

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, August 20, 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:** Patricia Moore, Town Attorney  
Irene J. Pendzick, Town Clerk

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

**Supervisor Janoski:** "There are no minutes this evening so we will have applications."

**APPLICATIONS:**

Special Permit Two Brothers Property Corp., (expand preexisting use of trade shop and sand & gravel processing at Kroemer Avenue)

**Supervisor Janoski:** "Correspondence."

**CORRESPONDENCE:**

Comm. on Ethics Notice of Public Hearing on 11/15/91 at Hauppauge

Marie J. Hulse Suggests commitment previously shown regarding 821 East Main St. now be applied to solving the problem of "Mill Brook Gables"

Mr. & Mrs. Sean Burke Objects to mandatory garbage pick up program denying public access to landfill

Calverton Compost Advising that they do not consider being qualified to bid on Solid Waste proposal because of pending Special Permit Application

Joan Schaefer Submitting resignation as a E.I.S.E.P. Aide as of 8/5/91

Kathryn McMahon Submitted resignation as of 8/15/91

Charles Cuddy Requests that public hearing scheduled for 8:05 p.m. on 8/20/91 re: Edward Clark be adjourned or postponed

Supervisor Janoski: "Thank you. We have a number of public hearings and in about four minutes the time will have arrived for that first scheduled public hearing. In the meantime I will recognize anyone who wishes to address the Town Board on any subject. Yes, Cathy."

Cathy Casey, Wading River: "I read in the paper that, I believe it's for Grangebel Park, that some funds are being pulled from various towns including Wading River, because of the work that needs to be done at Grangeble Park. I just want to say that we understand that Grangeble Park has problems and that you are trying to alleviate these or minimize them at the least. We are, the Wading River Community is a little bit disappointed that you have to pull funds from it because there are a number of things that we feel need to be addressed, but we do understand and we hope what you are doing or what you planning to do to Grangebel and what you are doing at Reeves Park and the like is very successful and works out well. And we would hope that next year all of you and or whoever else maybe on the Board and we sincerely wish everybody the best that you certainly would put Wading River with you recreational funds and some other tax dollars at the top of the list to address some of the things that need to be addressed that it appears that you are not going to be able to take care of this year for us."

Supervisor Janoski: "The situation there, Cathy, is the work that we are planning in Wading River requires a number of permits from the D.E.C. which is a long term endeavor. So it really isn't that we are pulling funds from Wading River. What it is is that we are using money that is available to us for something that we can undertake right now knowing that other revenues will be coming into the Town for recreation purposes which will be available at the time we get the permits necessary to undertake the Wading River project and the project out at Iron Pier which is going to require permits also."

Cathy Casey: "Just so you remember us in 1992 please."

Supervisor Janoski: "You're unforgettable."

Cathy Casey: "Well we're going to try to make sure you don't forget us. We don't want to give you nightmares, we just want to make sure you know we are here. Thank you very much."

Supervisor Janoski: "Alice."

Alice Graff, Riverhead: "That sand and gravel pit that is being done up on Kroemer Avenue. The work that they've already done. Do they have a permit for the extensive digging that they are already doing? They done some gigantic work up there."

Supervisor Janoski: "The first I am aware of this application is this evening and I'm not aware of any work that is going on."

Alice Graff: "As a matter of fact, let's say for the last month, I've been meaning to bring this question because it seems like a tremendous amount of digging has been done within the last month. I don't think they have the right to do what they are doing."

Supervisor Janoski: "Well we will certainly check into it."

Alice Graff: "Thank you?"

Supervisor Janoski: "Anyone else wishing to address the Board? Steve."

Steve Haizlip, Calverton: "I've got a job for the Highway Committee. Mr. Prusinowski. Down on Edwards Avenue right across from River Road it's still in the Town of Riverhead even though that I've been informed that the County took the road over where it widens up to river. It's their road. But now what they have done. They've come along and posted a sign in white and black which is an authoritative traffic sign. It says end of 30 m.p.h. speed limit. I got news for you. There has never been a beginning of a 30 m.p.h. speed limit on Edwards Avenue. Nowhere. There are signs posted prior to Mr. Tuthill's house and the trailer, but they are informative which is orange and black. They are not signs that are authoritative which sets and controls speed limits. It is only a suggestion or informative."

Councilman Vic Prusinowski: "What's your point Steve? Is it that one sign doesn't match the other sign?"

Steve Haizlip: "The sign is wrong. The one says End of 30 m.p.h. speed limit is wrong. That speed limit is 55 m.p.h. so when you've got a curve and they are trying to slow the traffic down and they come along and post an orange and black. That's only informative or information. The police will not issue a ticket against a sign like that so the County has to be told there is end of 30 m.p.h. speed limit because it never started."

As Daniel Gladstone once put in his paper, he said I was the official highway inspector. Well he has to call me unofficial because I'm not associated with any branch of government naturally. I'm just a citizen.

So now it's also come to light that I have a job for you up by the hospital circle going left on the right hand side. The Yield sign is covered up with tree limbs. Nobody knows it's there. So would you make a note of that too."

Councilman Vic Prusinowski: "That belongs to the County."

Steve Haizlip: "Like I once said I live in Riverhead Town and I went to the polls and voted for you people and so I have to put it in here and in turn you have to put it into other places."

Councilman Prusinowski: "We will. Okay."

Steve Haizlip: "I know what you are saying that each little government has its own little input so to speak and you don't tell me and you tell them."

Councilman Prusinowski: "The County has been very cooperative in the past and even the State. You got the Yield sign on the ramps."

Steve Haizlip: "I was just going to say that you did a good job on that."

Councilman Stark: "But that was the State, Vic. If you can move the State, you surely can move the County."

Steve Haizlip: "Which brings me to another subject. When I brought up the subject here about the lady in Calverton owning the old gin mill, I have permission to use her name now, Mrs. Susan Jagger. She is the Post Mistress of Calverton. I wrote to Mr. Raymond McGowan on her behalf explaining everything. Mr. Raymond McGowan has not contacted me back and that's been three meetings ago and he's had plenty of time to contact me back. Another point is you write right to the Governor, because naturally he's got interceptors that get your mail. And when these interceptors get it they don't want him to see something so naturally it doesn't get over there. But even if the interceptor doesn't want him to see it, I think they should phony up an excuse and send it back to me, but they didn't. So now it peeves me a little bit.

I had some people call me up last night and wanted to say how come the School Board is having their meeting, their budget meeting on the same night that the Town Meeting is being held. I don't think they want us there. So therefore they do it the same night so you will be over there and you can't be up here. I said I don't know, but I'll tell you one thing I'm going to find out today for you. So I went today and I talked to that new superintendent. So I says why are you holding meetings that collide with Town Board meetings. I said they are important meetings. I said it's for the budget. People should be able to hear it, but I said all people that want to come here that likes to go to the Town Board and be over there when the meeting is going on they can't very well come over here. I says whatever input you put into me it's going into the Town Board tonight. He said Mr. Haizlip it's unavoidable. I didn't realize it. I didn't know it and he says I will take this up with the School Board president and we'll see if we can't change this, because I know what you are saying it is very important. Both meetings involve money and government decisions and decision making. And he says we'll look into that and see about getting that. I said, well I don't think the Town Board was ever aware of this and I don't believe that the School Board was ever aware of it, but I says when you got people calling and they want you to do something, I said I'm doing it. And he says I will. Thank you very much.

Thank you Joe."

Supervisor Janoski: "Thank you Steve. I see that it is about 7:47 p.m. and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:40 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:40 p.m. on Tuesday, August 21, 1991 to hear all interested persons who wish to be heard regarding: A PROPOSED ADDITION TO ARTICLE XXI "BUSINESS CR DISTRICT."

Patricia Moore, Town Attorney: "We are adding this section to our code. The Business "CR" District doesn't allow residences as a permitted use. We have had two separate applications recently that have gotten caught up in this inadvertence in the code. What we are trying to do is allow for someone who has a preexisting residence to be able to make alterations, decks or anything that would be normal for a residence without having to get variances and special permits by the Town. So we are adding this paragraph to the code which we hope will address that issue and that is the subject of this meeting."

Supervisor Janoski: "Thank you. The hearing that we are holding corrects an action of the Town Board which in the creation of Business "CR" Zoning made preexisting residences a preexisting use. Therefore any expansion or addition of a deck or anything that needed a Building Permit for that kind of purpose required a full blown special permit application procedure. The Town Board never meant that to happen and we are remedying that to recognize the preexistence of residences in the "CR" zone even though they are no longer permitted as a use for future construction. Is there anyone present who wishes to address the Town Board on that matter? Cathy."

