

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, March 16, 1982 at 8:30 P.M.

Present: Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Victor Prusinowski, Councilman  
Vincent Artale, Councilman  
Louis Boschetti, Councilman

Also present: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 P.M., and the Pledge of Allegiance was recited.

Supervisor Janoski: "I would, first of all, like to acknowledge the presence of Supervisor Lang of our neighboring township of Southampton, Councilman Albert and Southampton Town Attorney, Fred Thiele, formerly of Assemblyman Behan's Office."

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that Minutes of the Town Board Meetings held on February 23, 1982, March 2, 1982, and the Minutes of the Special Town Board Meetings held on February 26, 1982 and March 8, 1982, are dispensed without objection, and be approved as submitted.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#### BILLS

Bills submitted on abstract dated March 10, 1982 and March 16, 1982 as follows:

3/10/82			
General Town	\$65,718.67	General Town	\$131,038.06
Highway Item #1	\$ 5,746.52	Highway Item #1	\$ 16,928.34
Highway Item #3	\$ 5,436.35	Highway Item #3	\$ 1,847.03
Highway Item #4	\$15,925.81	Highway Item #4	\$ 88.83
Street Lighting	\$ 940.86	Street Lighting	\$ 13,342.49
Parking Meter	\$ 23.05	Federal Revenue	\$ 4,840.34
		Sharing	

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that subject to complete audit, the following bills be approved for payment.

3/10/82		3/16/82	
General Town	\$65,718.67	General Town	\$131,038.06
Highway Item #1	\$ 5,746.52	Highway Item #1	\$ 16,928.34
Highway Item #3	\$ 5,436.35	Highway Item #3	\$ 1,847.03
Highway Item #4	\$15,925.81	Highway Item #4	\$ 88.83
Street Lighting	\$ 940.86	Street Lighting	\$ 13,342.49
Parking Meter	\$ 23.05	Federal Revenue	\$ 4,840.34
		Sharing	

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "We have with us as usual, the heads of various departments of town government who would be available to answer any questions you might have of them.

I would like to call the first two resolutions out of the normal course of business here."

#### RESOLUTIONS

#135 AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENT, RE:  
VAIL-LEAVITT MUSIC HALL, INC.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, the Vail-Leavitt Music Hall, Inc., for a not-for-profit corporation organized and qualified pursuant to New York State Law has applied to receive a portion of the Federal funds allocated to the Town of Riverhead to purchase the Vail-Leavitt Music Hall, and

WHEREAS, the necessary hearings have been held,  
NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the Escrow Agreement with Vail-Leavitt Music Hall, Inc., a not-for-profit corporation, to pay \$40,000 to the Escrow Agent pursuant to such agreement and to execute all documents required by such agreement pursuant to New York Municipal Law, Section 99i.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski,

RESOLUTIONS - continued

Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#136 AUTHORIZES SUPERVISOR TO EXECUTE SCAVENGER WASTE AGREEMENT

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the United States Environmental Protection Agency and the New York State Department of Environmental Conservation have approved various studies for wastewater disposal by Riverhead and Southampton Towns which have been completed, and

WHEREAS, these studies support the joint development and maintenance by Riverhead and Southampton Towns of a Scavenger Waste Facility, and

WHEREAS, at present, both Towns are disposing of scavenger waste untreated at their respective landfill areas, which disposal method has been found unacceptable by County, State, and Federal agencies which have ascertained justification over scavenger waste disposal, and

WHEREAS, Riverhead and Southampton are advised by said agencies that the proposed joint scavenger waste facility will meet the requirements of these agencies for the disposal of scavenger waste, and

WHEREAS, the parties find that a joint approach will be cost effective to the taxpayers of both jurisdictions,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the Scavenger Waste Agreement on behalf of the Town of Riverhead.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "At this time, I would recess the meeting, inviting Supervisor Lang and the members of the Southampton group who are here and Mr. Harold Smith and the members of the Riverhead Town Board to the table here so that we might execute those contracts."

Supervisor Janoski recessed the meeting which resumed at 7:43 P.M.

Supervisor Janoski: "Reports Mrs. Pendzick."

REPORTS

Wading River Fire District 1981 Annual Treasurers  
Report. Filed.

Tax Receiver's Report, dated March 11, 1982. Filed.

Conservation Advisory Council - minutes of March 8, 1982  
meeting and 1981 Annual Report. Filed.

Irene J. Pendzick: "And that concludes reports."

Supervisor Janoski: "Thank you Mrs. Pendzick. Appli-  
cations."

APPLICATIONS

Islanders Redirecting Taxes for Survival - application  
for an assembly at the IRS office in Riverhead on 4/03/82 at  
11:00 A.M. Filed.

Supervisor Janoski: "Let us use up a minute and do  
correspondence."

CORRESPONDENCE

Riverhead Airpark - 6 letters opposing; 1 in favor. Filed.

Riverhead Chamber of Commerce, 3/05/82 re: endorsing  
Resolution #128 on Court facilities. Filed.

Alexander & Alexander, 3/08/82 - re: Comprehensive  
General Liability Insurance. Filed.

Cornwall & Stevens, 3/05/82 re: receipt of claim. Filed.

H2M, 3/03/82, re: Storm Drainage facilities at Parker  
Road. Filed.

H2M, 3/03/82, re: Safer Local Roads Program. Filed.

CORRESPONDENCE - continued

Southampton Town - Notices of Adoption to Town Code & Notice of Public Hearing to be held on 3/23/82 re: code amendment. Filed.

Ruth Bauer, 3/15/82 - letter of resignation as Home Aide. Filed.

County Planning Department - re: Southampton Notices of Adoption & P. Bakas permit. Filed.

Department of the Army, 3/01/82, re: Dredging, Shinnecock Bay. Filed.

Department of the Army, 3/05/82, re: Timber Bulkhead, Shinnecock Bay. Filed.

