

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, October 1, 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:** "May I have a motion to approve the minutes of a Regular Board Meeting of August 20th."

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

**Councilman Vic 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:**

Jamesport Fire Dept. 1992 Budget

Manorville Fire Dept. 1992 Budget

**Supervisor Janoski:** "Applications."

**APPLICATIONS:**

Site Plan AMP-AKZO, Additive circuits to construct 16,000 Butler Landmark Building, West Lane, Aquebogue

Site Plan AMP-AKZO, Additive Circuits to construct concrete containment dike, West Lane, Aquebogue

Parade Permit Jamesport Firemen's Assoc. 10/31/91

Supervisor Janoski: "Thank you. Correspondence."

CORRESPONDENCE:

Victoria Martin	Submitting letter of resignation from Assessor's Office effective 10/30/91
John Ziemacki	Submitted letter of resignation from Water District effective 10/30/1991
Debra George	Submitting letter of resignation from Accounting Dept. effective 8/29/91
Elsie M. Curlew	Submitting letter of resignation as Home Aide effective September 30, 1991
Russell Fleischman, Sr.	Submitting letter of resignation from Municipal Garage effective 10/25/91
Anton Condzella	Submitting letter of resignation from Highway Dept. effective 10/5/91
Water District	Notice of fall flushing to be 10/6/91
Doris Edwards	Submitting letter of resignation from Assessor's Office effective 10/30/91
Southold Plan. Bd.	Copy of letter to Lt. Governor re: Task Force on Coastal Resources

Supervisor Janoski: "Let me point out that the word resignation was the word chosen by the individuals names. They are retiring. I guess it's time for the first public hearing. So let the record show that the hour of 7:58 p.m. has arrived."

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, October 1, 1991 to hear all interested persons who wish to be heard regarding: THE SPECIAL PERMIT APPLICATION OF "ALL COUNTY AGGREGATES" FOR A NON-NUISANCE INDUSTRY LOCATED AT KROEMER AVENUE."

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

Peter Danowski, Esq.: "Good evening. Peter Danowski speaking for All County Aggregates. I think probably more

important than the application itself is the site of this particular application. This is a piece of property on Kroemer Avenue. For those who have been around for awhile it is adjacent to Tony Wivchar's sandpit operation from years past. There are existing industrial uses surrounding this site including across Kroemer Avenue the Port Lumber Project, the Auto Salvage Junkyard operation, the nice and recently constructed site plan of J. & J. Concrete to the north, there is a LILCO power line and a railroad siding in the near vicinity and it's a distance away from the Riverhead Raceway. So it is a parcel that is surrounded by commercial or industrial uses and we plan to have a sand and gravel processing operation on site. We have produced a Site Plan that has been reviewed by the Planning staff. Ultimately, hopefully if the economy turns around, we wish to put a building on the site. We have shown that as a part of a good planning process. But immediately we merely wish to have the sand and gravel processing on site with a scale on the property. We will be landscaping it to some degree. Putting a sidewalk in. Meeting the Town requirements regarding site plan review. Tonight the matter is on before this Board, because applications in the Industrial Zone and this is in the Industrial Zone, are by special permit application to the Town Board which requires a public hearing. So we are here tonight to hear from the audience and also to hear any questions that may come forth from the Town Board. Thank you."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Town Board on the matter of this Special Permit Application? Yes sir. Steve."

Steve Haizlip, Calverton: "Since this is going to be a sand and gravel operation, I'd like to inquire if any of the existing ground is going to be dug up to accommodate this here sand and gravel operation or is it going to be a trucked in affair?"

Supervisor Janoski: "It is---Do you want to handle that question Peter?"

Peter Danowski, Esq.: "It certainly is not going to be a mining operation."

Supervisor Janoski: "Thank you Steve. Is there anyone else present wishing to address the Town Board in the matter of this Special Permit Application? That being the case and without objection I declare the hearing to be closed.

Let the record show that the hour of 7:52 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, October 1, 1991 to hear all interested persons who wish to be heard regarding: **A PROPOSED AMENDMENT TO ARTICLE V "PARKING, STANDING & STOPPING " OF SECTION 101-13 OF THE RIVERHEAD TOWN CODE."**

**Patricia Moore, Town Attorney:** "We are amending our parking regulations to provide for two hour parking between the hours of 8 a.m. and 6 p.m. The location would be Pulaski Street, both sides of the street between Osborne Avenue and Sweezy Avenue."

**Supervisor Janoski:** "Thank you. This proposal is as a result of meetings with the merchants of the Polish Town area. Is there anyone present wishing to address the Town Board in the matter of this proposal? Kay Davis."

**Kay Davis, Polish Town:** "Thank you Joe. I am a merchant of Polish Town twice over and also President of the Polish Town Civic Association. I would like to submit this petition to you in support of the two hour parking in Polish Town to be put in the official records."

**Supervisor Janoski:** "Kay please give that to the clerk. Is there anyone else wishing to address the Town Board in the matter of this proposal? That being the case and without objection I declare the hearing to be closed."

Let the record show that the hour of 7:55 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, October 1, 1991 to hear all interested persons who wish to be heard regarding: **A LOCAL LAW AMENDING CHAPTER 95 OF THE RIVERHEAD TOWN CODE, SECTION 95-3 "CONDITIONS FOR EXEMPTION."**

**Patricia Moore, Town Attorney:** "The State Legislature has recently amended the New York State Real Property Tax Law to allow for an increase in maximum income eligibility for real property tax exemptions to \$10,000.000. In addition they have added two other percentages towards the end of the scale. Therefore we are amending our Code to conform to that. It will now be in accordance, for the most part, with the School District and income limits."