Cathy Casey: "Bear with me. I'm afraid I'm drawing a little bit of a question mark here. There are a few blank spaces. You are stating that----"

Supervisor Janoski: "Business "CR" zone was created as a Neighborhood Business Zone and was put in place in areas of the Town which previously had Business "B" or Business "C" Zoning. In various areas of the Town, however, there were residences already in existence and the enactment of the new zoning code made those residences, because residence development is not a permitted use, a preexisting, nonconforming use. So that if you wanted to put a deck on your home or a swimming pool or add a room you would have to go through what is a very lengthy procedure, the Special Permit Application. This was never intended and what we are trying to do is recognize preexisting homes and allow them to add a deck, a swimming pool or a room or whatever without having go through that very burdensome procedure."

Cathy Casey: "They still have to get permits to do these things. They just don't have to go through the intense steps that you have to for other----but now just to make sure that I fully understand this. This is strictly to turn around in "B" to add up to your home, a deck to your backyard for a residential, still continued to be a residential use. There is no, this is not a means by which people can use to convert, since they are in a Business CR Zone section anyway, converting to a business."

Supervisor Janoski: "If they were converting to a business they wouldn't need a special permit to expand the building, because business is a permitted use."

Cathy Casey: "But technically they could take it and then look to turn it into a business. Obviously they do need a permit to enlarge it as a residence."

Supervisor Janoski: "They would need a Building Permit. As a residence right now they would have to go through the special permit procedure which the Town Board does not believe is warranted. But if someone were to buy a residential building with the intention of converting it into a business, they could convert without a special permit in the case of a permitted use. Any retail operation."

Cathy Casey: "Thank you. That is just made us aware of something that we were not aware of."

Supervisor Janoski: "Thank you. Is there anyone else present who wishes to address the Town Board on this issue? That being the case and without objection I declare the hearing to be closed. Let the record show that the hour of 7:53 P.M. has arrived and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:45 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:45 p.m. on Tuesday, August 21, 1991 to hear all interested persons who wish to be heard regarding: THE DELETION OF CHAPTER 11 "CIVIL SERVICE" FROM THE TOWN CODE."

Supervisor Janoski: "Thank you."

Patricia Moore, Town Attorney: "Mr. Supervisor would you like to do this or should I?"

Supervisor Janoski: "I'll be happy to say that Civil Service is now in the authority of the County of Suffolk. The Civil Service procedure and format and hiring, the testing that is done is all done by Suffolk County and it is no longer under the control of any township of Suffolk County. This is an old

part of the code which exists from a time when the Town of Riverhead and other towns in Suffolk County had authority with regard to Civil Service. It is being removed from the code because it no longer applies in as much as the Town does not retain Civil Service Authority in testing or creation of less or all that goes into the Civil Service procedure. It's like an appendix. It doesn't have any useful function.

Anyone wish to address the Town Board? Steve."

Steve Haizlip, Calverton: "I think we touched a little bit on this in Jamesport last week, but if I understand what's going on here you can hire someone, we'll say for the Highway Department, [I'm just using that for an example]. When you hire you only have 90 days probation and after that does this fellow or girl or whoever it may be would have to go to the County and then the County is going to quiz them to see if they are qualified and they can continue working with the Town of Riverhead?"

Supervisor Janoski: "Actually it's more involved than that Steve. We tell the County what job it is that we want done. We describe the job for them. They in turn tell us what the title of the job is and furnish to us a list of people in Suffolk County who have taken the test and are eligible to be hired. Now in the event that there is not a list in existence, we can hire someone on a provisional basis which means that when the test is offered they must take it and pass it in order to retain the job. Now in some job categories tests are given on a very regular basis. There are some job categories the tests are given once every seven years or five years. But the point of this is that the Town of Riverhead does not regulate Civil Service. Civil Service is under the authority of the County. They give the tests. They tell us who we can hire. There are very few exceptions which are not what they call competitive jobs. They also certify your payroll and advise us as to whether a person has the proper qualifications to occupy those jobs which are noncompetitive. For example just this past week I had to advise an employee of the Town that Civil Service had not approved his working for the Town of Riverhead as a maintenance mechanic, because he did not have the proper background and experience. What I'm saying is that they, the County controls this. The Town of Riverhead does not have any authority in the matter, so having in the Code Book the Town of Riverhead Civil Service procedure is kind of ridiculous because it's just taking up space there. Long ago the County took that authority."

Steve Haizlip: So therefore Chapter 11 comes out of the Town control and goes to County control."

Supervisor Janoski: "Well it's already there."

Steve Haizlip: "Yes, well okay. Thank you."

Supervisor Janoski: "Is there anyone else who wishes to address the Board? Yes."

William Kasperovich, Wading River: "I hear you Mr. Janoski. But I'd have to be an idiot to believe you. I think you are feeding the public a lot of eyewash. Whether you are doing it intentionally or by lack of knowledge I don't know."

Supervisor Janoski: "Well I'm sure that you can fill us in on Civil Service Law Bill and that you're about to."

William Kasperovich: "Well you have cut my throat from ear to ear with regard to this and have had no qualms about it. So I can't possibly know what you say whether you intend it for public consumption or whether you just choose to lie. Now you people have taken the practice of requiring potential candidates to fill out a disclosure form. Has nothing to do with Civil Service. A violation of civil rights. A violation of many things and yet you sit there telling us that there is no control by the Town. Now if the Town is going to control different aspects then it should be in the Town Code. If they are going to violate civil rights then put it in the codes and violate the civil rights."

Supervisor Janoski: "Are you familiar with what the Town Code says Bill?"

William Kasperovich: "I'm familiar with a piece of paper you give to people to sign."

Supervisor Janoski: "So that you really are not familiar with the subject of this hearing is that what you're saying? Now I think that the employers, the Town of Riverhead, have every right to know if you have been convicted of D.W.I. or substance abuse or anything else that might impact the way that you perform for the Town and yes we do----- (interrupted)"

William Kasperovich: "Well why don't you put it into the code instead of taking it out and making a blank out of it? Why don't you modify it to include this?"

Supervisor Janoski: "That has nothing to do with what we are doing here, but we are here to listen to you."

William Kasperovich: "You're talking about Civil Service control by the Town. Completely. You're not modifying it to include the practices that you have conducted for the last ten years. Now am I wrong there?"

Supervisor Janoski: "You are farfield of the subject of this hearing Bill."

William Kasperovich: "The subject is to delete a section of the Town Ordinance."

Supervisor Janoski: "Yes."

William Kasperovich: "But you're not replacing it with the conduct has been -- the Town has conducted themselves for the last ten years. Why are you so quick to remove something when you're not so quick to put in there you're conduct that you have been going on without anybody calling you to task for it for the last ten years? And as far as going to the Civil Service for the people on the list that's a blatant lie."

Supervisor Janoski: "You have proof of this Bill?"

William Kasperovich: "Yes."

Supervisor Janoski: "You have examples, because now---"

William Kasperovich: "Yes, I'm number one on the Building Inspectors list----"

Supervisor Janoski: "Yes."

William Kasperovich: "And you did not consider anybody on that list, because you chose to modify the title. And the title that you hired the man by you're not using the man as you said his responsibilities were. Consequently you're disregarding Civil Service by the County."

Supervisor Janoski: "If that were the case Bill, I would be in trouble with Civil Service and anybody who I am paying, I would be paying illegally and I would be personally responsible for it. So if you have some comment to make on the subject of this hearing I'd appreciate your doing that. If you have any proof of the allegations that you've made, I suggest that you take them directly to Civil Service and they will take the proper action."

William Kasperovich: "I have taken them directly to the Civil Service authorities and they have told me to sue that so and so. Take that so and so to court. That's what they think of our esteemed Supervisor of Riverhead."

Supervisor Janoski: "If there was any violation of Civil Service Law"---(interrupted)

William Kasperovich: "And I say to them well I can't afford a lawyer and they said well go to the Civil Liberties Union and they'll give you a lawyer and they'll read the riot act to him. And you're trying to create the impression that you get along with these people and you follow their rules and regulations."

Supervisor Janoski: "I'm not creating the impression. Bill I know that we follow Civil Service Law. Please address the subject of the hearing. Say your piece and sit down."

William Kasperovich: "When I go down there they say that Riverhead does what they damn well please. The subject is to delete a section of a Town Ordinance."

Supervisor Janoski: "You're not in favor of that?"

William Kasperovich: "I'm not in favor of removing something without correcting it."

Supervisor Janoski: "Okay. Thank you Bill and we appreciate your comments. Is there anyone else who wishes to address the Town Board on this subject? That being the case and without objection I declare the hearing to be closed.