Office of the State Comptroller, 2/26/82 - re: Financial Management Systems regional meetings. Filed.

Legislator Gregory J. Blass, 3/05/82, re: Inclusion of Suffolk County in Rent Stabilization. Filed.

Richard T. Nolan, 3/04/82 - re: proposed change in boundary of Manorville Fire District. Filed.

Supervisor Janoski: "Thank you Mrs. Pendzick. Let the record show that the hour of 7:45 P.M. has arrived. The Town Clerk will please read a notice of public hearing."

Supervisor Janoski recessed the meeting to hold the public hearing.

PUBLIC HEARING - 7:45 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, March 16, 1982 at 7:45 P.M. at Riverhead Town Hall to hear all interested persons regarding the application of the Long Island Company to renew its gas franchise

PUBLIC HEARING - continued  
for service to the residents of the Town of Riverhead.  
The affidavits were ordered to be placed on file.

Supervisor Janoski: "Thank you. Is there a representative of Lilco present? Would you please make your presentation?"

James Dickson: "Good evening ladies and gentlemen, Mr. Supervisor and Members of the Town Board. I'm a member of the Real Estate Department of Long Island Lighting Company and my purpose in being here in that we have filed a petition with the Town of Riverhead to continue to service the gas customers, within the Township for a period of ninety-nine years and the petitions itself and franchise agreement pretty well speaks for itself. It is an agreement whereby Lilco would continue to serve the customers within the Township, there would be under the regulations of the Town of Riverhead. This would be more or less by permit, any work that we would be performing. It is a — it is not deemed an exclusive agreement and that's pretty much the content of it. If there are any questions, if anyone has any questions concerning the agreement, there is associated with the agreement a franchise tax which we do pay to the township annually and have been doing so for the past to my knowledge fifty-five years. The present tax amount, I believe for the years '81 and '82 is near at about one million one hundred and fifty thousand dollars. Are there any questions from any of the people in the audience? or from the Town Board?"

Supervisor Janoski: "Mr. Dickson, would you just tell us when this franchise was first signed by the Town?"

James Dickson: "Yes, the existing or the franchise we're presently operating under was — dates back to May 4, 1927. It ran for a period of fifty years and expired in 1977. And we are presently in the process now of asking for a renewal."

Supervisor Janoski: "Thank you Mr. Dickson. Now you've been coming here long enough to know that you have to come up here."

PUBLIC HEARING - continued

Unidentified speaker from the audience was inaudible.

Supervisor Janoski: "Mr. . . ."

Councilman Prusinowski: "Joe?"

Supervisor Janoski: "How long have you been coming to these meetings sir?"

Unidentified speaker from the audience was inaudible.

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

Councilman Prusinowski: "Joe?"

Supervisor Janoski: "Do you have a question?"

Councilman Prusinowski: "I have a question. Mr. Dickson, you stated that, could you explain that million dollars again. I'm a little bit confused cause I read the original franchise agreement and I didn't recall, is that in property taxes that you pay to the Town of Riverhead."

James Dickson: "It is a special franchise tax that is developed as I understand it by the State. And it is developed, if I understand it correctly by or established by the equalization rate."

Councilman Prusinowski: "I see so that's between the School Board and School taxes."

James Dickson: "It's a portion between the Town and the School District."

Councilman Prusinowski: "Okay and that comes over a million dollars a year."

PUBLIC HEARING - continued

James Dickson: "Yes at the present time, it's currently a million, yes."

Supervisor Janoski: "Okay, thank you. Mr. — would you like to be recognized Sir now."

Unidentified speaker from the audience was inaudible.

Supervisor Janoski: "Well would you like that to be placed on the record, or do you want us to just not have any record that you have asked that question. I will. Is there anyone who wants to place any comments on the record? Mr. Nohejl."

Bill Nohejl, Wading River; "The gentleman made a remark about fifty years it started in '27 and '77. Now this is '82. What happened to the seven years — five years in between? Was there no franchise going?"

Supervisor Janoski: "I guess technically you're right Bill. What happened was Lilco discovered that their franchise had run out and came to see the Town about it and that is why we are having this public hearing. We are in the process now of re-negotiating that franchise with them. And this is part of the process."

Bill Nohejl: "That's quite a lapse. I wish I could get away with five years for a franchise."

Supervisor Janoski: "I wish they would forget about my bill for five years. Is there any other questions concerning this matter?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 7:51 p.m.

UNFINISHED BUSINESS

Riverhead Airpark - special permit application for General Aviation Airport.

Cablevision - request for \$.30 rate increase.

Joseph & Linda Sullivan - special permit application for a mobile home park.

Riverhead Flagg Corp. - change of zone & special permit to construct condominiums.

Great Peconic Beach Club Hotel - site plan, hotel at South Jamesport.

Steven & Josephine Mitacchione - special permit Sound Avenue & Route 25A.

Supervisor Janoski: "Under unfinished business, we have a special permit application for a general aviation airport for Riverhead Airpark which is before the Planning Board at the present time. I'm sorry let me back up. It is now being — the Environmental Impact Statement is being addressed and amended as to issues that were raised in the first thirty day comment period.

Cablevision request for a 30¢ rate increase. We have not heard from Cablevision for some time regarding some of the suggestions that we have made to them.

From Joseph and Linda Sullivan special permit application for a mobile home park before the Town Board.

Riverhead Flagg Corp., change of zone and special permit to construct condominiums is awaiting designation of lead agency.

The Great Peconic Beach Club Hotel site plan, hotel as South Jamesport actually there really is at the present time no application pending on this special permit.

From Steven and Josephine Mitacchione a special permit on Sound Avenue and Route 25A. That is the unfinished business.

The time has not yet arrived for the second public hearing, we'll move onto the resolutions."

