

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, August 17, 1982 at 7:30 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.

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

RESOLVED, that the Minutes of the Meeting held on July 20, 1982, and the Minutes of the Public Hearing held on August 10, 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 August 17, 1982 as follows:

General Town	\$69,059.65
Highway Item #1	\$15,521.64
Highway Item #3	\$ 4,735.65
Highway Item #4	\$ 699.76
Capital Projects	\$ 3,728.97
Discretionary	\$13,073.21
Street Lighting	\$16,678.50
Seniors Helping Seniors- Capital Fund	\$ 56.56

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.

General Town	\$69,059.65
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Highway Item #1	\$15,521.64
Highway Item #3	\$ 4,735.65
Highway Item #4	\$ 699.76
Capital Projects	\$ 3,728.97
Discretionary	\$13,073.21
Street Lighting	\$16,678.50
Seniors Helping Seniors- Capital Fund	\$ 56.56

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 some of the heads of departments of Town Government who would be available to answer any questions you might have concerning the operation of their departments.

Reports Mrs. Deputy."

OPEN BID REPORT - STORM DRAINAGE IMPROVEMENTS AT PECONIC RIVER MARINA - RIVT 81-10

After being duly advertised the bids for Storm Drainage Improvements at Peconic River Marina were opened by the Town Clerk on Thursday, August 12, 1982 at 11:00 A.M.

MUIRFIELD CONTRACTING, INC.
Garden City, New York

2	F & I 15" DIA. CORRUGATED STEEL PIPE	225 LF
4	F & I PRECAST C.B. WITH DROP INLETS	5 Units
5A	PAVEMENT RESTORATION	190 SY
5B**	PAVEMENT RESTORATION	500 SY
10	MAINTENANCE & PROTECTION OF TRAFFIC	LUMP SUM
14A*	ADDITIONAL EXCAVATION	5 CY
14B*	ADDITIONAL BACKFILL	15 CY
14C*	ROCK EXCAVATION	5 CY

* Contingency Item

** Optional item by the Town

TOTAL BID (SUM OF ALL ITEMS)	\$ 43,521.00
TOTAL ALTERNATIVE BID (SUM OF ALL ITEMS EXCEPT 5B)	\$ 22,521.00

FILED.

OPEN BID REPORT - STORM DRAINAGE IMPROVEMENTS AT PECONIC
RIVER MARINA - RIVT 81-10 - continued

PAT NOTO, INC.
 Bayshore, New York

2	F & I 15" DIA. CORRUGATED STEEL PIPE	225 LF
4	F & I PRECAST C.B. WITH DROP INLETS	5 Units
5A	PAVEMENT RESTORATION	190 SY
5B**	PAVEMENT RESTORATION	500 SY
10	MAINTENANCE & PROTECTION OF TRAFFIC	LUMP SUM
14A*	ADDITIONAL EXCAVATION	5 CY
14B*	ADDITIONAL BACKFILL	15 CY
14C*	ROCK EXCAVATION	5 CY

* Contingency Item

** Optional item by the Town

TOTAL BID (SUM OF ALL ITEMS) \$ 25,990.00

TOTAL ALTERNATIVE BID (SUM OF ALL ITEMS EXCEPT 5B) \$ 21,990.00

FILED.

PRATT & PRATT, INC.
 Holtsville, New York

2	F & I 15" DIA. CORRUGATED STEEL PIPE	225 LF
4	F & I PRECAST C.B. WITH DROP INLETS	5 Units
5A	PAVEMENT RESTORATION	190 SY
5B**	PAVEMENT RESTORATION	500 SY
10	MAINTENANCE & PROTECTION OF TRAFFIC	LUMP SUM
14A*	ADDITIONAL EXCAVATION	5 CY
14B*	ADDITIONAL BACKFILL	15 CY
14C*	ROCK EXCAVATION	5 CY

* Contingency Item

** Optional item by the Town

TOTAL BID (SUM OF ALL ITEMS) \$52,700.00

TOTAL ALTERNATIVE BID (SUM OF ALL ITEMS EXCEPT 5B) \$37,700.00

FILED.