Let the record show that the hour of 8:04 p.m. has arrived and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:50 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:50 P.M. on Tuesday August 20, 1991 to hear all interested persons who wish to be heard regarding: **THE DELETION OF CHAPTER A114 "POLICE RULES AND REGULATIONS" FROM THE TOWN CODE.**"

Patricia Moore, Town Attorney: "As the Town Clerk mentioned we are removing or proposing to remove the police rules and regulations from the Town Code. Throughout the State the police rules and regulations are a separate document that the Police Department must abide by. These regulations are written up based on both State Law and Case Law. What we are proposing to do is implement a procedure in the code where if a rule or regulation is amended that that rule and regulation would be available in the Town Clerk's Office and be authorized by resolution of the Town Board."

Supervisor Janoski: "As has been put police regulations are now a local law requiring a very complicated and involved procedure for their implementation. And this is an archaic practice which exists probably only in the Town of Riverhead. What we are trying to do is to simplify the process which has been pointed out by the Town Attorney as the result of State action and other action and really do not warrant this local law procedure and to put them into a separate part of the Town code. Is there anyone present wishing to address the Town Board on the subject of this hearing? Steve."

Steve Haizlip: "I'm not going to question any aspect as to why it's changed or why you want to change it or what was wrong with the old system, why are going to a new system. The only thing is I'm not clear of what's taking place here. I mean wasn't the Police Department operating under State Law? Now you want to go to local law. I'm not quite clear of what's going on."

**Supervisor Janoski:** "The rules and regulations of the department are a document and they are changed in different aspects on a fairly regular basis. What I am saying is that they are the result, very often, of State action. But the process that we must go through to put this new regulation into the police regulations is a very cumbersome process. It's expensive and we are, as I said, probably the only town in the State that still follows this whole process. We are trying to put in place a process in which the rules and regulations are on file and that any changes, additions, or deletions require an action of the Town Board by resolution. The Town Board must act publicly. The document is on file for anybody's review to see what the regulations are. What we are eliminating is the process which is a local law process which is very cumbersome."

**Steve Haizlip:** "The local law process?"

**Patricia Moore, Town Attorney:** "A local law. We have throughout our code local laws. The local law process requires a public hearing, a notice in the paper, then a public hearing and then ultimately a change based on that public hearing. If you make any modifications based on comment at the public hearing you have to pretty much start at the beginning; all over again. So it does result in a costly and cumbersome process to try to make simple changes in our code."

**Steve Haizlip:** "I'm getting the drift now. Okay. I gotcha now. Thank you."

**Supervisor Janoski:** "Is there anyone else present wishing to address the Town Board in this matter? Mr. Schmelzer, late arrival, but ready to (tape malfunctioned)"

**George Schmelzer, Calverton:** "I just got current on again after 30 hours. I understand the only thing that Steve said. You're changing your system to the State system or something?"

**Supervisor Janoski:** "No, we are simplifying the process by which we can implement the changes that the State puts in place."

**George Schmelzer:** "What you mean you simplify it by changing the rules and people don't know the rules have changed?"

**Supervisor Janoski:** "George I wish that you would tell us how you feel about this. Oh Vic is going to clear this up?"

**Councilman Prusinowski:** "George, the Police Department is a semi-military organization and we have rules and regulations on certain ways (procedures) that the policemen must follow. Dress codes, we have internal procedures and basically to change some of these internal procedures we're not violating the law, circumventing the laws, we're not giving them special police power, this is more of an administrative procedural thing and it's a waste of taxpayers dollars. The public notices in the

newspapers for a minor procedural change that pertains to mostly discipline and the way we run the Police Department. That's what it is."

George Schmelzer: "Okay."

Councilman Prusinowski: "Okay. It's not something convoluted or we're out to do something secret or we're trying to take over the Russian Federation Headquarters like their doing tonight. We are just trying to run the Police Department in a very efficient manner and trying to save some taxpayers dollars. Advertising costs money, transcribing your minutes costs money."

George Schmelzer: "You're not trying to add to the Town Code without our knowledge?"

Councilman Prusinowski: "No, we are trying to streamline it, make it efficient and save some tax dollars."

George Schmelzer: "Well, thank you very much."

Councilwoman Denise Civiletti: "One more place where we are going to save money with this. Irene could probably tell you that better than anybody else. General Code publishers what we pay them every year?"

Irene J. Pendzick, Town Clerk: "A fortune."

Councilwoman Civiletti: "We're going to have to do changes to these regulations by Town Board resolution so there still would have to be a public notice and a hearing."

George Schmelzer: "She says she pays them a fortune? If they don't get paid the fortune, who's going to get the fortune now?"

Councilwoman Civiletti: "You see everytime we change a law that's in this book it cost, every year we spend thousands of dollars to get all these code amendments changed. And this is a regulation that doesn't have to be part of what's essentially the Town's statute."

George Schmelzer: "It would be cheaper to get rid of some of these codes wouldn't it?"

Councilpeople: "That's what we are trying to do."

Supervisor Janoski: "For example, I believe there is a regulation that when a police officer gets out of his car he must put on his cap. Is that a regulation Robby? Okay. That's an example. Thank you George. Is there anyone else who wants to address the Town Board on the matter of these police regulations being part of the Town Code? That being the case and without objection I declare the hearing to be closed."

Let the record show that the hour of 8:13 p.m. has arrived and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:55 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:55 p.m. on Tuesday, August 20, 1991 to hear all interested persons who wish to be heard regarding: **THE DELETION OF CHAPTER 61 "ENVIRONMENTAL QUALITY REVIEW" FROM THE TOWN CODE.** "

Patricia Moore, Town Attorney: "We have a section in our code which is entitled "Environmental Quality Review. It was written in '77 or put into our code in '77 based on the New York State Law that created in '76 created the State Environmental Quality Review Act. Since that time when the law was put into -- the State regulations were created and gave us authority to put it in the code, those regulations have been amended and the most recent amendment is effective June '87. The '87 SEQRA regulations are substantially different then what the Environmental Quality Review Code in our Town Code states. That inconsistency could lead to some problems in the future. Certainly we have sections in this code which we have not applied because they have been determined to be illegal based on case law and the revisions '87. With that in mind we are proposing to remove that section from our code and apply only the State Law which has been applied in the past."

Supervisor Janoski: "And supersedes."

Patricia Moore, Town Attorney: "It preempts and supersedes in many parts of the Town Code."

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

Ed Kemenitzer, Riverhead: "I'm a member of the C.A.C. and behalf of the C.A.C. First one question for you Pat. Would elimination of Chapter 61 also eliminate the E.Q.R.B.?"

Patricia Moore, Town Clerk: "The Quality Board?"

Ed Kemenitzer: "Yes."

Patricia Moore, Town Clerk: "Yes, it would. As a matter of fact that's already been eliminated by case law which says that the Town Board or any lead agency must make their own determination of whether or not an action is significant or not. The Town Board cannot delegate it to what has been the E.Q.B. or the Board which consists of the one member of the Planning Board, Zoning Board and C.A.C. So that practice about four years ago was eliminated because of the case law which clearly said we couldn't do that and jeopardize any permits that we issued basically."

Ed Kemnitzer: "I'm somewhat embarrassed by my lack of complete knowledge on this. George Bartunek, Chairman of the C.A.C. has been sitting on the E.Q.R.B. to date as far as I know. But let me present these comments. The C.A.C. has only recently become aware of the possible dissolution of the E.Q.R.B. As the C.A.C. seats one member of the E.Q.R.B. The C.A.C. respectfully requests the Town Board delay any preliminary decisions and subsequent discussion on dissolution until the C.A.C. has submitted its written comments following its regular monthly meeting on August 28th. I'd like to further say that the C.A.C. has always been a proponent of streamlining our government. But in this case we feel we need to determine if streamlining will result in neglecting of town environmental issues. I believe there are environmental issues which are outside scope of S.E.Q.R.A. which have arisen due to the E.R.B. meeting. And I'm worried about those environmental issues not being addressed at all in the future. So I just request that the C.A.C. have time at its regular meeting to submit written comments. Thank you."

Supervisor Janoski: "Thank you. Yes, Mr. Amper."

Richard Amper, Executive Director of the L.I. Pine Barren Society: "The society has been chatting up Riverhead since 1978 on environmental matters. My first exposure to this administration came in 1989 when I and members of the society were characterized as environmental terrorists by the Supervisor and we depict an exception to that if it had come from anything other than an environmental Neanderthal when it comes to look at State Environmental Law."

Supervisor Janoski: "Mr. Amper. I am the Supervisor of the Town of Riverhead. You will direct your comments about me with respect, because I occupy an office. You do not live in the Town of Riverhead and I am affording you the opportunity to address this Board. Say what you have to say. Take your position, but respect me and this Board."