RESOLUTIONS

#137 AUTHORIZES SUPERVISOR TO EXECUTE CONTRACT OF SALE,  
RE: DENSIESKI

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

NOTICE IS HEREBY GIVEN, that at a regular meeting held on the 16th day of March, 1982, the Town Board of the Town of Riverhead duly adopted a resolution, an abstract of which follows, which resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law of the State of New York.

WHEREAS, the Town of Riverhead has expressed its desire to purchase real property located in Jamesport, New York, for the purpose of fencing said property presently owned by the Town of Riverhead and known as the Jamesport Community Center, and

WHEREAS, Benjamin C. Densieski has expressed his desire to sell his real property located in that area,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the subject contract wherein said sale is subject to a permissive referendum, and wherein the price of said parcel is \$1,500 to be paid from the General Town Fund, and be it

FURTHER RESOLVED, that the Town Clerk is authorized to publish and post this resolution as follows.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#138 APPOINTS MEMBERS TO THE CONSERVATION ADVISORY COUNCIL  
 Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, the Town Board did create the Town of Riverhead Conservation Advisory Council by resolution dated April 4, 1972, and

WHEREAS, the Town Board on April 18, 1972 did appoint a nine-member Board to the said named Council,

NOW, THEREFORE, be it

RESOLVED, that the following members of the Conservation Advisory Council be hereby re-appointed to serve terms not to exceed two years, expiring on March 1, 1984:

Joseph H. Baier  
 George Bartunek  
 Gilbert Raynor  
 Michael Velys, Jr.

and be it

FURTHER RESOLVED, that John Heilbrunn, George Batchelder, Delphine Kucera, and Timothy Drawbridge be hereby appointed members of the Conservation Advisory Council, serving a two-year term, expiring on March 1, 1984.

RESOLUTIONS - continued

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#139 RESOLUTION OF APPRECIATION TO CAC MEMBERS

Councilman Boschetti offered the following resolution which was unanimously adopted by the Entire Town Board.

WHEREAS, GORDON DANBY and LOUIS IMUNDO will no longer be serving as members of the Riverhead Conservation Advisory Council,

NOW, THEREFORE, be it

RESOLVED, that the Riverhead Town Board hereby expresses its extreme gratitude for the dedication and diligence these gentlemen have displayed in their service to the community as members of the Conservation Advisory Council.

#140 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: TAX ABATEMENT LOCAL LAW #1-82

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below notice of public hearing with regard to the proposed local law regarding tax exemption for eligible business facilities.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 6th day of April, 1982, at 7:45 p.m. o'clock at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposed adoption of a local law regarding tax exemption for eligible business facilities.

LOCAL LAW #1-82TAX EXEMPTION FOR ELIGIBLE BUSINESS FACILITIES

Intent. By the adoption of this local law, it is the intent of the Riverhead Town Board to implement the provisions of the Real Property Law of the State of New York, §485, as amended July 24, 1976, subject to the limitations and restrictions stated in this local law.

Definitions.

BOARD: The New York state job incentive board created by section one hundred sixteen (§116) of the Commerce Law.

RESOLUTIONS - continued

BUSINESS CONCERN: Any person or entity subject to taxation under article nine-a, nine-b, nine-c, twenty-three, thirty-two, or thirty-three of the tax law.

ELIGIBLE AREA: Shall include the whole of Riverhead Town.

ELIGIBLE BUSINESS FACILITY: A place of business located in an eligible area, which meets the requirements set forth in section one hundred eighteen of the Commerce Law, and for which a certificate of eligibility has been issued by the board as provided in section one hundred twenty of the Commerce Law. A facility for which such a certificate is issued shall be deemed an eligible business facility only during the taxable year or as of the taxable status date to which such certificate relates, as provided in section one hundred twenty of the Commerce Law.

RESIDENT: An individual who is domiciled in an eligible area.

Eligible Facility.

A business facility, to be an eligible business facility for the purposes of this act, shall meet each of the following requirements:

- a. It shall be located in an eligible area as defined in subdivision (c) of section one hundred fifteen of the Commerce Law.
- b. Such facility shall not be an eligible facility under such subdivision (c) if it is (i) primarily used in making retail sales of goods or services to customers who personally visit such facility to obtain such goods or services, or (ii) used primarily as an apartment house or other place of business other than a hotel, motel or other resort facility utilized for the encouragement, stimulation, or promotion of tourist, travel, resort, or vacation business which furnishes dwelling space or accommodations to either residents or transients. A facility shall be deemed to meet this requirement if it is used primarily in the encouragement, stimulation or promotion of tourist, travel, resort, or vacation business within the eligible area and counties outside such eligible area but contiguous thereto. Such facilities shall include but not be limited to: hotels, motels or other resort facilities utilized in such business pursuits.
- c. It shall be a facility which creates or retains in the eligible area in which it is located not less than five jobs.
- d. It shall be a facility in which the business concern

RESOLUTIONS - continued

operating the same provides a training program or programs, satisfactory to the board, which are:

(i) approved or approvable under the state manpower training act, or

(ii) registered as an apprentice training program with the state bureau of apprentice training, or

(iii) approved or approvable as a bona fide apprenticeship training program or on-the-job training program under public law 90-77,

and which prepare residents of the eligible area in which such facility is located for jobs created or retained in such area as required by subdivision (c) of this section, and which assure such residents opportunities for job upgrading and for entry into supervisory positions, provided, however, that if a business concern operating a facility shall have provided such a program or programs for as long as the board determines to be feasible, the termination of such program or programs, if the board consents thereto, shall not terminate the eligibility of such facility.

e. It shall not be an international banking facility. The term "international banking facility" shall have the same meaning as is set forth in the New York state banking law or regulations of the New York state banking department or as is set forth in the laws of the United States or regulations of the board of governors of the federal reserve system.

Schedule of Exemptions.