**Supervisor Janoski:** "For senior citizens."

**Patricia Moore, Town Attorney:** "For senior citizens."

**Supervisor Janoski:** "Is there anyone present wishing to address the Town Board on the proposal on senior citizens property tax exemption? Steve."

Steve Haizlip: "I would like to address the Town Attorney, through Mr. Janoski of course. The present limit on senior citizens income --- is it \$18,000.00?"

Patricia Moore, Town Attorney: "9,500.00."

Supervisor Janoski: "Well we're talking about the Town of Riverhead limit. The State does in legislation provide for a higher number. What we are doing here is to bring it up in line with the school district maximum. What the school district is granting an exemption of?"

Steve Haizlip: "Presently it's \$9,500.00 for the Town."

Councilman Vic Prusinowski: "We are going to raise it to \$10,000.00."

Steve Haizlip: "And you are only going up \$500.00?"

Supervisor Janoski: "That's the proposal."

Steve Haizlip: "Could I get an explanation of this sliding scale? First it was \$9,500.00, went to \$10,000.00 and now it's a sliding scale."

Supervisor Janoski: "Well there has been for a number of years, Steve, at one time you qualified for a senior exemption or you did not. If you made a dollar more than the maximum income, you didn't qualify for the exemption. The State then put in a sliding scale which provided for a decreasing percentage of exemption the higher your income rose, but you still qualified for some exemption. For example, if you earned \$11,801.00 to \$12,400.00 you would qualify for a 30% reduction in property taxes. If you earned between \$14,201.00 and \$14,800.00, you would qualify for a 10% reduction and in between there is a sliding scale rather than just not qualifying at all there is a decreasing benefit the higher your income goes."

Steve Haizlip: "So all this here isn't automatic then an application has to be made to the Tax Assessors."

Supervisor Janoski: "Yes right."

Steve Haizlip: "Now could I make a suggestion here? One word that you were saying "earned income." I am not earning any income anymore. I'm on pension and social security. So it's still effective, in other words, income coming in."

Supervisor Janoski: "Income."

Steve Haizlip: "Okay."

Supervisor Janoski: "Thank you Steve. Henry."

Henry Pfeiffer, Wading River: "There may be as many disparate perceptions of an issue as there are diverse individuals. One's perspective reflects one's own interests. I recommend approval of this amendment. I will not myself benefit from this adoption. Perhaps an understanding of the position of senior citizens in relation to their income might be worthwhile. The provident elderly planned, worked and saved so that they might spend their remaining years in economic security and social dignity. Their incomes were based on their incomes in the 1960's and 1970's and frozen at that level. Each of you is acutely aware of the impacts made upon funding for housing, the increased cost and deductibility in health care, the partial taxation of Social Security and the reduction of (indistinguishable) and the siege of insidious inflation. For example, if you read the paper just recently, prescription drug prices charged by manufacturers rose by 152% in the 1980's nearly three times the rate of general inflation. The prognosis for 1991 is an increase of 11.2% and the elderly unfortunately need these pharmaceuticals perhaps more than the younger folks do. The fundamental notion that government should intervene in the social and economic condition of aging persons has been firmly established in the industrialized societies. Scientists and other professions have increased their knowledge of aging social and economic contact. They've identified a number of issues that from one ideological perspective or another see the call for public intervention.

In 1965 the federal government responded to the will of the people by enacting the Old Americans Act declaring that in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our nation are entitled to, and it is a joint and (unclear) duty and responsibility of the governments of the United States of the several states and their political subdivisions to assist our older people to secure equal opportunity to the full and free enjoyment of (indistinguishable) objectives that seem to respond to this requirement. These objectives include health, housing, income and so on. I doubt that anyone could fault these objectives and one need not be an attorney at law to recognize that this Town is a political subdivision charged with their obtainment. A note that this amendment affects only residents of the Town of Riverhead sixty five years of age or older. It does not affect the Suffolk County tax nor the school or other special district taxes.

It is means tested like most proposals affecting the elderly so that none of the affluent will reap a dividend. Finally the ratio of alleviation is small, as pointed out here earlier on. The beneficiaries equally limited. And those qualified need all the help that they can get.

The measure of a society is the manner in which it cares for its members especially the vulnerable. The very young, the infirm, the elderly. The people of Riverhead have long recognized the needs of its less able residents and have repeatedly affirmed their commitment. I'm proud to be among those volunteers who serve those needy. Please approve these adjusted criteria and then I will propose a toast to you. Here's the one who is wisest

and best. Here is the one who's judgement is blessed. Here's to the one who's smart as can be. I mean the one who agrees with me. Thank you."

Supervisor Janoski: "Henry I love when you talk like that."

Patricia Moore, Town Attorney: "May I just make one more point on the record?"

Supervisor Janoski: "Sure."

Patricia Moore, Town Attorney: "Mr. Barnes asked me to make a special point of this that the taxable status date, Mr. Haizlip I believe that you made a point that you have to make an application to be eligible for this exemption. The taxable status date has been moved up from June 1st. to March 1st. So if you are eligible for any exemption make sure that file it prior to March 1st."

Supervisor Janoski: "Thank you. Is there anyone else present wishing to address the Town Board in the matter of the senior citizen redemption. That being the case and without objection I declare the hearing to be closed.

Let the record show that the hour of 8:06 p.m. has arrived and the Town Clerk will please read the notice of public hearing."