Richard Amper: "I have every respect for the government of Riverhead. I think the characterizations that have marked our relationship in the past have been counterproductive and my reason for coming here tonight in fact do quite the opposite."

In fact some of the prehistoric notions of environmental concern that we've seen in Riverhead have been subject of great concern to us. We see none quite the like of the signal that we're seeing sent and we propose to eliminate something called the Environmental Quality Review from the Riverhead Town Code. Now we've heard and there is some truth to the notion that some of what State Law does is duplicative and no one is more in favor of reducing the burden on local taxpayers than we are. But in fact this particular provision, SEQRA provisions under Town Law are permitted to be even stronger. That may not be the goal of some of the members of the Town Board, but in fact, many towns have used this to remarkably good extent to provide greater protection than that afforded by the State. And I've heard from

very few towns more criticism of the ineffectiveness of state government and protecting environmental law. I've heard from very few towns more concerned about Home Rule, concerned about how we protect our own interests and I've heard from Riverhead. So the opportunity in Riverhead Town to list more items than the State issues and list as Type 1 Actions. To obtain dollars and cents from those who propose actions here in Riverhead without burdening taxpayers for the cost of, as you know, costly environmental reviews, the Town's expenses can under State Environmental Law be paid for by those who are proposing to economically benefit, not the taxpayers of Riverhead. Our local law, our local version of SEQRA can therefore be tougher; can make these kinds of demands on those who make money here, who propose these projects here and allow Riverhead to have more control, not less control. And I think that's a good worthy reason to retain some control of SEQRA within the Town.

We've heard complains of late about the State's intervention in the control of the Peconic River. It's been argued the Town can do a better job of that and yet we seem to be relinquishing to the same State government that we've faulted in the past over swaying control over what it is that we can decide locally here in Town and who foots the bill that costly environmental review that's involved. We think it's a mistake.

Moreover we've seen requested by Riverhead Town a redesignation of that river corridor as an urban river. And division of Riverhead is a place where urban river exists where the regions next jetport may well exist sticks us as at odds with the environmental perceptions of the people who live in Riverhead. Whether or not an individual who represents an organization lives in the Town of Riverhead is not important and I appreciate your having recognized that in affording the Pine Barrens Society and I should think any other County based or Island based environmental group an opportunity to be heard. God created this wonderful place. He didn't draw the lines that have been drawn since. As a consequent you have your jurisdictions, but those jurisdictions have an impact on all kinds of folks. We've taken the time to come out to Riverhead, despite the fact that we are not based here, because there are Pine Barrens here, because decisions that you make in Riverhead affect people that go far beyond it's boundaries, particularly those that live in Riverhead. Many of our members live here. We certainly have what is referred to as standing here. We have spent a lot of money in Riverhead on lawsuits. We can afford to spend a little bit less on lawsuits if we can reach an accommodation. And in fact that is why I have come here to try to accommodate. Despite our mutual perceptions in the past I've seen great success result when environmentalists went to the County of Suffolk and found fault with the rate of which land was being acquired under the Clean Drinking Water Protection Program. Instead of merely finding fault we reached out to County government and said we'd like to consider an independent evaluation using the top environmental government thinkers in Suffolk County to produce a wish list. An opportunity to prioritize acquisitions in an environmentally responsible way. That group of people came together with an

absolutely flawless program untainted by any scandal that resulted in all kinds of purchases in which now actually has arrived at the point where we are beginning to make some real progress toward acquisitions right here in Riverhead. It cost the taxpayers not a penny. Because they took advantage. Environmentalists that are willing to extend the olive branch of peace to government folks who may have initially distrusted.

What I'm proposing tonight is that rather than to throw the baby out with the bath water and the bath water into Peconic River that what we do is sit down and look at the antiquated section of law that you so quickly seek to dismiss. To find out how we can make it stronger. To find out if it is possible to show that Riverhead, in fact, wants to take affirmative action to more than the State has done to protect our important environmental resources and whether it can without characterization work with those people concerned about the environment to do it. The Pine Barrens Society has been an adversary for more than three years with respect to this Town, but with respect to this particular opportunity we'd like to stand together with the North Fork Environmental Council and any other resources that have participated County-wide and address these matters to make certain that the best laws, the ones most protective of the environment of Riverhead and those that give Riverhead the greatest control and Riverhead's taxpayers the least burden of responsibility may in fact be enacted. We don't just have to dump it because it isn't working. We can actually improve it and we'd like the opportunity to do that with you and that's why we are here."

**Supervisor Janoski:** "We would look forward to your recommendations and afford you the same opportunity as the C.A.C., review what is being proposed and to afford to us those observations and recommendations.

I would like to just make one comment. The Town Board of the Town of Riverhead has not proposed nor has it supported, to my knowledge, urban river addition to the Wild Scenic Recreational Rivers Act. However, it is somewhat characterized by your statement that we want to make the entire river the urban designation absolutely is not the case. It is a piece of legislation which I understand was introduced in Albany which I think would relieve certain problems in the downtown area where existing development already exists in residential areas also. Awhile I have never seen the legislation of the concept of it I do think might provide relief to that area which is downtown Riverhead, Main Street, Pulaski Street, Marcy Avenue, those existing areas in which right now if you want to put a deck on a home or make an addition to your home you must get a permit from the D.E.C. And if you want to open up a cigar store you cannot do it and if you want to be a doctor on Main Street, you cannot be one and if you want to be a lawyer cannot be one. However, if you want to rent canoes and sell bait you can probably do that. Now I think something is wrong with that and I understand that the D.E.C. agrees and is itself promulgating writing regulations to recognize that there are established communities, urban

communities which exist along side of a river. And certainly once again I hope we can reach some sort of accommodation on that."

Richard Amper: "In that connection we have been quite frankly shocked on the other side that the D.E.C. has, in fact, granted exemptions to these regulations to permit actual industrial usage in the Peconic Headwaters Region which is a little alarming to us on the otherside of the aisle. What I think would be particularly useful since the record is not clear in terms of your position, that the extent to which you agree or disagree with the legislation as Senator LaValle has presented it would be very, very interesting I'm sure to everybody both in the environmental community and Riverhead as a whole."

Supervisor Janoski: "I would be very interested to find out what industrial permit has been issued by the D.E.C."

Richard Amper: "We'll be happy to supply it to you because we've supplied it very unhappily to the D.E.C."

Councilman Stark: "Where is this?"

Richard Amper: "This is up at the headwaters in the Brookhaven side of it. I don't know if they give Brookhaven a little more favored treatment than they give you, but boy we've got a major development that's granted approval over there. Right in that river corridor that is a concern to all of us. It is in Brookhaven Town."

Councilman Stark: "But is it in Brookhaven?"

Richard Amper: "It is in Brookhaven."

Patricia Moore, Town Attorney: "Since this is being televised I feel that it is my responsibility to clarify something. The Riverhead Code as far as fees are our fiscal responsibility allows for us to charge an applicant up to \$2,000.00 which is not an unreasonable fee when it comes to a large project in which the environmental review could cost many more thousands of dollars. The SEQRA regulations allow for fees based on the type of application of a certain percentage. And that percentage a great deal more than \$2,000.00. So the percentage of the gross cost of the applications for the construction so that you have a, and we did this with Long Lake the project that was proposed two or three years ago, we said this project is a million dollar project, a percentage of that will go towards environmental review and the cost of getting experts to review it on behalf of the Town and make recommendations to the Town. So that your statements I think you profess to be an expert in this are misstatements that should not be made, because it is not fair for the Town to be labeled as fiscally irresponsible when in fact, I've always been concerned and the Board has been concerned that a savvy applicant would look at this and say you can't charge me ten thousand, twenty

thousand dollars, you can only charge me two thousand dollars. They might have some argument there."

Richard Amper: "I'd be happy to respond to that. The fact of the matter is that under the State Environmental Quality Review Act you've been up to this point able to use whichever was the stronger law in the process. In short if it was useful to you, as you've admitted it was at one point, to use the State Environmental Quality Review Acts regulation you've been prepared to use that. We're merely saying that across the board you have the opportunity to make certain that all of these expenses whether on the large projects or small are amply covered by the applicant. And so long as you can do that at State level there is certainly no reason why you can't take whatever steps that you like within the confines of the State Environmental Quality Review Act."

Patricia Moore, Town Attorney: "But again you've misstated because here in the regulations it says that you may not exceed the amount allowed under the subdivision. So that the maximum amount that we could charge even through adoptions of a regulation as you propose would not be anymore than what the State Law provides which is one we've applied."