An eligible business facility, as certified by the New York state job incentive board, pursuant to section one hundred and twenty of the Commerce Law shall be exempt from taxes and special ad valorem levies imposed by the Town of Riverhead to the extent granted by the following schedule of exemptions of any increase in the value thereof which is attributable to expenditures certified by said board to have been paid or incurred by the owner or operator for capital improvements, commenced on or after the date upon which the area in which the eligible business facility is located became an eligible area pursuant to section one hundred fifteen of the Commerce Law, consisting of the construction, reconstruction, erection or improvement of depreciable real property included in such facility. Such exemption shall be applicable for a period not to exceed five years, and shall be continued from year to year during such period only if the certificate of eligibility with respect to such business facility is not revoked or modified and is renewed or extended as provided in section one hundred twenty of the Commerce Law.

RESOLUTIONS - continued

Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value attributable to such construction, reconstruction, erection, or improvement of depreciable real property included in such facility, and for an additional period of four years provided, however, that the extent of such exemption shall be decreased by ten per centum each year during such additional period of four years. The following table shall illustrate the computation of the tax exemption:

<u>Year of Exemption</u>	<u>Percentage of Exemption</u>
1	50
2	40
3	30
4	20
5	10

Such exemption shall terminate after the fifth year.

Form of Application.

The exemption provided by this local law shall be granted only upon an application by the owner or operator of such facility on a form prescribed by the state board to which there shall be attached a copy of a certificate of eligibility issued by the New York state job incentive board. Such application shall be filed with the Riverhead Assessor's Office on or before the appropriate taxable status dates. Copies of such application shall be filed simultaneously with the State Board and with the New York state job incentive board.

Assessor's Office.

a. The assessors shall consider the application for such exemption and if the same is in order shall determine the assessed value of such exemption in accordance with the certificate of eligibility and enter such value on the exemption portion of the assessment roll. The eligible business facility shall then be exempt to the extent provided by this local law from taxes and special ad valorem levies commencing with the assessment roll prepared on the next following taxable status date.

b. If an exemption has once been granted for a business

RESOLUTIONS - continued

facility under this section and the assessors receive notice that a certificate of eligibility of such facility has been revoked or modified, they shall redetermine the assessed value of any such exemption in accordance with such revocation or modification. If upon such redetermination it appears for a year for which an exemption has been granted that such facility has been ineligible or that the assessed value of such exemption as redetermined is less than the assessed value of such exemption as shown on the assessment rolls for such year upon so much of the assessed valuation of such exemption, as shown on such assessment rolls, as may be ineligible or excessive. Such tax shall be levied as an omitted assessment in the manner provided in section five hundred fifty of this chapter for each such year. Any such redetermination shall be made no later than three years after the applicant for exemption last received benefit of any exemption under this section.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#141 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: DELETION OF CHAPTER 54 OF THE RIVERHEAD TOWN CODE LOCAL LAW #2-82

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to the proposed local law deleting Chapter 54 of the Riverhead Town Code, entitled, "Buildings and Structures, Dangerous".

PUBLIC NOTICE  
LOCAL LAW #2-82

PLEASE TAKE NOTICE, that a public hearing will be held on the 6th day of April, 1982, at 7:55 P.M. o'clock at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposed local law deleting Chapter 54 of the Riverhead Town Code, entitled, "Buildings and Structures, Dangerous", a copy of which is detailed as follows:

§54-1. Enforcement officer appointed.

The Town Board shall appoint an Inspector of buildings and structures who shall be the Board's authorized agent in the matters failing under these rules and regulations and exercise the powers hereinafter mentioned in the name and subject to the approval and ratification of the Board.

RESOLUTIONS - continued

## §54-2. Owners required to maintain buildings.

No person or persons, firm or corporation shall allow any building or structure in the town to become deteriorated to such a degree that the building or structure shall become dangerous and unsafe to the public or that such building or structure shall become a fire hazard.

## §54-3. Inspections and reports.

It shall be the duty of the Inspector to inspect all buildings and structures in the town and report to the Board any building or structure that from any cause may now be or shall hereafter become dangerous or unsafe to the public or become a fire hazard.

## §54-4. Statutory powers and duties.

The Town of Riverhead, the Town Board, the Town Clerk, the Inspector appointed pursuant to this chapter and all other officers of the town shall have and perform all of the powers and duties available under the provisions of Section 130, Subdivision 16, of the Town Law of the State of New York.

## §54-5. Costs to be borne by owner.

The cost of demolition, engineering or other professional services, if any, incurred by the Town Board, shall be borne by the owners of such property.

## §54-6. Notice of violation.

The Town Board, upon the receipt of a report from the Inspector, shall serve the following notice upon the owner of the defective building or structure:

WHEREAS it was reported to this Board that a certain building or structure situated in the Town of Riverhead, County of Suffolk and State of New York, was in a condition dangerous and unsafe to the public, and

WHEREAS \_\_\_\_\_ was duly appointed to make an inspection of such building and report thereon to this Board, and

WHEREAS such inspection was duly made and the said Inspector having reported to this Board that the said building or structure is in such a dilapidated condition and/or so situate that it or parts of it will fall into or immediately adjacent to the public highway in the near future or that it is a dangerous fire hazard unless the same is removed or repaired, and

RESOLUTIONS - continued

WHEREAS it appears from the report of such person that the said building is unsafe and dangerous to the public and a public nuisance, and

WHEREAS it appears that \_\_\_\_\_ is the owner of said building or structure,

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, that the said the owner of said building, either remove the said building or put the same in a good state of repair, and that he commence such removal or repair within five days after the receipt of the notice hereinafter mentioned, and that he thereafter diligently continue with such removal or repair to the end that the same be completed within two months after receipt of such notice; further be it

RESOLVED AND ORDAINED that the Town Clerk, pursuant to and in the manner authorized by Town Law, § 130, Subdivision 15, Subparagraph b, shall forthwith cause to be served upon the said owner a notice in writing containing a description of the premises, a statement of the particulars in which the building is unsafe and dangerous and a further statement ordering him to make the same safe and secure or to remove the same; further be it