OPEN BID REPORT - STORM DRAINAGE IMPROVEMENTS AT PECONIC
RIVER MARINA - RIVT 81-10 - continued

RIVERHEAD CEMENT BLOCK
 Riverhead, New York

2	F & I 15" DIA. CORRUGATED STEEL PIPE	225 LF
4	F & I PRECAST C.B. WITH DROP INLETS	5 Units
5A	PAVEMENT RESTORATION	190 SY
5B**	PAVEMENT RESTORATION	500 SY
10	MAINTENANCE & PROTECTION OF TRAFFIC	LUMP SUM
14A*	ADDITIONAL EXCAVATION	5 CY
14B*	ADDITIONAL BACKFILL	15 CY
14C*	ROCK EXCAVATION	5 CY

* Contingency Item

** Optional item by the Town

TOTAL BID (SUM OF ALL ITEMS) \$45,600.00

TOTAL ALTERNATIVE BID (SUM OF ALL ITEMS EXCEPT 5B) \$26,600.00

FILED.

STETLER BORTHERS
 Brentwood, New York

2	F & I 15" DIA. CORRUGATED STEEL PIPE	225 LF
4	F & I PRECAST C.B. WITH DROP INLETS	5 Units
5A	PAVEMENT RESTORATION	190 SY
5B**	PAVEMENT RESTORATION	500 SY
10	MAINTENANCE & PROTECTION OF TRAFFIC	LUMP SUM
14A*	ADDITIONAL EXCAVATION	5 CY
14B*	ADDITIONAL BACKFILL	15 CY
14C*	ROCK EXCAVATION	5 CY

* Contingency Item

** Optional item by the Town

TOTAL BID (SUM OF ALL ITEMS) \$25,111.25

TOTAL ALTERNATIVE BID (SUM OF ALL ITEMS EXCEPT 5B) \$17,246.25

FILED.

OPEN BID REPORT - STORM DRAINAGE IMPROVEMENTS AT PECONIC
RIVER MARINA - RIVT 81-10 - continued

ZORN INDUSTRIES, INC.
 Ronkonkoma, New York

2	F & I 15" DIA. CORRUGATED STEEL PIPE	225 LF
4	F & I PRECAST C.B. WITH DROP INLETS	5 Units
5A	PAVEMENT RESTORATION	190 SY
5B**	PAVEMENT RESTORATION	500 SY
10	MAINTENANCE & PROTECTION OF TRAFFIC	LUMP SUM
14A*	ADDITIONAL EXCAVATION	5 CY
14B*	ADDITIONAL BACKFILL	15 CY
14C*	ROCK EXCAVATION	5 CY

* Contingency Item

** Optional item by the Town

TOTAL BID (SUM OF ALL ITEMS) \$25,141.90

TOTAL ALTERNATIVE BID (SUM OF ALL ITEMS EXCEPT 5B) \$17,711.90

FILED.

Supervisor Janoski: "The appointed hour for the first public hearing has not yet arrived, so we will have a reading of the applications."

APPLICATIONS

Special Permit - Norman & Joan Hallock to add efficiency apartment to existing building in South Jamesport. Filed.

Parade & Assembly - Polish Town Civic Association for Fair to be held on August 21 and 22. Filed.

Special Permit - Peter Mastropoalo to expand a pre-existing, non-conforming use, Mobile Home Park, Middle Road. Filed.

Special Permit - LILCO to renovate buildings on Jamesport Property. Filed.

Supervisor Janoski: "Thank you. Correspondence."

CORRESPONDENCE

DeFoe's Auto Body, 8/09/82 - expressing wholehearted support and approval of the airport. Filed.

Southampton Town - notice of public hearing for a change of zone. Filed.

American Heart Association, 8/04/82 - requesting permission to conduct a Cyclethon through streets of Riverhead Township. Filed.

Tec Stuff, 8/04/82 - feels Riverhead Airpark should be kept as an adjunct to the transportation of the area. Filed.

Kinney Chevrolet-Olds, 8/04/82 - it is their opinion that issuing permit for airpark will enhance the productivity of the Riverhead area. Filed.