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting for a public notice of a public hearing to be held at Riverhead Town Hall at 8:00 p.m. on Tuesday, October 1, 1991 to hear all interested persons who wish to be heard regarding: **A PROPOSED DELETION OF CERTAIN LANGUAGE CONTAINED WITHIN ARTICLE XXVI OF THE RIVERHEAD TOWN CODE.**"

Patricia Moore, Town Attorney: "Article 26 deals with site plans applications and approvals and one of the requirements for someone to come in for a site plan is one of three things and we are going to limit it to one of two. Any clearing or grading would require someone to come in for a site plan. We are eliminating any new land use or construction so that any new land use or construction is not in of itself to come in for site plan. And then finally we would still require that if there is any conversion, alteration or condition for repair of an existing land use or structure requiring a building permit which would affect or change the exterior or affect the drainage or parking it would still require a site plan. So the only change is we would be to eliminate land use or construction."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Town Board on the matter of land clearing permits? George."

George Schmelzer: "Are you simplifying it or more complicated?"

Patricia Moore, Town Attorney: "Simplifying it supposedly."

George Schmelzer: "If you want to simplify it, get rid of it. What's anybody need a site plan for to clear a little piece of land? What the hell? Try to abolish some of this nonsense instead of more like Brookhaven they got a code book there that nobody understands anymore. It almost flows out the building. It will get that bad here after awhile. Maybe it should be the policy to try to get rid of some of these ordinances. They only accomplish to feed bureaucrats and lawyers. They make their living off it. That's all I got to say. Thank you."

Supervisor Janoski: "Thank you George. Steve."

Steve Haizlip: "Would this affect a dwelling?"

Patricia Moore, Town Attorney: "No residential."

Steve Haizlip: "No dwelling. In other words industrial, golf courses and stuff like that."

Patricia Moore, Town Attorney: "Commercial."

Steve Haizlip: "Commercial. Well I'll tell you. It looks like it's a pretty good deal, because when it comes to land clearing you remember what they did up there in front of Suffolk Life. Went in there just to haul the trees down. I believe in trying to keep as many trees available as possible. Because it's good for your health and it eases up the bad atmosphere."

Supervisor Janoski: "That's why it's there Steve. Is there anyone else wishing to address the Board in the matter of land clearing permits. That being the case and without objection I declare the hearing to be closed."

Before we take up the resolutions is there anyone present wishing to address the Town Board on any matter. Steve."

Steve Haizlip: "I was very happy to read in our local papers where Judge Jones has restored and set the judicial system into context as it should be. When he overruled the Administrative Law Judge for the landfill. I said it the last time I was up here and I think I got an agreement from some of the members that when a case is pending and before a judge and the decision is reserved it should stay that way until that decision is rendered. Nobody, especially Administrative Law Judges, should be tampering with our judicial system and trying to short circuit it. Now I read further that there is an attorney, I think her name is Laura Riley, she is shopping around now trying to get a judge to overturn that. I don't know if this is a judicial process or not. Proper process I should say. I said this one time before up here maybe it will benefit some of the people who were not in attendance. I'd like to repeat it once more. I've got to wait for Mr. Stark to get with me."

Councilman Stark: "I'm with you. I'm with you."

Steve Haizlip: "Good. I'm glad to see you're bored Jim. One time Long Island Lighting Company put up a rate increase. They gave an address that you could write and put your input in. So I wrote to Mr. Bradford about giving my views of the rate increases. Would you believe that I got an answer back from an Administrative Law Judge? Now you write to the Commissioner of the P.S.C. and you get an answer back from an Administrative Law Judge. When did he become a clerk? He's already had made up his mind and he was crying the blues about Long Island Lighting what they need, what's been happening and do to the prices of this and so forth. We don't need any kind of Administrative Law Judge that has made up their mind and write you the answers before the hearings even come into effect. Thanks Joe."

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

Alan Wicklund, Northville Beach: "This afternoon at four o'clock I attended an informal meeting for the purpose of informing those carters which are responding to the bid that establishes garbage districts within the Town of Riverhead to understand how the bidding process is to take place. In attendance was Councilman Prusinowski and Mr. LoGrande, Michael LoGrande, who is consultant to the Town and to their credit they were very open and very informative and made the process understandable somewhat. There were two qualified carters who did attend and one carter from out of town who is not qualified attended and it leaves me some concerns. Are we going to have a pool of qualified carters coming forth on this proposal to make it a reality in fact. But my specific question that I have here I have to ask the Town Board is this districting intended to take place this January?"

Councilman Prusinowski: "The answer to your first question is as I stated this afternoon. When I got home I received several phone calls from other carters who are licensed to do business in the Town of Riverhead as I informed the Town Clerk there was a misunderstanding on when they could pick up the bid documents. They will be coming in tomorrow to pick up those bid documents and I will be following up a letter to all the qualified commercial bidders, commercial carters who are licensed to do business in the Town of Riverhead will be getting a letter from us inviting them to come down and pick up the bids. It's a pool of over thirteen at which point we will schedule another conference next week to go through the same process that you witnessed today and answer all their questions."

Second of all we do intend to proceed with the creation of the garbage districts providing that the bids that are received and returned on October 31st. after their reviewed by the consultants, analyzed by the Town Board are in line financially as to what we expect the collection costs to be. If the

collection costs are far beyond what we anticipate, then the Board will probably postpone the garbage districts."