RESOLVED AND ORDAINED, that, in the event of the neglect or refusal of the said owner to comply with the aforesaid notice, a survey of the premises shall be made by the Inspector, and a local architect, appointed and designated for such purpose, and by a practical builder, engineer or architect to be appointed by said owner, and that in the event of the failure or refusal of said owner to appoint such a person to act in his behalf, or in the event of the failure of the person appointed by him to act, the survey shall be made by the persons appointed as aforesaid by this Town Board; that the practical builder, engineer or architect to act for the said owner shall be designated by the said owner within ten (10) days after the service of the notice upon him and such owner shall within such time notify the undersigned Town Clerk of the name of the person so designated and such person shall at all times be expected to cooperate with the Inspector and architect named by this Town Board as aforesaid; be it further

RESOLVED AND ORDAINED, that the Inspector and architect named as aforesaid, and the builder, engineer or architect named by said owner, if named and acting, shall upon completion of such survey report in writing to the said

RESOLUTIONS - continued

Town Board, and in the event that the said building is reported unsafe and dangerous by said persons or a majority of them, an application will be made at a special term of the Supreme Court in the judicial district in which the property is located, such term to be designated by the Town Clerk, for an order determining that the said building is a public nuisance and directing that it be repaired or secured or taken down or removed as the Court may determine; be it further

RESOLVED AND ORDAINED, that a report of the survey on the building, signed by the persons making the report, and setting forth in full their findings with respect to the building and the compensation of such surveyors, be posted by the Town Clerk upon the said building within five days after the receipt of such report by the Town Clerk; be it further

RESOLVED AND ORDAINED, that all costs and expenses incurred by the town in connection with the proceedings to remove or secure said building, including the compensation of the surveyors and the cost of repair or removal, shall be assessed upon the land upon which the same stands; and be it further

RESOLVED AND ORDAINED, that notice of all of the foregoing shall be given in writing to the said owner by the Town Clerk.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#142 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: ADOPTION OF CHAPTER 54 OF THE RIVERHEAD TOWN CODE TO BE ENTITLED, "UNSAFE BUILDINGS AND COLLAPSED STRUCTURES LAW OF THE TOWN OF RIVERHEAD"  
LOCAL LAW #3-82

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to the proposed local law adding Chapter 54 to the Riverhead Town Code, to be entitled, "Unsafe Buildings and Collapsed Structures Law of the Town of Riverhead".

RESOLUTIONS - continued

PUBLIC NOTICE  
LOCAL LAW #3-82

PLEASE TAKE NOTICE that a public hearing will be held on the 6th day of April, 1982, at 8:05 P.M. o'clock at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposed local law adding Chapter 54 to the Riverhead Town Code, to be entitled, "Unsafe Buildings and Collapsed Structures Law of the Town of Riverhead", which shall read as follows:

"Unsafe Buildings and Collapsed Structures Law  
of  
the Town of Riverhead

Chapter 54

§54-1 Title.

This chapter shall be known as the "Unsafe Buildings and Collapsed Structures Law of the Town of Riverhead".

§54-2 Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare of the residents of the Town of Riverhead and the conservation of property and property values and to eliminate safety and health hazards.

§54-3 Unsafe Buildings prohibited.

All buildings or structures which are structurally unsafe, dangerous, unsanitary or not provided with adequate egress or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this chapter, unsafe buildings. All such buildings and structures are hereby declared to be illegal and are prohibited and shall be abated by repair and rehabilitation or by demolition and removal in accordance with the procedures of this chapter.

§54-4 Inspection and report.

When in the opinion of the Building Inspector, any structure

RESOLUTIONS - continued

located in the Town of Riverhead shall be deemed to be unsafe or dangerous to the public, he shall make a formal inspection thereof and thereafter prepare a written report thereof and file the same in his office.

§54-5 Service of notice.

A. When it shall be determined by the Building Inspector that a building or structure is dangerous or unsafe to the public, he shall promptly serve or cause to be served a notice on the owner or other persons having an interest in such property or structure as hereinafter provided.

B. The aforementioned notice shall be served on the owner of the premises or some one of the owner's executors, legal representatives, agents, lessors or other person having a vested or contingent interest in same, as shown by the last completed assessment roll of the Town, either personally or by registered mail, addressed to the person intended to be served at the last known place of business. If the notice is served by registered mail, the Building Inspector shall cause a copy of such notice to be posted on the premises.

§54-6 Contents of notice.

The notice referred to in §54-5 hereof shall contain the following:

A. A description of the premises.

B. A statement of the particulars in which the building or structure is unsafe or dangerous.

C. An order requiring the building or structure to be made safe and secure or removed.

D. A statement that the securing or removal of the building or structure shall commence within ten (10) days from the date of the service of the notice and shall be completed within thirty (30) days thereafter. The Building Inspector may extend the time of compliance specified in the notice where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Building Inspector may impose such conditions as he may deem appropriate.

E. A statement that in the event of the neglect or refusal of the person served with notice to comply with same, that a hearing will be held before the Riverhead Town Board, notice of which and the time and place thereof to be specified in the notice to the owner referred to in Section 54-5 hereof.

RESOLUTIONS - continued

F. A statement that in the event that the Town Board, after the hearing specified in Section 54-6E hereof, shall determine that the building or structure is unsafe or dangerous to the public, that the Town Board may order the building or structure to be repaired and secured or taken down and removed.

G. A statement that in the event that the building or structure shall be determined by the Town to be unsafe or dangerous, and in the event of the neglect or refusal of the owner to repair or remove the same within the time provided, the Town may remove such building or structure by whatever means it deems appropriate and assess all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, against the land on which said buildings or structures are located.

§54-7 Filing of copy of notice.