Planning Board, 8/09/82 - recommending that portion of property abutting Sound Avenue be changed from Industrial A to Agriculture A.

Olga Dohrenwend, 8/03/82 - advising of dangerous sidewalk in Aquebogue. Filed.

Mildred McSteen, 8/04/82 - notification of sidewalk needing repair Fishel Avenue. Filed.

Pat Mackay - advising of dangerous sidewalk condition on Sound Road, Wading River. Filed.

NYS Dept. of Environmental Conservation, 8/11/82 re: Robert Entemann. Filed.

Carolyn Mack, 8/14/82 - requesting playground in Oakland Drive neighborhood. Filed.

CORRESPONDENCE - continued

Joseph F. Loughlin, 8/12/82 - letter of appreciation for public expression of sorrow by Town Board. Filed.

Hilly Booker, Pres. Club 91, 8/06/82 - re: sidewalk repairs, 30 Peconic Avenue. Filed.

James Shams, Aquebogue Service Station, in favor of Brush Airpark. Filed.

Paul S. Sisson, 8/06/82 - pleased with Main Street improvements. Filed.

County of Suffolk, 8/12/82 - comments on Environmental Impact Statement Baiting Hollow condominiums. Filed.

Gladys Marvel, 8/15/82 - thanking Town Board for condolences on her late husband. Filed.

UNFINISHED BUSINESS

Riverhead Airpark - special permit for general aviation airport. Filed.

Riverhead Flagg Corp. - change of zone & special permit for condominiums. Filed.

Ngen Ock Lee - special permit for Type 6 Labor Camp on Main Road, Calverton. Filed.

Supervisor Janoski: "Under unfinished business, the Town Board — Riverhead Airpark, special permit for a general aviation airport. The Town Board will be acting on the Environmental Impact Statement this evening.

Riverhead Flagg Corp., change of zone and special permit for condominiums, we have just received the comments of the — Dr. Koppelman of the Regional Planning Board, and we are reviewing them, will be reviewing them.

From Ngen Ock Lee, special permit for a Type 6 labor camp on Main Road in Calverton. That is before the Planning Board.

I would, at this time, wish to recognize anyone who wishes to address the Town Board? Bill Nohejl?"

PERSONAL APPEARANCES

Bill Nohejl, Wading River; "When is this new ordinance going to go into effect, about the fire zone?"

Supervisor Janoski: "Go ahead, Mr. Town Attorney. No, we passed them last week. The Town Attorney advises me that they're in effect right now. I have said though that we would expect that the Police Department would issue warnings and that a period of public education would be put in place until real summonses were issued."

Bill Nohejl: "How — how would this education be carried about?"

Supervisor Janoski: "Through the warnings and through what I — the media had carried stories concerning our action and putting the places, the jurisdictions in the fire zones, of course, the citizens to become aware of it and I would say that in the very near future, we will be enforcing it to — with the issuance of summonses."

Bill Nohejl: "One King Kullen is plainly marked. It was marked a day after or the Sunday after the resolution was passed. Now the others are not marked. When do you expect to — whose responsibility is to have those marked?"

Supervisor Janoski: "The Shopping Centers."

Bill Nohejl: "The Shopping Center. Have they been notified?"

Supervisor Janoski: "I would hope so."

Bill Nohejl: "Well if they haven't — if just by the paper."

Supervisor Janoski: "I will check into it and make sure that they have in fact been forwarded copies of the ordinances that we have passed."

Bill Nohejl: "Now, I didn't bother you fellows the last — at the last Board Meeting because I knew you were going to go to the wake of Eddie Gadzinski."

PERSONAL APPEARANCES - continuedBill Nohejl continues:

Now, gentlemen, I'm going to speak very slow, very quietly. I'm not going to aggravate myself. The resolution on the five men, was it rescinded or is it — go through hired for the Highway?"

Supervisor Janoski: "Are you talking about the Highway Department?"

Bill Nohejl: "Yes."

Supervisor Janoski: "It has not been rescinded."

Bill Nohejl: "So in other words, they are hired? Since then, another one has been hired. That's six, right? One last Board Meeting, Mr. Punda's son."

Councilman Prusinowski: "Bill the five men that were hired are only temporary and their jobs terminate after ninety days."