**Alan Wicklund:** "Explain to me why there is a need to implement districts as of January?"

**Councilman Prusinowski:** "Yes. As I said this afternoon there are three good reasons why. Number one. Going to a garbage district is a fair way of distributing the costs of solid waste throughout the Town. Right now we have a system that, I don't want to use the word penalizes, but self-haulers are being subsidized by people with carting service. Number two garbage districts will promote a greater participation of recycling. In other towns that have garbage districts recycling figures nearly doubled from the percentages before recycling. Three. We have a situation, even at the low tipping fees we have now, that residential garbage is becoming to be thrown Town in public receptacles, commercial receptacles owned by business people because people simply don't want to pay even a \$1.00 or \$2.00 to go to the landfill. It is a real problem. And we feel that it is the most economical and environmentally sensible way and fairest way to address the collection of the solid waste in the Town. In addition the average resident in the Town will receive better service, because not only once a week he'll be receiving collection of the garbage less the recyclables, but he will be receiving pickup for his recyclables, another day is yard waste and then on demand he will be able to call and they will pick up appliances and other bulk items."

**Alan Wicklund:** "I'd like to offer in rebut to that Mr. Prusinowski. During the process that the public hearings were held, the information was available, the printed plan that we could pick up from the Planning Department, during this entire process the word that we were informed as people that come to these meetings etc. was that this was only being done in the event that the D.E.C. would force us to close the landfill. Also to meet the requirement of Omni that they will need extra amount of tonnage of refuse and recyclables etc. to make their facility go. And the fact was that only in the event that we did have to have Omni construct this facility we did have to close the landfill at that time would we enact garbage districting. Now I do like the idea of sanitation for every parcel in the Town. It's a sound plan policy, yes. The objection is that there are people in this Town, and this is not a wealthy Town as we all know, who do have the industry, the motivation to take their garbage. We recycle at home very faithfully and we do cart to the dump. It costs me about \$50.00 a year to get rid of all my garbage. But we do do it with kids in college and everything else, it's a big benefit. By enacting the districts prematurely and causing us to pay about \$300.00 a year additional funds; you are taking away a benefit that if we wish to use we have no control over it because you're mandating when you said you wouldn't the garbage districts. And that's my complaint."

**Councilman Prusinowski:** "And I'll answer that directly as I did this afternoon. Number one the Town Board does not want to close the landfill. The State of New York has passed a law that they are going to close the landfill. Number two the landfill will eventually close as we know it today. We'll go to a transfer station until the private facility is someday built in Calverton, if and when that facility is built. So no matter what happens the landfill days are, as I said this afternoon----all towns on Long Island the reason we're in court fighting litigation is because we don't agree with the way the D.E.C. is trying to close us down. We think it is economical suicide for the Town of Riverhead and we filed a plan with the D.E.C. and we think it is a better plan. As far as putting a burden on the taxpayers of the Town, right now as you know we were very fortunate to receive a stay in the Appellate Division which postponed the day of reckoning where they would try to come down here and close us down and they already served us several times Consent Order papers. But at the most we are not talking about years. We are only talking about months. The Town has to be prepared to do the right thing. And the right thing is to put in place a system that is economically fair to the entire township. As far as the facility being built in Calverton those negotiations still have to go on the way. I'm pleased to see the reports that we've received on the bidding. That we have one of the lowest per garbage that we've received so far in Nassau and Suffolk. I've had several Sanitation Commissioners call us from Nassau County especially North Hempstead. I just read in NEWSDAY today that because of the incinerator it's a \$150.00 per ton tipping fee. They are raising their garbage fees 86% they are up to \$506.00 per year. There are other reasons. We also have a S.T.O.P. Program up there. The whole problem is not necessarily an economic one as far as a hardship for a family. It's also---we have to reduce the garbage flow and I think Denise wants to say something."

**Councilwoman Civiletti:** "I'd like to add something to this and to follow-up on what I think I heard you say. That is that we don't have to close the landfill right now. Why are we doing this anyway? Why proceed? What we have right now is a temporary reprieve as far as we know. We're still in court. If sometime between now and the end of 1992 we are not successful in court and we lose the case and the judge rules that we indeed have to close the landfill then between the date of that ruling and January 1, 1993 we will not have a municipal collection system. That may not be the end of the world, but it will certainly produce a certain amount of chaos in the Town of Riverhead, because disposal costs are going to go up. Even if you were and I as I self haul, are allowed to continue to bring your own garbage to the landfill you're not going to continue to pay \$50.00 a year anymore. You can't. You will be paying according to what you bring in."

**Alan Wicklund:** "So what you're telling me is that after ten years of study and work on this particular problem we are reacting because we have a noose around our neck."

Councilwoman Civiletti: "What I'm telling you is that we are in the process of implementing a system that is going to be necessary in order to carry out what we need to do. A district, if we succeed in court, can always be dissolved. If we do not succeed in court, we cannot implement it midyear."

Alan Wicklund: "I just really object to the fact that we were led to believe it wouldn't take place until the landfill was closed whether it be July, August, September. It's going to take place even though I do have the benefit. I find that objectionable."

Councilwoman Civiletti: "I attended the same meetings that you attended and I don't know how you came away with the impression that if the landfill was not closed down by this December there would be no garbage districts. As Councilman Prusinowski just stated, the landfill being closed is one of the reasons why we have voted to establish these districts."

Alan Wicklund: "I'm going to sit down, but I would like to offer that what this Town sees and what the people see seem to be two different things. Thank you."

Councilwoman Civiletti: "Thank you."

Supervisor Janoski: "I've gotten calls from people in a hurry to put the garbage districts in place so that is kind of a broad statement. Yes sir."

Russell Kratoville, Aquebogue: "I'm in favor of the Town Board moving on getting the garbage districts going. The reason being is that it is becoming more and more costly for people to go to the landfill. More and more people are dumping on the sides of the roads and if we do have a good system in place regardless of whether or not the dump is closed and we have districts set it will alleviate the possible increase and it is happening more and more. I know in my facility I get every week household garbage in my dumpster. And the reason being people don't want to pay the carters fee and they do not have the where with all and the ambition to go to the landfill themselves. So I think it is important. Thank you."