A copy of the notice referred to in Section 54-6 hereof may be filed in the County Clerk of the County within which such building or structure is located, which notice shall be filed by such clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one (1) year from the date of filing, provided, however, that it may be vacated upon the order of a Judge or Justice of a Court of the County where such notice is filed shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent of a certified copy of such order.

§54-8 Emergency measures to vacate.

If the Building Inspector determines that his inspection of any building or structure that there is actual and immediate danger of failure or collapse so as to endanger life, he shall promptly require the building, structure or portion thereof to be vacated forthwith and not to be reoccupied until the specified repairs are completed, inspected and approved by the Building Inspector. For this purpose he may enter such building or structure or land on which it stands or adjoining land or structures with such assistance and at such cost as may be necessary. He may also order adjacent structures to be vacated and protect the public by appropriate barricades or such other means as may be necessary and for this purpose may close a private or public right-of-way. The Building Inspector shall cause to be posted at each entrance to such building or structure a notice stating, "This building is unsafe and its use or

RESOLUTIONS - continued

occupancy has been prohibited by the Building Inspector". Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm, or corporation or their agents or other persons to remove such notice without written permission of the Building Inspector or for any person to enter the building except for the purpose of making the required repairs or the demolition thereof.

## §54-9 Costs and expenses.

All costs and expenses incurred by the Town of Riverhead in connection with any proceeding or any work done to remove the danger, or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such building or structure is located, and a statement of such expenses shall be presented to the owner of the property or if the owner can not be ascertained or located, than such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within ten (10) days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Inspector may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred, and the owner thereof, with the assessors, who shall in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

## §54-10 Penalties for offenses.

A. Any person who neglects, refuses or fails to comply with any order or notice issued hereunder shall be guilty of an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00), or by imprisonment for a term not to exceed fifteen (15) days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional offense or violation.

B. Nothing in this chapter shall be construed as depriving the Town of any other available remedy relevant to a violation of this chapter.

## RESOLUTIONS - continued

## §54-11 Severability.

The validity of any section, subsection or provision of this chapter shall not invalidate any other section, subsection or provision thereof.

## §54-12 When effective.

This chapter shall take effect immediately.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#143 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: REPEAL OF ARTICLE IX, BOARD OF HOUSING APPEALS LOCAL LAW #4-82

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, Former Article IX of the Riverhead Town Code creating the Board of Housing Appeals was repealed on August 21, 1979, by resolution, and

WHEREAS, such repeal may have been ineffective, NOW, THEREFORE, be it

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to the local law repealing former Article IX of the Riverhead Town Code, known as the Board of Housing Appeals.

PUBLIC NOTICE  
LOCAL LAW #4-82

PLEASE TAKE NOTICE that a public hearing will be held on the 6th day of April, 1982, at 8:15 P.M. o'clock at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested person with regard to the proposed local law repealing former Article IX of the Riverhead Town Code, known as the Board of Housing Appeals, a copy of which is as follows:

## ARTICLE IX

## Board of Housing Appeals

## §68-48. Appointment; membership; terms.

The Town Board shall appoint from among its membership a Board of Housing Appeals consisting of three (3) members, each to serve at the pleasure of the Town Board or for such terms as may be designated by it. No more than (1) Town Justice shall act as a member of the Board of Housing Appeals at one time.

RESOLUTIONS - continued

## §68-49. Meetings; officers.

The Board of Housing Appeals shall select one (1) of its members to act as Clerk of the Board and one (1) of its members to act as Chairman, and shall meet at the call of the Chairman but not less often than once each month. All meetings of the Board shall be open to the public. Minutes of the proceedings shall be kept by the Clerk.

## §68-50. Jurisdiction and duties.

A. When a notice of violation has been issued, the Board of Housing Appeals shall have jurisdiction to hold hearings and make determinations in the following cases:

1. When there is a conflict between an owner and an occupant or operator as to primary responsibility under §68-37 and §68-38.

2. When it is claimed that the enforcing officer did not set a reasonable time for compliance or refused to extend time for compliance in a proper case.

3. When it is claimed that the enforcing officer incorrectly interpreted any material and relevant section of the chapter.

B. The Board may render informal advisory opinions on this chapter upon request of any citizen, including the enforcing officers, the Court or the Town Board, and may on its own initiative make recommendations to the Town Board as to possible changes in the chapter.

## §68-51. Procedure.

A. On or before the return date of the notice of violation but subsequent to the date for compliance, if any, set forth in such notice, the enforcing officer shall appear before the Magistrate and verify any information subsequent to the notice of violation and file the same with the court. No warrant shall issue on any information filed hereunder prior to the return date of the notice of violation.

B. Immediately following his arraignment but before being required to plead thereto, the defendant shall be advised of his right to a hearing before the Board on any of the grounds set forth in §68-50 and to an adjournment of the instant proceedings pending determination by the Board. The defendant shall be advised that if he does elect to have such hearing, statements made by him in connection with such hearing may be used against him in subsequent court proceedings, if any, and that if he desires a hearing on the ground that another person is primarily responsible for the violation, he is admitting the existence of the violation.

## RESOLUTIONS - continued

C. If the defendant does not desire such hearing, he shall be deemed to have waived any claim that he is merely secondarily responsible for the violation, and he shall then be required to plead to the information, and the Court shall proceed in the usual manner in the case.

D. If the defendant does desire a hearing before the Board, he shall so indicate and state the grounds therefor. If the grounds are not one of those set forth in §68-50, the Court shall proceed as if hearing had been waived. If proper grounds are stated, the Court shall adjourn all proceedings before it in the instant case to a date subsequent to ten (10) days after the next meeting of the Board to be held not less than seven (7) days thereafter, and shall advise the defendant to appear before the Board at its next such meeting to be heard. The Court shall advise the Board of cases so referred to it.