Bill Nohejl: "All right, very good."

Councilman Prusinowski: "The one that was hired is to replace somebody that passed away."

Bill Nohejl: "Okay, no qualm."

Councilman Prusinowski: "All right."

Bill Nohejl: "Now down Peconic Bay Blvd. there are two trucks with three men a piece taking up those leaves, grass clippings which is not necessary, which is against the Town. You're not supposed to do it. There is — John you drive past it twice, three times a week from Bay Woods to my son's house. There's between thirty and forty beer bottles hanging around on that side of the road by the woods. They have been there for three or four weeks. It galls me to have two drivers, two men driving those trucks around Town picking up, that they're not supposed to be picking up — you gentlemen as businessmen cannot have five men or six men hired, than have six men to replace those to do their work. You wouldn't be in

PERSONAL APPEARANCES - continuedBill Nohejl continues:

business very long.

Now you gentlemen up here are head of the Highway Department. Mr. Punda is interim man. I feel as though it's your responsibility before a new Highway Superintendent is elected to correct this and if you — I will not bother you after this meeting. But regardless of which Superintendent gets elected in his campaign, there's going to be hell raised and there's going to be hell raised after. I'm speaking one voice in the wilderness now. If I need support, I will get support. It's not a threat, but this is going too far. I've spoken about it last year and I cannot stand seeing certain areas of Town being done favorable work and other areas of Town not. So I'm leaving it into your lap, gentlemen. If it's political suicide, you have no business being up on this Town Board. If — my thoughts are running away on me about political suicide. You gentlemen, if you don't have the guts to do it, you don't have the right to be up here. That's point blank. And I'm not going to say, well I'm going to campaign against you or something like the fellow said a couple weeks ago. We'll see you at the polls, no I'm not going to do that. But I — what Horton has done, doesn't mean it has to be carried further and I feel as though you gentlemen have the responsibility. Thank you."

Supervisor Janoski: "Thank you Bill."Councilman Boschetti: "Can I make a comment."Supervisor Janoski: "Mr. Councilman."

Councilman Boschetti: "Bill I was just on Peconic Bay Blvd. today, and not that I'm objecting to what you said, but I did notice that that road, in particular, was being oiled and sanded. Now was that clean up maybe in conjunction with that? Maybe Steve could answer that."

Bill Nohejl: "Which part?"

Councilman Artale: "You're talking about Jamesport. He's talking about Wading River."

Councilman Boschetti: "Oh, I'm sorry, okay."

PERSONAL APPEARANCES - continuedBill Nohejl: "No, I'm talking about . . ."Councilman Prusinowski: "No he's talking about James-
port."Bill Nohejl: "I'm talking about Peconic Bay Blvd. It is not in the process of being oiled and tarred down this end as you wind around Reeves Creek before you get to Bay Woods."Councilman Boschetti: "No that's true."Bill Nohejl: "You're going down over — you're going down to . . ."Councilman Boschetti: "Yes, down by Washington Avenue."Bill Nohejl: "Washington Avenue."Councilman Boschetti: "Right."Bill Nohejl: "Right. But I'm talking about up this area."Councilman Boschetti: "Okay."Bill Nohejl: "Now also, the leaves and branches are being brought out of Bay Woods onto Peconic Bay Blvd. to be picked up, which is a private development. Am I right, John?"Councilman Lombardi: "Right Bill."Councilman Boschetti: "Thank you Bill."Supervisor Janoski: "There are two or three minutes.
Dick?"Dick Benedict, Fanning Blvd; "I happen to agree with Bill because I see East Middle Road looks like the new landfill site for the last couple of weeks and I'm sure trucks go by there

PERSONAL APPEARANCES - continuedDick Benedict continues:

every day cause I see them. But besides that, winter is coming and I'd like to know how the study or whatever it is we're doing, investigating what happened to these two major sumps that we spent a lot of money on? I'd like to know how the investigation is going and who's responsible, if anybody?"

Supervisor Janoski: "We are awaiting from the engineer, design for the rehabilitation, reconstruction of the various sumps involved with the Osborn Avenue sump being the first slated to be re-done. As far as comment on the fault, I would be advised not to say anything at this time because that has not been resolved."