Supervisor Janoski: "Thank you Russ. Steve."

Steve Haizlip: "I just about a minute ago spoke about the rates of Long Island Lighting. What I would like to find out and interject right here and now is these carters or garbage collectors on their fees. Are they going to be any controlled? Like are you fellows going to be like a mini public service commission and they are going to have to make application or plead to you that we've got to have more money? And they've got to give justified reasons; just can't go along and say oh I think I'm do for a salary increase. I'd like to eat little steaks down at the Two By Four etc. I've got to raise up my carting fees here

for these people. I don't want to see things like this happen. I want a little control. I want justification why? Like I told Commissioner Bradford. Long Island Lighting is full of whiz kids. Now these garbage people, they're full of whiz kids too. Are you going to be able to combat them?"

Councilman Prusinowski: "Yes."

Steve Haizlip: "Is that all Vic?"

Councilman Prusinowski: "Yes. The way the bid documents are structured is that they bid on a fixed; it's a five year bid with an option for five years. The only pass through which is only by the approval of the Town Board is naturally if the disposal costs at the landfill will increase suppose we have to go off Island and we have a high tipping fee because we have to truck the garbage someplace else. In addition there is a cost of living pass through which the carters must agree to and it's based on the cost of living as it is published in the northeast and with the approval of the Town Board."

Steve Haizlip: "Okay."

Supervisor Janoski: "Let me point out that Victor and Denise are the members of the Solid Waste Committee. Vic is the chairman and that's why they have been handling these questions because they have been individual members of the Town Board who are of the responsibility of working on this problem. Identifying solutions and making recommendations to the Town Board."

Councilman Stark: "I for one, Mr. Supervisor, think they have done a fine job over the last eighteen or nineteen months to bring this Town ready to handle the solid waste problems that are going to be confronted if the so called black hand of God from the D.E.C. comes down and closes down our landfill. I think this Town has proceeded in an orderly sensible manner. I have notice a few advertisements, political advertisements out there, to me that are very deceptive and very misleading. And if anybody has any questions about the solid waste problems of the Town of Riverhead, I suggest very strongly that they contact our Solid Waste Committee and they'll be set straight. Thank you."

Supervisor Janoski: "Thank you. Is there anyone else who wishes to address the Town Board. Mr. Sykora."

Councilman Creighton: "While the gentlemen is coming up, Mr. Supervisor I would like to make a comment. I've looked over the work done by the committee and I have to say that I think it is the most thorough process and the best product that I've seen in a long time. It should be noted that the experience the consultant, Mr. LoGrande brought in with him is the experience the experience, the mistakes that were made in Islip and other towns where this process has been gone through before. We have gained the benefit of all these mistakes and they've been covered

in the contracts, the bids that have been let out. And I think that you will probably, if you all get a chance to take a look at this bid document, would come away fairly pretty confident that an awful lot of smart work went into this. We learned a lot of lessons from others who have been through this process before and Vic and Denise and the committee have done a tremendous job in bringing this together in our bid document so that our Town is protected. Thank you."

Joseph Sykora, Riverhead: "I'd still like to know about the mobile homes. How are they going to be raised?"

Councilman Prusinowski: "Mobile homes are not part of this bid document because currently the mobile home parks enjoy price advantage in the marketplace. You'd pay on an average of \$17.00 per month. You right now receive twice a week pickup. Also we've asked the carters at no additional cost to you to pick up your recyclables. One thing on our new solid waste law which will be in effect on January 1st. the Town Board will authorize through that legislation that carters must offer the same type of service to all the mobile home parks, apartment complexes, and condos the same type of service that you now enjoy in the mobile home parks. That'll be set by law. Also we will have the authority at that point if we choose to regulate those rates should they get out of hand. One of the reasons why we left you out because you enjoy such a price advantage we were worried about the people who could least afford to pay who generate not----the garbage generation especially in yard waste and some of the other by-products are not as great as the regular residential neighborhoods that your rate would go up in the garbage district as it has in other parts of the county. And in addition it is a very interesting paththrough that could occur and I'm not accusing any mobile home park owner of doing it, certainly there are ways of passing through course that are not justified. We are worried about that. So we feel that this is the best system for you is to keep it out of the district with those controls on it as we told you. Because right now you wind up paying about \$17.00 per month."

Joseph Sykora: "Yes, I know that. I just wanted to-----"

Councilman Prusinowski: "What the mobile home park owners wanted and they have received is assurances that Bruce got up here that night, he wanted really after I had spoken to him and the other park owners, they wanted to be sure that they receive the same service that is going to be enjoyed by the rest of the residents of the Town and they will receive that service."

Joseph Sykora: "I just wanted to make sure what our rates were going to be. Thank you."

Councilman Prusinowski: "And so we are concerned about your rates too Joe."

Supervisor Janoski: "Thank you. Any other comment? Let us take up the resolutions. George very quickly please."

George Schmelzer: "Thank you. It was mentioned more than once Administrative Law Judges. I think that is a wrong description. It should be the overseer of the kangaroo court would be a better word. These Administrative Law Judges are hired by the department to do the departments bidding. I read last night in the paper put out by the Suffolk Alliances Sportsman, this little part of it written by one of the employees of the D.E.C. They have sort of a K.G.B. System. They'll pay people for pirating on other citizens who do alleged violation of the D.E.C. regulations. So if you turn somebody in they'll keep it a secret and they'll pay you. If they get a conviction and money they'll share the fine with you. Some system! I don't know why we allow something like that to go on. Especially in this country. I object to that. I wish State Legislators and local governments would protest that and have that knocked out. It's the same system as the K.G.B. really. Maybe we could change the name of the D.E.C. and call it the K.G.B. It might be a better way. Suggest to change their name. I've got to think up something with three words that'll fit K.G.B. I'll think about that. If I do I'll let you know."