E. If the defendant claims the grounds of §68-50(1), at least five (5) days prior to the hearing he shall serve a notice on the person alleged to be primarily responsible for the violation, stating the grounds of the notice of violation, the grounds of the request for hearing, the time and place of the hearing and that the person served may be held primarily responsible if he does not appear at the time and place of the hearing. The defendant shall file sworn proof of service with the Board at the hearing unless the person served appears.

## §68-52. Conduct of hearing.

The hearing shall be conducted under the supervision of the Chairman with the purpose of establishing the facts and the applicable law in a manner consistent with fairness and the standards applied by reasonable men in the conduct of their business affairs. Strict rules of evidence shall not apply, except that the chairman may exclude irrelevant evidence and limit cumulative testimony or evidence. Persons may appear before the Board in person, by attorney or representative and shall be afforded sufficient opportunity to present their cases, under oath or not, as they see fit. The Board may call other persons to give evidence and may take into account their personal knowledge of the facts, but if such personal knowledge is considered a statement to that effect must be made at the public hearing.

## §68-53. Findings.

After consideration of the evidence the Board shall, within ten (10) days of the hearing, make its determination and order that the notice of violation be sustained, modified or withdrawn. In each case where the Board finds that further proceedings are in order, it shall instruct the enforcing officer how to proceed. In such case the Board may direct the serving

RESOLUTIONS - continued

and filing of new or amended notices of violation on any party or other person and may direct times for compliance, and shall have all of the authorities of the enforcing officer in such cases. No order shall be effective unless mailed to a party who appeared or unless served on any other party or person affected.

§68-54. Effect of findings on court proceedings.

A. Upon determination by the Board that the notice of violation should be sustained, court proceedings shall continue in the usual manner, the defendant to appear in Court on the adjourned date to plead to the information.

B. Upon determination that the notice of violation should be withdrawn, the information shall be dismissed with prejudice.

C. Upon determination that the notice of violation should be modified, the information shall be dismissed without prejudice to the serving of new notices of violation and filing of new informations in accordance with the direction of the Board.

§68-55. Effect of prior determination.

There shall be no right of hearing before the Board on any notice of violation served or filed by or at the direction of the Board.

§68-56. Voluntary inspections.

For the purpose of establishing the condition of premises at any given time, the enforcing officer may, at the request of an owner or occupant, when not otherwise prohibited hereunder or by law, upon the payment of a fee of two dollars (\$2.00), inspect and report the condition of any premises subject hereto and file such report in his office. Such report shall be presumptive evidence of the facts stated therein.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Let the record show that the hour of 8 p.m. has arrived.

The Town Clerk will please read the notice of public hearing."

Supervisor Janoski recessed the meeting to hold the public hearing.

PUBLIC HEARING - 8:00 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, March 16, 1982 at 8:00 P.M. to hear all interested persons regarding the special permit application of Pericle Bakas, Neptune Diner, now the Country Steer, Route 58, Riverhead, to have entertainment such as a piano, organ, a singer or 3 piece band.

The affidavits were ordered to be placed on file.

COMMUNICATIONS

Suffolk County Dept. of Planning, 3/10/82 - that the special application of Pericles Bakas is considered to be a matter for local determination. Filed.

Riverhead Planning Board, 02/22/82 - recommends that the application be granted. Filed.

Environmental Quality Review Board, 01/28/82 - recommendation that application is a type II action which will not have a significant impact upon the environment. Filed.

Supervisor Janoski: "Thank you Mrs. Pendzick. Is there anyone present representing Mr. Bakas of the Country Steer Restaurant? Is there anyone present who would wish to address the Town Board on this matter? Bill?"

Bill Nohejl, Wading River; "I'm familiar with the Neptune Diner. I've eaten there quite often when it was a diner. And I see the extents of renovation has been made there and I think it be fitting that they — this be permitted and granted for the type of business that they wish to operate. Thank you."

Supervisor Janoski: "Thank you Bill. Is there anyone else present who wishes to address the Town Board on this matter?"

No one else wishing to be heard and no further communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:03 P.M.

Supervisor Janoski: "Continuing with the resolutions."

RESOLUTIONS

#144 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: AMENDMENT TO CHAPTER 103, SECTION 103-5(B) 3 OF THE RIVERHEAD TOWN CODE - LOCAL LAW #5-82

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to the proposed local law amending Chapter 103, Section 103-5(B) 3 of the Riverhead Town Code regarding the imposition of fees at the Riverhead Landfill for the disposal of scavenger waste and duck blood.

PUBLIC NOTICE  
LOCAL LAW #5-82

PLEASE TAKE NOTICE that a public hearing will be held on the 6th day of April, 1982, at 8:25 o'clock P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposed local law amending Chapter 103, Section 103-5(B) 3 of the Riverhead Town Code regarding the imposition of fees at the Riverhead Landfill for the disposal of scavenger waste and duck blood, wherein the proposed amendment shall read as follows:

Section 103-5(B) 3

(3) Cesspool cleaning. The license fee for any vehicle used in the transportation of raw sewerage or cesspool contents shall be the sum of two hundred dollars (\$200) per annum if he is a taxpayer in the Town of Riverhead and five hundred dollars (\$500) per annum for non-taxpayers. In addition, there shall be imposed an additional fee for scavenger waste and duck blood as follows: The fee for disposing of scavenger waste or duck blood shall be one cent (\$.01) per gallon and shall be based upon the tank capacity of the vehicle. Such capacity shall be determined to be either the full capacity or one-half of the full capacity based on the sight glass reading. One-half capacity shall be the minimum capacity charged.

\*underscore indicates addition

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#145 TRANSFER OF FUNDS - PUBLIC PARKING

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Supervisor be, and hereby is, authorized to transfer the following Public Parking District Funds:

	<u>FROM</u>	<u>TO</u>
ST5650.400 Contractual Expenses	\$750.00	
ST5650.100 Personal Services-Overtime		\$700.00
ST5650.800 Fringe Benefits		\$ 50.00

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes. This is for snow removal of the municipal parking areas."