Richard Amper: "You could not increase them above the maximum provided under the State, that is to be sure, but the minimum ones that are currently being enforced could be increased. Could you not in fact up to the maximum provide locally for all of these. Is that not possible? Is that not desirable?"

Patricia Moore, Town Attorney: "That is what we've been doing. By applying the State regulations we've said we have an ability for a residential to charge up to 1 1/2% of that cost."

Richard Amper: "I think that best example is for us to supply on a case by case basis examples of real time actual occurring expenses charged to those making these applications and that may better demonstrate what is possible for you to do and what has been done in the past."

Supervisor Janoski: "As I said we will look forward to your recommendations. Is there anybody else who wishes to address the Town Board in this matter? Mr. Schmelzer."

George Schmelzer: "I don't know how much amperage Mr. Amper has, but he lives in a residential area Lake Panamoka. I suspect his cesspool leaks into Lake Panamoka and I hear that he conducts his business out of his house in a residential area. I don't know if that's according to the code or not."

Supervisor Janoski: "Well it's not the subject of this hearing, George, I can tell you that."

George Schmelzer: "Okay. What's the subject then?"

Supervisor Janoski: "It is code revision and it is concerning the deletion of Chapter 61 Environmental Quality Review."

George Schmelzer: "Delete some of the code. That's good. I think that anything you can delete so much the better. I would suggest to Mr. Amper that he make Lake Panamoka a part of the Wild Scenic River areas too. And maybe Harlem River. Go up to Harlem and call that a jungle river. It's quite a jungle area."

Supervisor Janoski: "George once again you're getting away from the subject."

George Schmelzer: "Well he got away from it so I can too. We've had three quarters of the Peconic River frontage from Peconic Avenue back to its source is in government hands. Whether it be federal, county, or state or whatever. Only one quarter is in private hands. I think it's fair enough to say leave it alone this private area. How about it? What does he want to control everything like they do in Moscow? He should go to Moscow and stay there then. Thank you."

Supervisor Janoski: "George I thank you for your very succinct comment. Is there anyone else present wishing to address the Town Board in the matter of this review. Sherry Johnson."

Sherry Johnson, representing the North Fork Environmental Council: "Please bear with me today. Thanks to hurricane Bob our computer was down and I would have given anything for a manual typewriter today."

The N.F.E.C. opposes cleaning the Town's Chapter on Environmental Quality Review from the Code Book. Chapter 61 was adopted by the Town in 1977 in recognition and support of State Environmental Conservation Law Article 6 part 617. By adopting Chapter 61 the Board adopted an intent to abide by the State Environmental Quality Review Act. Deleting this Chapter sends a negative signal that you're deleting your intent. If you feel this chapter is outdated, don't eliminate it, revise it. Pat mentioned the sections that were outdated. If truly the Environmental Quality Review Board is no longer feasible let's delete it and put in what we will use to make the determinations that are necessary. We would like to see that in the Code Book."

Supervisor Janoski: "You don't have any specific recommendations at this time, but you will supply them?"

Sherry Johnson: "Sure. Certainly if that is what you would like."

Supervisor Janoski: "Can I ask you a question that has been puzzling me since I saw your reaction when we set this hearing."

For the past five years or so we have followed the State Environmental Quality Review Act. (laughter) When you went in court that we were wrong than I won't make the same face. But I have never heard once in; I mean you come here and recite the handbook for SEQRA."

Sherry Johnson: "Did you fill out an E.A.F. for this?"

Supervisor Janoski: "Sherry ---"

Sherry Johnson: "Did you fill out an E.A.F. for this? Well let's hope you did, because if you didn't you're in violation right now."

Councilman James Stark: "Well we'll see you in court again I guess."

Sherry Johnson: "I didn't say we were going to sue you on this."

Councilman Stark: "That what's you said to me the other night."

Supervisor Janoski: "Could I ask my question?"

Sherry Johnson: "Yes."

Supervisor Janoski: "Of all the things that I have heard time and time after time on every application that we go through SEQRA on and you stand there very often and read the SEQRA handbook. I have never heard one complaint that we weren't following Chapter 61 of the Environmental Quality Review. That there were shortcomings in our process. Now the Town Board moves to remove from the Code Book something which we don't follow anymore because we do follow State Law, State Environmental Quality Review Act. Now all of a sudden we're making something out of this that perhaps I'm missing the point here, but why no mention of it since we adopted or the State superseded us with the SEQRA? It's just a burning question."

Sherry Johnson: "Well probably for the same reason that you usually refer that you are following Part 617 instead of 61 in your notice. We just don't refer to it that often. But I think you're wrong. We have referred to Chapter 61 and we have asked you from time to time to abide by it. And the perfect example was Mill Pond Commons. When we originally asked you to go back and to through the SEQRA process, do a D.E.I.S. on that. We did refer to Chapter 61 where it did state that it was in the floodplain and that you had a Type 1 Action because of that."

Supervisor Janoski: "Yes, I understand that and but under SEQRA we could have made the same determination. I mean you are confusing-----"

Sherry Johnson: "But your intent, the Town's intent, was to require things in the floodplain to be a Type 1 Action. I don't want to stand-up here and discuss that, because that is not really the subject of the topic tonight."

Supervisor Janoski: "The subject is that you're opposed to the deletion-----"

Sherry Johnson: "You're considering deleting Chapter 61 and we don't feel that you should."

Some of the other reasons that we have is because of the fee schedule which is mentioned in here or the one fee that Pat mentioned. Also Pat mentioned that SEQRA was revised back in 1987. Easthampton Town revised their Environmental Quality Review Section at the same time. Riverhead and probably all the towns should have to have kept them current. Easthampton also took care of the fee situation by stating that these would be fixed from time to time by resolution of the Town Board and that they state that the fees will reflect the actual cost of reviewing whatever document or process they are going through. So that is one way that that could be handled."

Supervisor Janoski: "Which also exists in SEQRA."

Sherry Johnson: "Well, we would like to see it codified."

Supervisor Janoski: "It is codified in SEQRA! I'm sorry I will not interrupt you again. I look forward to having your review and recommendations for the Town Board. You are opposed to this deletion and what else is there to say."

Sherry Johnson: "Yes. And the other thing was that in the resolution that you said that Part 617 overrides local legislation and that's not true, because as was already stated Part 617 does allow the towns to make up their own list of Type 1 Actions and as long as it's more stringent they will uphold it. The quote is: 'Agencies may adopt their own lists of additional Type 1 Actions, may adjust the thresholds to make them more inclusive and may continue to use previously adopted lists of Type 1 Actions to compliment those contained in this section.' So I feel that the lists you have on there may need a little work but generally it's good and I'd like to see the changes made. If you would like specific recommendations I will get them for you. I guess that's about it."

Supervisor Janoski: "Thank you Sherry. Is there anyone else present wishing to address the Town Board on the matter of the deletion of Section 61? That being the case and without objection I declare the hearing to be closed."

Let the record show that the hour is 8:41 P.M. and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 8:00 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 8:00 P.M. on Tuesday, August 20, 1991 to hear all interested persons who wish to be heard regarding: **THE SPECIAL PERMIT APPLICATION OF EDWARD CLARK FOR A GASOLINE SERVICE STATION, STORE AND CAR WASH IN AN INDUSTRIAL "B" USE DISTRICT.**"

Supervisor Janoski: "Are you representing the applicant or are you the applicant?"

Joseph Longo, Calverton: "We are proposing a car wash and a gas station convenience store."

Supervisor Janoski: "And where is that to be located?"

Joseph Longo: "626 West Main Street. It's right next to the Dodge dealer."

Supervisor Janoski: "What is presently there?"

Joseph Longo: "It's an abandoned gas station."

Supervisor Janoski: "An abandoned gas station to the east of Riverhead Dodge?"

Joseph Longo: "Yes. Between Riverhead Dodge and the Post Office Annex."

Supervisor Janoski: "And it's going to operate as a gas station car wash?"

Joseph Longo: "Yes and a mild convenience store, cigarettes."

Supervisor Janoski: "And a convenience store. Is there a company corporation associated with this? For example what kind of gas are you going to sell?"

Joseph Longo: "It's going to be a major carrier. We don't have any buyers yet."

Supervisor Janoski: "Alright let's see if anybody has any comment. Thank you sir, very much. Is there anyone present wishing to address the Town Board in the matter of this application? It is a defunct gas station to the east of Riverhead Dodge and the purpose of the proposal here is to put in place a gas station, car wash, convenience store. Steve."

Steve Haizlip: "Don't mind this young fellow and his associates being in business. The more in business, the merrier. My only question or concern is when the gas rationing was on, the lines all had to be out in the street. If he is going to propose a car wash and the post office being there and all there trucks

coming in and out, a convenience store are we going to have adequate parking to accommodate this young fellow. That's the only thing I'm concerned about."