Councilman Stark: "Nothing but a damn economical catastrophe."

George Schmelzer: "Yeh."

Councilman Stark: "D.E.C. And that's about what they are doing to local villages."

George Schmelzer: "Yeh. Well they let them get away with it. Our illustrious representatives in Albany. I don't know what they think. Maybe they don't think at all. I know they don't dare come down here to explain it to the Town Board. I think they steer away. Did you ever try to invite them in?"

Councilman Stark: "HMMMMMM!"

George Schmelzer: "It wouldn't do any good would it?"

Councilman Stark: "Not much good. You can't even appease them George."

Supervisor Janoski: "Thank you George."

Councilman Stark: "To make them believe that we are doing things."

George Schmelzer: "You get a piece of them. Chop them up to pieces with an ax."

**Councilman Prusinowski:** "Mr. Supervisor, George reminds me of one last statement that I want to say about solid waste. A lot of people are going to be saying, you're going to be hearing, why did the Town wait so long. Actually ironically in the end the three Eastern towns that ended up with the lawsuit have done the right thing, because if we had done, accomplished or put into place what the D.E.C. wanted us to do like Smithtown went out and built a \$21,000,000.00 double lined landfill and they were told don't worry about it you'll be able to operate. Then after the incinerator was built, not even before the incinerator was built, they are still closing it down with a lot of capacity left. Southampton who signed consent orders said we don't want to join lawsuit with Riverhead, because we built the thing for five years capacity and I remember Pat Heany, God rest his soul, I don't know if anybody knows he passed away this evening, and some of the other councilpeople said that 'Hey we've got five years capacity'. Lately they just went to court and lost because the D.E.C. has only given the extension on that cell. Tony Bullock who signed the consent order and they made him put in a lined landfill and one layer was the wrong material, now they are trying to call (indistinguishable) who regretted signing the consent order. In the end they could have saved millions and millions of dollars and I think we are on the right course to a permanent solution that we can afford. And George I know you are in favor of that."

**George Schmelzer:** "Have you---I remember when they first came up with regulations they said no burning down the Town Dump. Just cover it up everyday and they did that for awhile and they said that was no good. Their own recommendations they said were no good. They kept on changing and changing. It's a good thing Riverhead didn't come out with something like you said, by the time they got done with it they would say it's not good. The duck farmers had the same experience starting in the early fifties. Everytime the duck farmer did something what they said a year later they said it's no good. Change it and change it."

**Councilman Prusinowski:** "Mike LoGrande told me today that in Smithtown because they built a 21 million dollar landfill that they cannot use they could have built one that was less expensive for just for the ash, because that was the deal, they would accept the ash when the incinerator was built. There disposal cost will be an additional \$200.00 per year per household just to pay off the 21 million dollar bond. So that's how the impact is in the community where you could have had disposal about \$260 to \$300 per year and it is now going up to over \$550.00 per year and climbing per household. Just for solid waste disposal."

**George Schmelzer:** "What you should do is make sure you don't get caught in a gaff with nothing to do. I think you're taking the kick. I think you're handling it very wisely. So that's good. No don't spend something in millions and then they come along and change the rules. They ruined the duck business that way, ruin some towns, you know what the ducks how they did it? You're familiar with it, you saw that, right?"

Councilwoman Civiletti: "I would like to give one solid waste example of how they change the rules. How they change the rules as they go along and it's not even one year they say one thing and the next year they say something else. It's a matter of weeks and months. When the Town of Riverhead submitted it's solid waste plan to the D.E.C. last June, I think it was, hand delivered there. They didn't know they had it until sometime in September, but it was last June. We said that we were going to reduce the waste generated in the Town, recycle the waste generated in the town, compost yard waste and bury the remainder rather than burn the remainder. We said that we were going to get that remainder portion down to about 40% of the total waste stream that we started out with. The D.E.C. wrote us a letter, Gerald Bresner, the Regional Solid Waste Engineer, saying that was no good that we had to get the volume of solid waste down to 30% because that would be the functional equivalent, which were his words, of an incinerator. Now that's a rule that they made up, that he made up, that's no where in any regulation book or anything like that that some plan that you submit as a town has to be the functional equivalent of an incinerator. He just made that up. He wrote us that letter in October last year. Shortly after that within a matter of weeks the Town of Shelter Island which hired the same solid waste consultant that Riverhead did, Dvirka and Bartilucci, submitted essentially the same plan as the Town of Riverhead and they said that they were going to reduce the waste, recycle the waste, compost the yard waste and bury instead of burn the remainder which they said they would get down to 30% which is what Mr. Bresner told the Town of Riverhead we had to do in order to have an approvable plan. The same gentlemen, Mr. Bresner, wrote to the Town of Shelter Island and said that was not acceptable that they had to get down to 10% and sited a section of the law that didn't even apply to their plan at all. I won't get into the details about that. Within a period of two months, when he wrote that letter to us, he wrote a letter to the Town of Shelter Island completely contradicting what he had said in a letter to us. On this issue, on the issue of garbage they are completely out of touch with reality and they are environmental as well as economic catastrophe in the positions that they take on garbage disposal."

George Schmelzer: "Maybe that is good evidence to use against them in court, that they don't know what they are doing."

Councilwoman Civiletti: "We're working on it."

George Schmelzer: "Yeh. So I know with ducks what you are going through. So we have to watch it."