Dick Benedict: "Well I think as a layman I'm pretty sure who's at fault, but I just want to know when it's going to be corrected. This winter, next winter."

Supervisor Janoski: "The work will be done."

Dick Benedict: "Time is approaching fast."

Supervisor Janoski: "This year Dick."

Dick Benedict: "Thank you."

Supervisor Janoski: "Yes Sir."

Steve Hazlip, Calverton; "Mr. Janoski and the rest of the Town Board Members, there was an ordinance passed that you wanted to clean up the Town to beautify it and get rid of old structures around. So in passing Route 58, I see that even your own Town compound, reclamation and salvage center is taking on some landscape and grading. Now the point that I'm bringing out, when is the walls of Jericho going to come tumbling down. And they're the ones that were put on Osborn Avenue toward, next to the Highway Barn and they're all standing up there."

Supervisor Janoski: "I don't know if that qualifies as a dangerous and hazardous structure. We wonder ourselves what will ever become of those partially completed walls."

PERSONAL APPEARANCES - continued

Steve Hazlip: "Is there a restriction when a permit is issued as to the expiration of it and then if it isn't completed, the performance bond revoked if things come down?"

Supervisor Janoski: "The permit for construction does expire. I don't know that there's any provision for what has been completed to be removed. I could think of a skeleton out by the parking lot in Western Suffolk County, almost Nassau that has been there for I don't know how many years. I would defer to the Building Department Chairman who happens to be here and he can perhaps better answer the question."

Steve Hazlip: "Okay."

Raymond Wiwczar from the audience: "There isn't any."

Supervisor Janoski: "The time for the first public hearing has arrived. Let the record show that it is 7:47 p.m. The Deputy 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 Deputy Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, August 17, 1982 at 7:45 P.M. to hear all interested persons regarding the proposed official map entitled, "Riverhead Freshwater Wetlands Inventory".

The affidavits were ordered to be placed on file.

Supervisor Janoski: "Mr. Baier, do you wish to be recognized?"

Joe Baier, Wading River; "And also Chairman of the Conservation Advisory Council. Before I begin, I have some maps that I've assembled and I think perhaps if I move the easels over here and just lift them up that might best — and I can explain it from there.

I have a series of maps that I'll explain in one second by way of background. In 1976, the Town Board passed Chapter 107 of the Town Code which provides for the preservation

PUBLIC HEARING - continuedJoe Baier continues:

and or protection of Freshwater Wetlands, Tidal Wetlands, drainage areas, flood plain areas and in environmental terms, it's probably a comprehensive environmental protection ordinance. It covers a multitude of areas and provides for the fact that the Town Board recognizes that these various things do deserve some form of protection and presevation. Part — as part of that protection and preservation, the ordinance requires that a certain amount of mapping be performed.

And in 1976, when the Town Board authorized Cornell University through the Research Information Laboratory to perform a Freshwater Wetlands Inventory for the Town of Riverhead, it took them approximately three years to deplete and present the maps to us, the Conservation Advisory Council, and from that point on, it took us about two or three months to review it. We found some errors, we found some mistakes. We had to send a whole batch of information back. They had to re-do several maps and finally we received what we considered to be a completed series of maps of Freshwater Wetlands for the Town of Riverhead. Now there's a whole series of these.

In total, what we're asking is that a series of 160 maps be adopted. That's — it's — 58. There are 58 maps, 2 maps in each set. And I'll get to that in a moment. What the University did, initially was to do an aerial reconnaissance of the whole Town for Freshwater Wetlands identification and from that, they identified 451 separate and distinct Freshwater Wetlands in the Town that were one acre or more in size. Now the State regulations require that the State control, extend to 12 acres or more in size, in round numbers.

And from the Town's point of view we were concerned about some of the small ponds, some marshlands that would not be considered and not be concerned — a concern of the State. So initially this first map which is called a code map, shows little areas which are just sketched in and next to each of the areas there is a number. That number corresponds to a specific map and also to a specific file. In each one of those files, you will find a specific reconnaissance of the area with the approximate size as best the field observations could determine. You will also find an inventory of the vegetation, wildlife if any, plants, flowers, fauna and we've also got some water quality information.