The resolution was thereupon declared duly adopted.

#146 TRANSFER OF FUNDS

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Supervisor be, and hereby is, authorized to transfer the following:

	<u>FROM</u>	<u>TO</u>
Al990.400 General Town Contingency	\$1300.00	
Al420.203 Law Equipment		\$1300.00

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#149 AUTHORIZES THE SANITATION DEPARTMENT SUPERINTENDENT TO ATTEND LONG ISLAND SANITATION OFFICIALS ASSOCIATION MEETINGS AND SOLID WASTE SEMINARS, PUBLIC HEARINGS, AND CONFERENCES

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Sanitation Department Superintendent, Edward Gadzinski, be and hereby authorized to attend Long Island Sanitation Officials meetings and Solid Waste seminars, Public Hearings and Conferences to be held in 1982, and the use of the Town vehicle and all necessary expenses be reimbursed and the same charged to the Sanitation Department Expense Account.

RESOLUTIONS - continued

and be it,

FURTHER RESOLVED, that an explanatory report detailing any expense incurred be filed with the Town Clerk's Office.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#150 ACCEPTS RESIGNATION OF HOME AIDE

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, on March 16, 1982 RUTH BAUER did submit her letter of resignation from her position as Home Aide, NOW, THEREFORE, be it

RESOLVED, that the resignation of RUTH BAUER is hereby accepted effective March 16, 1982.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#151 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: AMENDMENT TO SECTION 108-3 OF THE RIVERHEAD TOWN CODE, DEFINITION OF "BOARDINGHOUSE"

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to the proposed local law amending Section 108-3 of the Riverhead Town Code, Definition of "Boardinghouse".

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 6th day of April, 1982, at 8:35 o'clock P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the following amendment to the Riverhead Town Code, Section 108-3, Definition of "Boardinghouse":

BOARDINGHOUSE - Any-dwelling-in-which-more-than three-(3)-persons,-either-individually-or-as-families,-are housed-or-lodged-for-hire-with--or-without-meals. Any dwelling in which more than one individual or family unit is housed or lodged and where the owner or his agent collects rent from said individual or family unit. A rooming house shall be deemed a boardinghouse.

\* (---) indicates deletion

\* Underscore indicates addition

RESOLUTIONS - continued

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#152 APPOINTMENT OF PART-TIME DOG CONTROL OFFICER  
Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

BE IT RESOLVED, that effective March 20, 1982 DAVID HALLIDAY be and is hereby appointed to the position of Part-Time Dog Control Officer at a rate of pay of \$5 per hour, but not to exceed an annual amount of \$4,000.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Councilman Prusinowski: "One hundred fifty-three, Mr. Supervisor, I'd like to put on the agenda resolution number one hundred fifty-three, approves special permit application of the Country Steer."

Supervisor Janoski: "Any objection to that?"

Councilman Artale: "No."

Supervisor Janoski: "No objection."

Councilman Prusinowski: "Okay Mrs. Pendzick, this will be number one hundred fifty-three."

#153 APPROVES SPECIAL PERMIT APPLICATION OF PERICLES BAKAS, NEPTUNE DINER (COUNTRY STEER)

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Section 108-3 of the Riverhead Town Code states that live entertainment may be permitted by Special Permit of the Town Board in a restaurant, and

WHEREAS, the Country Steer Restaurant, located on Route 58, Riverhead, New York, has filed an application for a special permit to allow live entertainment on the premises, and

WHEREAS, this matter was referred to the Planning Board, and this Board is in receipt of their recommendations, and

WHEREAS, the Environmental Quality Review Board has recommended that this is a Type II Action pursuant to 6 N.Y.C.P.R. Section 617.11, and

RESOLUTIONS - continued

WHEREAS, a public hearing was held on the 16th day of March, 1982, and all persons wishing to be heard were heard, and

WHEREAS, the Town Board finds that live entertainment of the type described in this special permit application will not be objectionable and that properly regulated, the comfort and tranquility of the neighborhood may be accommodated, and

WHEREAS, the use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood, and

WHEREAS, the hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town, and

WHEREAS, the health, safety, welfare, comfort, convenience, and order of the Town will not be adversely affected by the authorized use, and

WHEREAS, such use will be in harmony with and promote the general purposes and intent of this chapter,

NOW, THEREFORE, be it

RESOLVED, that a special permit be issued to Pericles Bakas doing business as the Country Steer Restaurant, Route 58, Riverhead, New York for the performance of live entertainment as an accessory use to its restaurant use subject to the following conditions:

1. This special permit shall expire if the live entertainment, described herein, is not an accessory use to the permitted use as a restaurant.
2. The live entertainment permitted shall include only entertainment primarily and solely of a musical or vocal nature. Such entertainment shall not employ any topless or nude performers or any lewd or immoral acts.
3. All entertainment shall stop at 2 a.m.
4. All doors and windows shall be closed during performances.
5. Such entertainment shall not be audible at a distance of one hundred (100) feet from the structure to a person of ordinary hearing.
6. That this special permit shall be revoked if any of the stipulations enumerated herein are not complied with, such revocation to take effect after a duly noticed hearing by the Town Board.

RESOLUTIONS - continued

7. That all restrictions and limitations as outlined in the Riverhead Town Code, Section 108, shall be followed by the applicant.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.  
The resolution was thereupon declared duly adopted.

Supervisor Janoski: "How did we do Marty?"

Supervisor Martin Lang from the audience: "Average Joe."

Supervisor Janoski: "We'll work on it. I would open the meeting one more time to public comment."

No one wished to be heard at this time.

There being no further business on motion and vote, the meeting adjourned at 8:13 P.M.

*Irene J. Pendzick*

IJP/vlv

Irene J. Pendzick, Town Clerk