Councilman Stark: "I don't believe that the Town of Riverhead wants an incinerator in the Town of Riverhead. I don't believe that the Town of Riverhead wants us to falsify our directions as to where we want to go in handling solid waste and to appease the D.E.C. at this point and stage of the game I think we have to fight for our right as a community and I think we are

doing that. And this Town has saved a tremendous amount of money by that court fight which I think our legal fees are part of the tri-court lawsuit between Southold, Riverhead and East Hampton. Our legal fees are somewhere in the vicinity of \$35,000.00 with a savings to the Town of Riverhead of close to two million dollars. So somebody's money. Now I've been in business for 33 years. I'll spend 35 to save 2 million everyday. I don't know about other people, but that is where our fees are and that is in the public record right now."

George Schmelzer: "Yeh. Well as far as burning to me burning all waste is unnatural. Throughout natural history, first of all animals and plants have to be used over and over again to dump on the ground and natural recycle and used up again. The farmers always-----"

Councilwoman Civiletti: "You sound like an environmentalist."

George Schmelzer: "I'm not an environmentalist. I'm no environmental nut. These environmentalists are just like liberals and are not really liberal they twist the word up. They are only self serving whackos."

The Lighting Company use to do everything by hand. Now they do it with machinery. With the type of work they have it they did it by hand they would never get it done. See how some of these guys work? So when the rates were \$3.00 a kilowatt hour, 3¢ it wasn't bad. Now inflation has since the last 40 years has been tenfold. So if the Lighting Company went up tenfold we'd be paying 30¢ a kilowatt hour. So they are not as bad as you think. Maybe some of the officials are, but overall not as bad as you think."

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

RESOLUTION #587 - EXPANDING THE MEMBERSHIP OF THE AQUEBOGUE HAMLET STUDY TASK FORCE

Councilwoman Civiletti: "I have another resolution to offer. Expanding the Membership of the Aquebogue Hamlet Study Task Force by adding Betty Brown representative of the North Fork Environmental Council to that task force. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

Councilman Creighton: "Unfortunately I have to make some comments on this. There's been comments in the press which haven't been totally accurate. It was proposed that Betty Brown be put on the Jamesport Task Force which I'm a member of and I did object to that in a work session. The reason I gave was that she was polemic with respect to those kinds of actions. I was

then subsequently quoted in the press as having cited a personal lawsuit as being the reason that I objected to it. That happens to be false and I want that on record. That reason was cited by a colleague of Betty Brown's from the North Fork Environmental Council and was picked up in the press and published in NEWSDAY. It happens to be very false. With respect to put her on Vic Prusinowski's Task Force in Aquebogue. Awhile it isn't my task force from the position of a Member of the Town Board I do have a problem with it. It's not clear whether she's being appointed being a Member of the North Fork Environmental Council or as an individual. Since it wasn't stated I presume it's as an individual. Betty Brown is a participant as an individual or as an officer of the North Fork Environmental Council Corporation in five lawsuits against this Town Board, against the Planning Board, the Zoning Board of Riverhead and on land use matters. Therefore I consider this as possibly a conflict of interest and certainly inappropriate for me as a member of the Town Board representing the people of Riverhead who have to pay for the lawyers who defend against these lawsuits to endorse an individual in this kind of posture to sit in the councils of the Town and on land use matters. So I have discussed this with the Town Attorney and I believe I'm on firm ground in believing that it is a conflict of interest and at a minimum it is inappropriate. So unfortunately I'm forced to vote no on this and I so move."

Councilwoman Civiletti: "I would, of course, would like to take a minute to respond to a couple of points. As far as this being a conflict of interest I don't know of any lawsuit filed by the North Fork Environmental Council with Betty as a plaintiff, individually or not, affecting properties that the Task Force will be looking at and reviewing and planning for. So I don't see that there is a conflict of interest. So I disagree with that.

Secondly you mentioned lawsuits that the North Fork Environmental Council has brought and Betty is the president of that and has been, as we all know, a very active member of the N.F.E.C. for many years. I don't think that should disqualify someone from being appointed to a task force. In fact I think that's all the more reason why that organization should be included in this kind of a task force. What we're talking about is an organization concerned with environmental issues, particularly revolving around land use. We're talking about also a task force that is going to have as it's charge planning for the use of land in this hamlet. I think that this is the best way to avoid future lawsuits by getting that perspective at the table and by coming up with a consensus plan for the Town in that area. I think that Betty in particular and other representatives of the N.F.E.C. worked extremely well on the Agricultural Task Force. I think that contrary to what some people have said publicly and privately about these individuals in the N.F.E.C. that they were in fact quite accommodating and agree to many compromises. I think Victor as a member of the Ag. Task Force can attest to that. They agreed to many compromises and that it was not N.F.E.C. representation on that task force that prevented a

consensus plan being put forth by the Ag. Task Force. I think that there will be a very valuable contribution made through this task force by Betty and by the N.F.E.C. I hope that we will be acting very soon on a similar proposal to add a N.F.E.C. Member on the Jamesport Task Force and I think that not only will land use planning in the Town of Riverhead be better served by that, but that in fact we will be involved in fewer battles in the future in court or otherwise. So I vote yes."

Councilman Creighton: "I would like to rebut. The suggestion that we ought to put a member on there from the North Fork Environmental Council simply because we might be sued if we don't kind of proves my point."

Councilwoman Civiletti: "That is not at all what I said. Mr. Supervisor, if I may. I know this is not a time for a debate, but-----"

Supervisor Janoski: "Well it is the exact time for a debate after it has been moved and seconded."

Councilwoman Civiletti: "But we don't usually----we usually make a statement and then vote which is what I was doing."