The University divided the Town into a grid and that's what the second map is. You'll see there are 69 different grids for the whole Town. They are approximately the same size and the numbers correspond to the next series of maps which I will present and those are the ones we'll want to adopt. And those are just index maps to tell you if you are in a certain area, a certain part of the Town, which particular you might be interested in. I happen to live in Wading River, so map 47 is here I particularly live.

PUBLIC HEARING - continuedJoe Baier continues:

Right now, I'm going to show next, map #40 which is here and it is the Middle Road area. And this represents a key map so that one can determine exactly where you are and what specific wetland you are in. This is map number 40 and there are 2 maps. The first vegetation land use ownership. The second's soil topography. Soils — sampling sites and field observations. As I mentioned, there are 116 or 58 times 2, 58 different maps and each one of these maps will depict certain fresh water Wetlands of different size throughout the Town. Our objective here is to adopt these maps so that we now recognize that these wetlands exist and that any building, filling development that may take place around these wetlands has to be reviewed by the Town Board and the Conservation Advisory Council. It doesn't say that those shalt not and that — you cannot build or you cannot do anything. We're saying that before you do it, we want to look at it and we want to review it. We want to review it. We want to see what you want to do or what is being planned for the particular area. Are there any freshwater wetlands that may be involved if there are, we want to see where they are on a particular piece of property, what you want to do with that piece and whether or not you have to do anything with let's say filling or something like that or to file in some manner. And basically by adopting these maps, this gives us the legal — this adds to the, our legal case as far as the individual ordinance is concerned. And I'm available at this point from the Town Board or from anybody in the audience."

Supervisor Janoski: "Well we all have had the opportunity of going over this with you previously, Joe. Is there anyone in the audience who would like to address the Town Board concerning the adoption of these maps of the Freshwater Wetlands Inventory? Yes Bart."

Bart Morrison, Wading River; "I don't want anyone to misconstrue what I'm going to say. I'm very much in favor of the preservation and conservation of public lands. It just so happens, it bothers me because I — prior to my selling the property that I owned on Long Island Sound, I was approached six or seven years ago by the State of New York when they were purchasing the property next to me. In fact, I think they have done that now. It used to be the old Boy Scout property. I think it was purchased by the State of New York or maybe even Nature's Conservancy. I'm not sure which one has it. At that time, they approached me. They were doing surveys around my home, and of course, I questioned it and the people told me that, you know at some point when this went through, in the future, I was going to have to go to the State if I wish to do any work around my home or on my bank, or etc. I was going to

PUBLIC HEARING - continuedBart Morrison continues:

have to go to the state for an Environmental Impact Statement, etc., and I — my personal feeling is and I would address this to the people in the audience and to the Town Board. I've sat here in the past about other ordinances that I think we're ordinating ourselves to death. And everytime we do something like this, we're asking the Town Board and we're asking the people to make a decision on someone else's private property and I imagine a lot of this wetlands and these ponds and lakes, etc., are adjacent to or boarding or might even be owned by private ownership.

And I'm sorry I have to say, please really consider this very deeply and hard, and I would ask you not to codify these maps and make them official with the Town of Riverhead. I believe that if some is infringing on someone else's property or doing something that's detrimental to the general public health, there are laws that can govern it. But when you start to codifying things like this, you're really infringing upon property owners and I think we really should think twice about it. And I really ask you not to do this. Thank you."

Councilman Boschetti: "Bart, Bart, may I ask a question? That property you were referring to, was that coastal waterfront property?"

Bart Morrison: "Yeah, right. In Baiting Hollow."

Councilman Boschetti: "Okay. You do realize that there are separate and more astringent regulations for waterfront property."

Bart Morrison: "Yeah."

Councilman Boschetti: "Okay."

Bart Morrison: "But I still feel like we're going into the private sector and we're just codifying everything and I wish we'd stop."

Councilman Boschetti: "Okay, thank you."