Supervisor Janoski: "Legitimate question to raise Steve. Thank you very much. Is there anyone else present wishing to make a comment on the application for a car wash, gas station, convenience store? Mr. Schmelzer."

George Schmelzer: "That place was always a gas station and somebody's paying taxes on it why shouldn't they use it. I don't see any reason why every business should be encouraged not discouraged. Leave him alone and let him do what he wants it's his land."

Supervisor Janoski: "Thank you George. Yes sir."

Steve from George's Sanitation: "I have a question that's not on the Board's agenda now. I know you were talking about going to municipal pick up. Is that going to be a discussion for tonight?"

Supervisor Janoski: "No."

Steve: "Has it been voted on yet?"

Supervisor Janoski: "No."

Councilman Creighton: "George was here earlier and we went over the agenda and it wasn't on it so he left. I guess you didn't get the word."

Steve: "No I didn't get the word on that. But I spoke to people on the Town Board before and they said it had to be on the agenda soon or you wouldn't be able to make your deadline."

Supervisor Janoski: "You're confusing two separate things. Municipal pickup is not under a time frame. You're talking about establishment of garbage districts is that correct?"

Steve: "Correct."

Supervisor Janoski: "The purpose of putting that in place it would be our desire if it were acted upon, if we did it, to have it in place for January 1st. of next year. That gives us a bit of time to discuss it and talk about it."

Steve: "Okay. So that it's not on the agenda as of now."

Supervisor Janoski: "It is not on the agenda this evening."

Steve: "Thank you."

Supervisor Janoski: "You're very welcome. Now if we can get back to when you last tuned in we were discussing the carwash, gas station, convenience store. Can I ask a question? It is on my mind, because somebody just reminded me of it. Have you checked with the great State of New York D.E.C. as to this business taking place on Main Street in Riverhead."

Joseph Longo: "Yes. In reference to the River Act?"

Supervisor Janoski: "Yes."

Joseph Longo: "It's right on the border line."

Supervisor Janoski: "Right on the border line."

Joseph Longo: "We are north of the line. It's on the north side of Marcy Avenue."

Supervisor Janoski: "Were they disappointed?"

Joseph Longo: "I've got it in writing."

Councilman Stark: "It's on the northside of 25?"

Joseph Longo: "Yes."

Councilman Stark: "And you're less than a quarter of a mile away?"

Supervisor Janoski: "No, no. He's talking about the lateral. Not the distance from the river, but east and west. So you are just east of the line."

Joseph Longo: "They made a comment on it, the Town of Riverhead should know whether it is in it or not. Because I requested a letter. Are we going to get a decision soon?"

Supervisor Janoski: "Soon."

Joseph Longo: "Thanks a lot."

Supervisor Janoski: "If there is no further comment on this we will declare that hearing to be closed. Let the record show that the hour is now 8:46 p.m. and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 8:05 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 8:05 P.M. on Tuesday, August 20, 1991 to hear all interested persons who wish to be heard regarding: **THE SPECIAL PERMIT OF 721 EAST MAIN STREET FOR A RECREATIONAL USE IN A BUSINESS "C" DISTRICT.**

The attorney for the applicant has requested an adjournment of the public hearing."

Supervisor Janoski: "Thank you Irene. We have a written request that this hearing be adjourned or postponed. I believe that is the wording. I am going to approach it in this way. The hearing is opened. I will recognize anyone who wishes to address the Town Board on the matter at this time. If there is no one wishing to address the Town Board, I will now recess this public hearing until the next scheduled meeting of the Town Board and we will say that it will be at 7:45 p.m. So I am recessing this hearing until 7:45 p.m. at the next regularly scheduled meeting of the Town Board which is the first Tuesday in September. September 2nd I am being told and that is the case. This hearing is recessed.

What we just did was save the Town a couple of bucks by not having to publish and post it again. And we're not doing anything slippery. We opened the hearing and recessed it and anybody who wishes to represent the applicant or address the subject will be talking about it next time.

Let the record show that the hour is 8:48 p.m. and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 8:10 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 8:10 p.m. on Tuesday, August 20, 1991 to hear all interested persons who wish to be heard regarding: **A PROPOSED AMENDMENT TO ARTICLE III "TRAFFIC REGULATIONS"**.

Patricia Moore, Town Attorney: "Very simply we want to add a Stop Sign at the intersection of Hulse Avenue and Sixth Street."

Supervisor Janoski: "As a matter of fact it has come to our attention that we have to hold hearings on all the Stop Signs in that area of the world, but this one here came as part of a particular request. So is there anyone present who objects to the Stop Sign which exists at the intersection described as Hulse Landing and Sixth Street? That being the case and without objection I declare the hearing to be closed and tune in because very soon we will have a very lengthy list of signs in those numbered streets in the Wildwood area of Wading River which we will also have to have a public hearing, because they are not in the code book. Sometimes we take away and sometimes we put in. It's one of the things that we do.

Let the record show that the hour is now 8:50 p.m. and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 8:15 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 8:15 P.M. on Tuesday, August 20, 1991 to hear all interested persons who wish to be heard regarding: **THE QUESTION OF WHETHER TO AUTHORIZE THE AWARD OF THE ALTERNATE BID FOR THE CONSTRUCTION OF TRANSMISSION MAINS AT FRESH POND AVENUE, EDWARDS AVENUE AND SOUTH PATH, TO BE INCLUDED AS PART OF EXTENSION 37R.**"

Supervisor Janoski: "Thank you. Mr. Scheiner."

Bob Scheiner, Vice President of H2M Group, Water District Engineers: "On May 23rd. of 1991 bids were received for Riverhead Water Extension 37R. The total amount of the low bid, I should say, was recommended to the Town Board was \$568,215.80. That included the two alternates that we will discuss tonight. The public hearing that was previously held on this Extension 37R proposed a budget, a total budget including construction and professional fees of \$970,000.00. Because of the economy that the country is currently in, the recession, obviously bids that were received were substantially below the estimated cost. At the time we prepared the bid documents, the Riverhead Water District requested that we put in a few alternates. Those are included and shown on the map which I will leave here so that anyone in the public would like to see it they are welcome to do that. The proposed Extension is basically from the Village Crossroads Restaurant on 25A to Timber Park and the Timber Park area. The other alternatives which total up to a total of \$165,228.60, the two alternates which bring the total up to \$568,215.80 [I know you are going to memorize these numbers] basically enable the Water District to manage the entire Water District more properly by allowing loops in the system instead of dead ends. It also connects the low zone with the high zone which is a method by which controlling pressure and boosting water pressure up. This is the reason for these two alternatives that were included. So even though the total amount is still below, about approximately 40% below, it was required that we have a public hearing to explain these two alternatives are being considered for inclusion in that even though the total price is substantially below what we projected originally."

Councilman Vic Prusinowski: "Bob just to be clear. When you say alternatives, I'm sure the question will be asked. You mean this is additional work that was planned for, but was not in the original bids."

Bob Scheiner: "Yes."

Councilman Prusinowski: "Okay. It would have been done down the road in the future."

Bob Scheiner: "Absolutely."

Councilman Prusinowski: "Okay. But now because of the low bids we can do the whole job at a saving."

Bob Scheiner: "About 40% less which be reflected in the tax rate as well."

Supervisor Janoski: "Mr. Scheiner that you very much. Is there anyone present wishing to address the members of the Board on this Water District project?"

Councilman Frank Creighton: "May I ask a question?"

Supervisor Janoski: "Oh sure."

Councilman Creighton: "Did the non winners in this bidding process have the opportunity to also bid on these alternatives?"

Bob Scheiner: "Absolutely. Yes. And the low bidder in this case I believe it was Francis Brothers was the low bidder for the entire package, not one and then higher on the other two. It worked out that he was the lowest of all."

Councilman Creighton: "Alright. Thank you."

Supervisor Janoski: "Steve."

Steve Haizlip: "I want to see if I understood something. This 37R has gone by here once before. Now if I here what Mr. Scheiner is saying it was put up, the drawings, the specifications, plans, do it and all that stuff was already approved and went through. Now he's emphasizing that the Water District Superintendent has requested additional. So they have to go back to another hearing and approval?"

Supervisor Janoski: "Yes, you've got it just about right there Steve except that you leave out---we went through this process and made a decision to go ahead with the project. After we do that we go out to bid. When the bids came in they were so low including the alternative-----you know I'm paying him to that why don't you explain."

