cash - he has no choice. Particularly if it is a weekend. I could see by the number of adds in the papers for emptying cesspools that it is a very competitive situation. But we here in Riverhead do not have that large a portion or quantity of scavenger waste. Our portion of scavenger waste compared to Southampton is like ten to one. So I can't see isolating the business people in Riverhead and penalizing them for being responsible people. I am opposed to this sort of thing in that it does not help the small businessman and because there are a few bums in the trade. All of the vehicles are required to have the County Health Department equipment. They can't get on the road without having the County requirements. But here you are introducing an inlanguage that I object to. No person, firm, or enterprise shall engage in the removal of scavenger waste. If I want to take a bucket of scavenger waste out of my cesspool, it's not Riverhead's business to tell me I can't do it."

Supervisor Janoski: "You are absolutely right. It's what you do with it after you take it out of the cesspool, that it becomes our business."

William Kasperovich: "There are many things that could be done with it and many special conditions that come up where something can be done. I'm not going to go into details, but you introduce a sentence here that says in so many words, you can't take a bucket of waste out of your cesspool. Now this language should be corrected if not this whole thing should be rewritten. If he is engaged in the business of removing scavenger waste, that would make sense. Apparently the safety of getting paid at the Scavenger Waste Plant---that should be addressed. If they let one man get away with one truck load of waste, it's no big to do with which to penalize everybody else. If he comes there a second time, that's another story. Now this means that whoever is at the waste disposal plant isn't addressing the businessman from Riverhead. You're holding your head Mr. Janoski."

Supervisor Janoski: "I'm holding my head Bill because you are not aware of the operation and how we operate. We bill through our process on a regular basis, not for every load or everytime you come into the scavenger waste treatment plant. They keep records and the carters are then billed for the amount that they brought in over a period of time. That is the way the operation works."

William Kasperovich: "Well then you should know at this point and time how much loss there has been."

Supervisor Janoski: "I know very well how much loss there has been."

William Kasperovich: "Well what's the big secret? To me this is a Southampton to do. The amount of waste in Riverhead is a minimum."

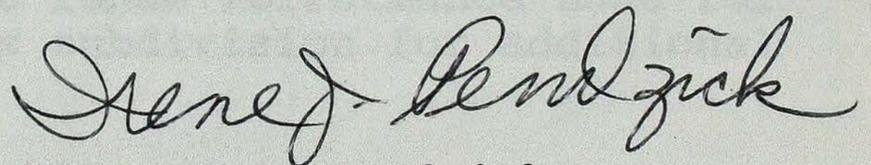
Supervisor Janoski: "Bill, you are missing the point of the hearing. We are proposing what could best be compared to paying a deposit when you rent a home. You put some money up front be it one or two months rent to make sure that you are going to pay your rent, that you are going to leave the place as you found it and a number of other requirements. What we are suggesting here, and believe me we are holding this public hearing here to see what people think, there is no reason why the people who pay their bills should have to absorb this cost which is what ultimately happens. If a number of carters don't pay their bills, somebody has to pay for that treatment. So it's going to get passed on to someone else. What we are asking for can best be described as a deposit so that we will have that money in an escrow account, so to speak, to safeguard against the day that someone may skip town or go out of business or whatever. What it has to do with Southampton or Riverhead is really, what significant is, we are putting in place this protection. This deposit if you will. And that is what is being suggested."

William Kasperovich: "I don't think it's proper to penalize----" (interrupted)

Supervisor Janoski: "That's why we have this hearing. I think that you could very simply say that you are opposed to this idea."

William Kasperovich: "Okay."

Supervisor Janoski: "Thank you. Let the record show that the hour is 8:17 P.M. Without objection this meeting is adjourned."



Irene J. Pendzick  
Town Clerk

ch:IJP