Supervisor Janoski: "Is there anyone else present

PUBLIC HEARING - continuedSupervisor Janoski continues:

who wishes to address this subject? Mr. Kasperovich. Mr. Kasperovich I advise you, you have two minutes before the next public hearing, which I will allow you to speak after we get the other hearing done."

William Kasperovich: "You got to do that officially because that's what I'm going to be asking you five gentlemen to be paying attention to doing things officially. My name is William Kasperovich. I live on 15th Street in Wading River. This afternoon in order to better acquaint myself with this public hearing, I went to the Town Clerk to see the maps and there were not maps in the Town Clerk's Office. This is most irregular. Okay. So in a friendly atmosphere that prevails here, the people asked around and we found that there were maps next door in the Building Department or Zoning, whatever you call that room next door to the Town Clerk. All right. They still couldn't find the maps.

Now, it would seem to me, I came in on the premise that at a public hearing that whatever documents were going to be presented, that they would be assembled and then filed because they are legal pieces of paper that have been used at a public hearing. And so I assume that they would be a compilation, a pile of prints laying — ready to be laid on the table here as a legal procedure and being official. Now this is not done. Now I've talked about this type of thing before and I feel like I'm a broken record here and I feel I'm embarrassed to even mention this kind of thing. But I do believe that it — although not many people come around to check these things out, there are very fine, very sensitive points, as the gentleman shows that all the land that is not owned by some public body is owned by private people. And when it comes to their particular postage stamp on the fact of this earth, they get very technical and very legal and very very much knit picking, because it's theirs. And so then these pieces of paper become very important papers and so these two minutes I bring this to your attention and I'll speak of the maps afterwards, if I'm permitted."

Supervisor Janoski: "Bill, you did see the maps, didn't you?"

William Kasperovich: "A few."

Supervisor Janoksi: "Okay. I will recess this public hearing on the Freshwater Waterlands Inventory Map."

Supervisor Janoski recessed the Freshwater Wetlands Inventory Map public hearing to hold the next public hearing.

Supervisor Janoski: "Let the record show that the hour of 8:02 p.m. has arrived. The Deputy Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 8:00 P.M.

The Deputy Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall, on Tuesday, August 17, 1982, at 8:00 P.M. to hear all interested persons regarding the proposal of Cambrian Energy Systems to convert landfill gas at the Riverhead Landfill into electric power.

The affidavits were ordered to be placed on file.

The tape was changed and started with:

Councilman Boschetti: ". . . is a result of a number of meetings we've had with the Solid Waste Committee, which was formed at the urging of the late Edward Gadzinski, former Sanitary Landfill Superintendent. One of the problems we had to address was that of an accumulation of methane gas which we are told by the State Department of Environmental Conservation that has to be removed because it poses as a danger if it accumulates to such an extent it becomes uncontrollable and starts to leak into the atmosphere.

Since this had to be done, we, in our meetings, found that there are companies that do engage in this type of activity and, in fact, not only relieve us of the problem, but pay us for the privilege of removing it. That, in our mind was the best of both worlds.

Now I know we have a representative here from Cambrian Energy Systems. I met him shortly before the meeting. I don't know if there is a representative of American Gas Recovery here who is also supposed to attend this meeting. If there is, would he kindly raise his hand. Or her hand. Okay, I will now turn it over to the representative of Cambrian Energy Systems who will give you a little indication of what he intends to do."

"Thank you very much Mr. Councilman. I'm Tudor Williams and I'm with Cambrian Energy Systems. I thought first I'd give you a little background about our company and then tell you the options you have for your site and why we selected the one that we did. Our company is a marketing arm for a company called Specific Lighting. Specific Lighting is 3.3 billion dollar company whose major activity is Southern California Gas. They own that and just the utility that services the Southern California area. Southern California Gas was the first gas company to purchase landfill gas in the Palesverdes Landfill Site some time ago, roughly eight, nine years ago. It was — the utility

PUBLIC HEARING - continuedTudor Williams continues:

which also purchased the gas from the third such plant, also in California, Specific Lighting owns a number of subsidiaries one of which is called Central Plants and specifically Central Plants was the company that is to finance and operate the facilities on your landfill.