Bob Scheiner: "Alright. We included the alternatives in the original bid package. When we originally went out to bid. Feeling that it was very possible that prices, because of the economy, would come in substantially less so these additional areas outside of the extension were included in the original bid package. We are not having to rebid it out. We felt that if the prices came in good the Water District could get some additional pipe. The people in the district would be served better and we can go along with it. If it didn't we would drop it out and just do the original extension. So it is not a question of a rebid. This is a question of additional alternates that were put in the original bid documents."

Frank Creighton: "Actually it will serve the district better."

Bob Scheiner: "Absolutely. Because the people in 37R for that matter will be able to have higher water pressure. And also if there is a problem in the system, because we are now looping the system. There are not going to be any dead ends in this area the Water Superintendent can control the water much better."

Steve Haizlip: "So in other words they were there."

Bob Scheiner: "They were in the bid package."

Steve Haizlip: "That's right. So if the bid was too high then they would be eliminated. But the bid hasn't been high, it's good and it can work. I gottcha. Thank you."

Supervisor Janoski: "This is one of those rare cases when you're getting more for less. Steve, I thank you and I admire you for remembering having discussed 37R before. Not many people would have picked that up."

Mr. Schmelzer, are you preparing for some incisive comments here."

George Schmelzer: "No, I just want to know where it is?"

Supervisor Janoski: "Where it is? Did you wish to address the Town Board on this matter?"

George Schmelzer: "No I guess not."

Supervisor Janoski: "Well I thank you for that. Is there anyone else present wishing to address the Town Board in this matter? That being the case and without objection I declare the hearing to be closed. Mr. Scheiner thank you very much. George make sure that you return those."

We are going to take up the resolutions of which there are not many, but I see Mr. Kasperovich is wanting to be recognized. Mr. Kasperovich you have the floor."

William Kasperovich, Wading River: "I wish to talk about the Resolution #501. I read the resolution as it's proposed and it doesn't make sense to me. You're accepting something and at the same time you're ordering a public hearing."

Supervisor Janoski: "Perhaps Mr. Kasperovich I could give you a thumbnail sketch of what the situation is here. You are very familiar with the Wildwood Hills Community, because you live up in that area. It is a community that exists on private roads. The members of that community have determined that they would like to have those roads improved even though they are privately owned. A mechanism by which the Town can assist in this matter is to create a road improvement district. The residents have requested that to take place and the Town government is complying

by going through the process which would put that in place and simply put they are creating a district in which they can tax themselves. They can borrow money, tax themselves in order to pay back that loan in order to get their roads improved. And not at the cost of the other tax payers in the Town of Riverhead. That's what is being done."

William Kasperovich: "Alright. Now I read here that the said Town Board authorized and approved the improvement of so and so, so, so, so Locust Road by improving the bed of the described roads. This is what's throwing me into utter confusion. How are you involved in improving the bed of the road alone? That by itself can't be done."

Patricia Moore, Town Attorney: "Could you repeat the question? I'm sorry Mr. Kasperovich."

William Kasperovich: "The wordage refers to improving the bed of the described roads. You can't improve the bed of a road. You can rebuild it, replace it, thicken it, compact or what have you, but to improve the bed of the bed alone"----- (interrupted)

Patricia Moore, Town Attorney: "If I could just say something. The reason it doesn't make much sense is because it came right out of the books that they recommend this language for adoption of this process. So it doesn't surprise me that what is your understanding of improving the bed of the road may be something different than what the law intends it to mean. But in any case it is intended to be the improvement of the fifty foot portion or 35 or whatever is recommended within that portion of the road."

William Kasperovich: "Well that is not the bed."

Supervisor Janoski: "Mr. Kasperovich this is a question of semantics is there a word which" --- (interrupted)

William Kasperovich: "This is not semantics. This is technical technology."

Supervisor Janoski: "Is there a word that you would like to see placed there."

William Kasperovich: "I don't know what is meant here. So how can I offer a replacement?"

Supervisor Janoski: "Road. The road that exists."

Patricia Moore, Town Attorney: "The road. It's not the sidewalks or curbs. It's the road."

William Kasperovich: "You can't separate sidewalks, roads and curbs, because they"--- (interrupted)

Patricia Moore, Town Attorney: "No, no, no, you most certainly can."

William Kasperovich: "The travelled on surfaces, if you are talking about travelled on services that would be descriptive."

Patricia Moore, Town Attorney: "Mr. Kasperovich I can pull out the law for you at another time and show you what we are basing this description from what we're coming."

William Kasperovich: "You could pull it out from anywhere you want. I know what the bed of a road is and nothing is going to change. So are just calling a public hearing. Are you ordering a public hearing or are you approving."

Supervisor Janoski: "You sure picked out a couple of things in that resolution and I think that it very clearly says that we are ordering a public hearing on this matter."

William Kasperovich: "Alright. Now as you yourself said you consider these private roads."

Supervisor Janoski: "Not that I consider them private roads. I said they are private roads."

William Kasperovich: "They are private roads by whose definition."

Councilman Stark: "Mr. Supervisor we are now seven minutes into a conversation that can take place at the public hearing. I move that we move on."

Supervisor Janoski: "Thank you."

William Kasperovich: "If the man there at your side doesn't know what you are talking about, he wants to get off onto something else."

Supervisor Janoski: "Let me just simply answer your question. They are not Town owned roads so therefor they are privately owned roads and why don't we move on."

William Kasperovich: "Alright, lets not belabor the point. We have a difference of agreement as to the legal position in law of the roads themselves. However, this could be brought forth at the public hearing. But by spelling out what you are calling your public hearing for"----- (interrupted)

Supervisor Janoski: "Mr. Kasperovich you are moving on seven minutes now. Really you've been talking for some ten minutes and it's about really nothing of great importance right now. If there is something that you would like to"-- (interrupted)

William Kasperovich: "It's of grave importance to the people in this area of Riverhead."

Councilman Prusinowski: "Yes, but they are the ones who submitted the petition. They want their roads fixed and they are going to be here on September 3rd. to present their case."

William Kasperovich: "I'm well aware of the explanation, Mr. Prusinowski. You're making a statement here on the basis of which you're calling a Town"---(interrupted)

Councilman Prusinowski: "They're going to hire engineers, they're going to go out to bid, they are going to get the road fixed the way they want it for \$150,000.00."

William Kasperovich: "I tried to make a statement. Nobody wants to listen and yet you give me all kinds of backtalk about something that doesn't apply to what I said. Now you are calling a Town Board public hearing on the 3rd. of the month of September at 7:50 p.m. on what was described in the first paragraph and what I'm saying is you're calling a public hearing on something that is incorrect and improper."

Supervisor Janoski: "Thank you Mr. Kasperovich. I appreciate your input. Is there anyone else who wishes to address the Town Board? Steve did you say that you wanted to speak. Come right up here."

Steve Haizlip: "The young fellow that came up and addressed you about the garbage and you said if I understand, it's not finished, it's not over with yet, it means"---(interrupted)

Councilman Prusinowski: "It's not on the agenda yet."

Steve Haizlip: "There will be other hearings on it and you will have more?"

Supervisor Janoski: "No, no. What it means, his question was: Was is it on the agenda today? It is not. We are not going to vote on it this evening. However, I do have to make note of this one letter that we got that they object to the mandatory garbage pick up program denying public access to the landfill. What landfill? The landfill that exists now the State wants to close it. And what we are doing is preparing ourselves for that eventuality. I just had to say that, but we are not acting on that this evening. The gentlemen had been, as they say in Casablanca, misinformed."

Steve Haizlip: "What I'm trying to find out Joe and the other Board Members is on the July 23rd hearing, which I unfortunately missed, is over with and any other hearing is over with and now there isn't going to be anymore shots at anybody wanting to do anything other than putting a letter in."

Councilman Prusinowski: "That's correct. The Town Board will be considering at a work session soon the final draft of the proposed garbage districts and the Solid Waste Management Law. I do want to tell you though, Steve, a few people questioned why do we want to deny access to the landfill. The Town Board of Riverhead does not want to deny anybody the access to the landfill. The fact of the matter is in order to protect the majority of the taxpayers, the property owners of this Town, there will come a time and there is a time now where you're a law-a-biding citizen, you're going to the landfill. Most people who want to violate the law and not pay the fees are throwing the garbage all over Town. Right now the Highway Department spends at least two days a week picking up our public containers which contain residential garbage because people do not want go and pay the one dollar at our landfill. The landfill will be closed, we will have a transfer station. The garbage will either be sent to either Omni Technical Services or the other lowest bidder or somebody or God forbid the Governor will change his mind and say okay we will accommodate Riverhead. We will be allowed to build a cell that's lined with the three part three sixty regulations. We are trying to do anything. The fact is that in order to keep the total cost of garbage down in the Town and we have a lot of vacant and open land it's a real problem. No other Town in the rest of Suffolk County or Nassau allows you to go to the landfill or even to the disposal centers themselves other than licensed commercial carters. It's unfortunate, that's the way it is, that's the State Law. Even the other East End towns, I know Easthampton when they opened their composting center they are not going to allow the residents other than going to transfer stations throughout the Town."