Councilman Creighton: "May I finish my rebuttal?"

Supervisor Janoski: "You have the floor."

Councilwoman Civiletti: "Go on as long as I get a chance to reply."

Councilman Creighton: "I understood you to say that we might reduce the number of lawsuits against us if we went along with these proposals. I think that's convoluted logic, frankly. I am given to understand that North Fork Environmental Council Corporation is in fact a powerful regional organization and from that standpoint alone I don't buy the justification that they warrant a position on a hamlet study in itself. Notwithstanding that I can assure that it's the suggestion that the people who are already on these task forces aren't competent to represent the environmental interests of their small hamlet. I take issue with. Secondly I know that at least one and perhaps more members of the Jamesport Task Force are in fact members of the North Fork Environmental Council and if their interests need to be represented they certainly are capable of doing that. Any suggestion to the contrary, I think, would be inappropriate. So I don't think that this is a commentary on the organization. It's merely a position that I think that the people of the Town of Riverhead who pay the bills for these litigations and by the way the appropriation for the Town Attorney who spends most of her time on this kind of litigation is about \$120,000.00 a year. As of July of this year that goes to various litigation costs. The various costs of litigation for her office, and herself and her

assistant etc. In addition to that as of July the Town had paid an additional \$230,000.00 to attorneys to handle various forms of litigation for the Town and I do not think that this is a trivial matter. It has a lot to do with the authority of the elected and appointed officials that do the job here on the Board, not only the Town Board, but also the Planning Board, the Zoning Board which are also subjects of these suits simply because the decisions made in fulfilling our responsibilities were disagreed with. So it's not a comment on the organization. It's a comment on the appropriateness of having that organization on the hamlet level study as a requirement."

Supervisor Janoski: "Would you like the floor?"

Councilwoman Civiletti: "I would because I would just like to say that if we do not include them on a task force their going to sue us as a result of that. I will assume that you characterized it that way because that's what you understood me to say and not because you wanted to misconstrue or misrepresent what I just said. What I'm saying is that when you have people who have different points of view in a community whether they be land developers, farmers, business people, regular homeowners or people who are as some would characterize radical environmentalists, that you bring them to consensus in the planning stages or attempt to bring them to consensus in the planning stages so that everybody can come up with a plan together that they might agree upon and that reduces controversy in the future and reduces the probability that you're going to end up battling in court in the future. Not that they're threatening that we don't include them they're going to sue us on everything that we do. I think that if the current land use plan as is represented by our zoning ordinance had been developed many years ago, when it was developed, long before any of us sat here; as a result of that kind of a joint planning effort the Wading River Task Force, for instance, came up with a planning effort that resulted in a very nice zoning code for Wading River. I think that in fact today would be fewer disputes and controversies and that was my point. And I think it is very appropriate for the different components of the community to be represented on a task force like that."

Councilman Creighton: "Again it's a regional organization. It should be made clear that the hamlet studies produce a recommendation for land use in their particular hamlet. It then that the recommendations in the form of a plan has to go through the complete planning process at the Town level and it's at this level that's the proper level for the regional type of organizations to participate through public hearings, through committee meetings and whatever in commenting on those proposals. We could equally ask the Nature Conservancy, the Pine Barrens Society, Inc. and numerous other organizations to participate such as the County Planning Commission, etc. I think the process allows for that down the road more than adequately."

Councilman Prusinowski: "All I'm going to say is the Farm Bureau once we created the Task Force the Farm Bureau asked for a representative on each task force. The Farm Bureau has an agenda. I was a former farmer. I know what the agenda is. They are concerned about their property values. They want to make sure that if there is any other zoning proposals that come from these tasks force that their point of view is represented. Betty's appointment to the North Fork Environmental Council originally, I wasn't too thrilled about it, because some of the points that Frank had made ---- I believe that we've become lawsuit happy and it wastes a lot of the taxpayers dollars. However, given the fact that you need a consensus in the community to make the planning process work they are an important factor in the planning process in the Town of Riverhead by the nature of their organization. The North Fork Environmental Council formally asked us to put membership on these task forces, this is not Betty Brown personally, this is the North Fork Environmentals nominee to be on the hamlet study as the Long Island Farm Bureau asked for a representative on the task force and got it. For that basis and hope that we can have a consensus to avoid lawsuits, but to come to a plan that is workable for all parties. Planning is a very sensitive issue and it involves property values and the people that sometimes do not own the property are very quick to say upzone everything and decrease your value. People who own the property naturally want to protect their interests and that's the tightwalk act that the Town officials, the Planning officials, Board has to walk to be fair to the communities for the proper growth and to protect the property value. So I vote yes on this resolution."

Supervisor Janoski: "I don't remember what we are voting for."

Councilman Stark: "Mr. Janoski."

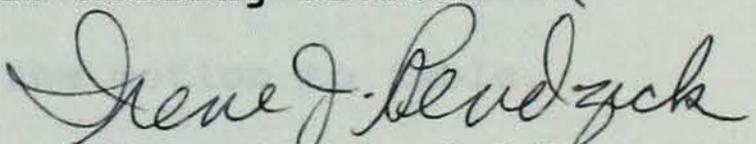
Supervisor Janoski: "Councilman Stark wishes to be recognized."

Councilman Stark: "May I ask for a complete vote please?"

Supervisor Janoski: "Very simply yes."

The Vote: "Creighton, no; Stark, yes; Civiletti, yes; Prusinowski, yes; Janoski, yes. 4 YES 1 NO"

Supervisor Janoski: Let the record show that the hour is 9:07 p.m. Without objection I declare this hearing closed."

  
Irene J. Pendzick  
Town Clerk