Steve Haizlip: "Okay. I guess this is going to be my only shot at this now."

Supervisor Janoski: "No Steve, we are going to be around for awhile. It's not going to be taken up this evening. The Town Board is going to meet on it. The members of the Solid Waste Committee are going to discuss it. They're revising, they are making changes. We will be at work sessions and there will be a meeting where it will be on the agenda and you can stand up here and talk about something that is not in its final stages. Because what you may want to comment on may not be the actual proposal at that time."

Steve Haizlip: "May not be the actual proposal at that time?"

Supervisor Janoski: "There are changes, amendments as we like to call them. Changes taking place right now in what is being suggested or proposed."

Steve Haizlip: "What I want to comment on is this: This country is supposed to be free enterprise and free choice. But I guess I have to withdraw the free choice. And the free choice is

I want to haul my garbage to the composting or recycling. I don't want to pay a carter, because some clown wanted \$12,000.00 out of me or any of these other fine people."

Councilman Prusinowski: "Steve, that is not the reason why we did it. I'm going to tell you again that we would like to allow you to continue to go to the landfill, but the fact is that most people now are not recycling. A lot of people are throwing the garbage all over the Town and in order to properly organize the Town the way to keep from the garbage cost escalating to millions and millions, and millions of dollars more. It's just something that unless somebody gives us a solution that is cheaper I don't see any other recourse but to have an organized collection of garbage through the districts which will keep the total cost of garbage disposal controllable and down. Going up the the landfill is not going to happen now because we're going to have a transfer station or whatever. We not trying to impose on you or trying to take away this freedom. This is a State Law that was passed and the small Town of Riverhead that has very limited bonding capacity. We're trying to do the best we can to solve the problem. When I say that we have great participation in the recycling program now, however, not everybody is recycling."

Steve Haizlip: "I know, because I do it."

Councilman Vic Prusinowski: "And in some other Towns if you do not recycle when the garbageman comes by they don't pick up your garbageman and you cannot go to the landfill. Where now a lot of people don't recycle, go to the landfill and throw their recyclables together with their regular garbage. And that is unfortunate because in the end that costs all of the taxpayers. And I'll tell you it is very easy to recycle."

Steve Haizlip: "I know because I do it. My final closing statement. Whether some people agree with it or not. I'm glad that you took the position on December the 18th and went to court and kept dictation and communist control away from this Town because State government said we are going to dictate to you and not give you freedom of choice and take your rights away. So all I'm saying is in a round about way is I'm glad you stood up and fight and we've had it this long. Because otherwise on December 18th those storm troopers would have been in there."

Supervisor Janoski: "Thank you Steve. Let us take up the resolutions."

#### RESOLUTIONS:

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

Councilman Frank Creighton: "The Department of Environmental Conservation Shell Fish Advisory Committee had a meeting of interested parties regarding delaying the date of the

opening of the scallop season because of the worm infestation and the brown tide both of which have impacted on the reproduction and production of bud scallops this year. And have agreed unanimously that it would be desirable to set back the opening date for approximately two to three weeks or until the 7th of October. In doing so they've asked that the Town Board concern issue a memorializing resolution to the State of New York and specifically the Department of Environmental Conservation requests that they do whatever they can to affect this change in the opening date of the scallop season.

So I so move that the Town of Board of Riverhead so send a memorializing resolution to the State of New York and the Department of Environmental Conservation."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

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

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

Councilman James Stark: "I will not make a motion. I would like to make a statement.

At this time I would like to commend our Supervisor and his staff the way he fulfilled the duties of Supervisor in the last two days during the hurricane. He had a command center here so to speak. He did diligent work. His staff did.

I would like to commend our Police Department, our Highway Department, our Buildings and Grounds, our Fire Departments. I think everybody has done an extraordinary, exceptional job. We ask you to bear with us as far as getting your electricity back. That is out of the hands of the Town Board. But I commend the Supervisor for leading the charge in this recent storm."

Supervisor Janoski: "Thank you. Thank you very much. Mr. Schmelzer."

George Schmelzer: "You mentioned the School Board before. I think they are pretty sleazy in making their meetings the same day as the Town Board meetings."

Councilman Prusinowski: "George, why don't you go up their and tell them that tonight. Also give them your opinion on the thirty million budget they are proposing for the district. Thirty nine million dollar budget. Because telling us is not helping."

George Schmelzer: "Well see this way he might take it. You go up to the School Board you get nothing, you see. That's the reason."

Supervisor Janoski: "George thank you. Oh is there more."

George Schmelzer: "I didn't get started yet."

Councilman Stark: "I make a motion to adjourn Mr. Supervisor."

Supervisor Janoski: "I have a motion to adjourn."

Councilman Prusinowski: "I second that."

Supervisor Janoski: "Moved and seconded. Call the roll."

Councilman Stark: "No I'm only kidding. Go ahead George."

Supervisor Janoski: "Well we almost got through."

George Schmelzer: "I hope the time never comes when the Town is run like the schools are. It appears to me that everytime there is a School Board Meeting, somebody spikes their coffee so they act like a bunch of zombies. They vote just what the administrators want. The public knows nothing. They know nothing of salaries of teachers or administrators. Anytime you have a drop in students they give the teachers less students to keep all the teachers. Of course if you have an increase then they hire more teachers. This million or million and a half bond issue that was passed not too far back to repair buildings, I noticed last week, I think it was, they busted up the good sidewalks in Riley Avenue and put new ones in. They did the same thing to the paving. When we vote on a school budget if it fails they put it up again. What you can vote on is barely five per cent. Maybe baseball gloves, baseball bats and picking up students within a half mile of the school. Beyond that there is nothing to say. They say it's what the administrators get in salary is their private business. So I told one of them one time, yes if your budget is too high and an individual can't pay his taxes it's advertised in the paper isn't it? How about that? So what's the secret there. You can go on and on and then they say oh it's State mandated. Let's see what these State Mandates are. Nobody seems to know. It's like a closed group. As I say again I hope the Town Board is never run that way. I probably forgot ten times more than I said. But I wish some people would do something and try to get this stuff unmandated like our State Senator, State Assemblyman. But they seem to be in the same click. I think, Joe, you should know. Weren't you a teacher one time?"

Supervisor Janoski: "I am by profession an engineer."

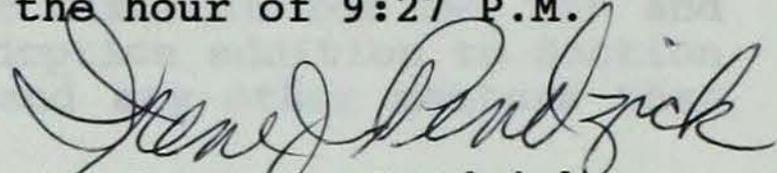
George Schmelzer: "Maybe you could help. You know the inner workings of these schemers. I think Ken LaValle does too. Nothing is ever done. Maybe that's his pride and joy to make sure that the school administrators get everything locked in similar to what they had up in Moscow. It is a very similar arrangement. Where the set up is."

When I went to school we had a principal and the principal had a secretary and that was all. Now they've got administrators upon administrators. Nobody seems to know what for."

**Supervisor Janoski:** "You know I'm really perplexed, because Vic makes a very significant point. There is right now in the Town of Riverhead going on a meeting concerning everything that you are talking about and I think that they would like to hear that. We have no jurisdiction over the school. I'm sure Senator LaValle and Assemblyman Sawicki would be very interested in your observations on what they have done regarding education and education mandates. Certainly they've heard from me often enough about what I think about them. But you have an opportunity right now to lickety split get over there and tell them what you think."

**George Schmelzer:** "They will never answer any questions. They want the people to be disgusted and not to come. You see it's two thirds of our taxes. And if we can't do anything with Ken LaValle and the other monkeys up in Albany we're stuck."

**Supervisor Janoski:** "George, thank you very much. Without objection this meeting is adjourned at the hour of 9:27 P.M."



Irene J. Pendzick  
Town Clerk

IJP:ch

Dated: August 20, 1991

ALBERT J. JAROSKI  
Supervisor  
VIC J. JAROSKI  
Councilman  
ALBERT J. JAROSKI  
Councilman  
JAMES STACE  
Councilman  
FRANK STRONG  
Councilman

The meeting was called to order by Supervisor Janoski at 11:16 a.m.

Resolutions 1117-545 found on page of the 1991 resolution book.