Central Plants does a number of things with landfill gas. They have the capability of turning it into pipeline quality gas and have for such plants, one of which operating in Modesto, California which converts the gas in the pipeline quality which is then compressed and put into vehicular fuel. They also have a plant on that same site which is used to convert the gas directly to run vehicles and the local vehicles there at the waste water treatment plant are running on compressed methane from the wastewater treatment plant. But we have looked at a number of alternatives and have found that the best one for Long Island was to convert it into electric power and this had to do really with the value and the economics associated with electric power on Long Island. Lilco is a utility that's very much like the utilities we have in California with the high percentage of its generation mix on oil. As a result, some of your prices are high, which for our business allows us to spend money to convert landfill gas into electric power. If you look at your three choices, landfill gas is electricity has a value roughly of about seven cents on the Island.

And there's a recent law that was enacted two years ago which allows a company like ourselves to market that to a company like Lilco and still be a private enterprise, not be a utility. That seven cents, when that is put on the line has a value of about \$21.00 a million BTU. So it's a very expensive and very good fuel that we're putting on the lines. Now to look at how much of your fuel we put on the line, we talk about the conversion efficiency of our process, and ours is about 32 percent which is good for an internal combustion engine which means that when you apply that conversion efficiency to the value, you get about seven dollars per million BTU. When you're looking at the revenue to the Town, it's somewhere around 35 to \$40,000 a year. The value of the gas if it's sold to Lilco as gas is about \$4.50 per million BTU. They have expressed to us about six months ago, that they were not as interested in receiving gas from such a project as they would be in receiving power.

The reason for this is technical when you get gas out of the ground, we do it by drilling in wells and putting it under a vacuum and drying the gas to get to a collection system. When you have gas under a vacuum, you can also draw in air. And air is composed of oxygen and nitrogen. Two things occur. One of which the nitrogen that comes in is very difficult to get rid of. With most absorption process — with all absorption processes, you can't absorb the nitrogen. It goes through the system and it gets to a point where Lilco says gee, we don't want it any more. So you have to enrich with propane and on a

PUBLIC HEARING - continued
Tudor Williams continues:

site like yours, it makes it uneconomical to do. So we have proposed to various entities that we do convert it into gas, it's just on your site, for your perimeters, it would not provide the Town as much money. Order of magnitude, you would have about \$25,000 a year in revenues verses 30, 40. So that was a reason why we have elected to go with electric power. In talking with Ed, he felt it was very unpractical to have a filling station for your own vehicles out at the landfill site and after driving out there with him, I agree. So we didn't even propose on that alternative.

But we do have the technology and we have the experience to put both systems on. Central Plants has operated equipment like this for twenty years in Southern California. They have 28,000 horse power of this type of equipment that they've operated for that period of time and they have contracts with people such as MacDonald Douglas and the Disneyland Hotel, Bunker Hill, Century City that last for fifty years. So those people believe they have the stability and with the 3.3 billion dollar company, I think they do too. To be able to service those facilities for a long time.

On your site, if you stop dumping today into your landfill, you would have a gas that would last for fifteen to twenty years and that would be the length of time we would like to enter into a contract with Lilco. So here again, it's a very long-term relationship. If you continue to dispose of your solid waste in the landfill site for another ten years, we're looking at a thirty year horizon that we would be providing revenue. So you would want to have a company of substance and stability, I think that's what we represent. We were real pleased to respond to your RFB. We have twelve projects right now that are under contract and we have four that were in final negotiations with — here on the east coast. We would like to do your Town. We would like to be an important company on the east coast. We enjoyed responding to you and we enjoyed being here tonight. With that, if you have any questions of me, I'd be happy to answer them."

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

Dick Benedict, Fanning Blvd; "Being a novice at this, I just have a few questions. First of all, how was Cambrian selected?"

Supervisor Janoski: "There are four such companies in the Country. Under the advice of our engineers, we made sure that each of those companies got a copy of our notice or ad in

PUBLIC HEARING - continued
Supervisor Janoski continues:
the paper seeking such proposals."

Dick Benedict: "Were these on bid contract or just invited?"

Supervisor Janoski: "Invited to make proposals, and of course, this public hearing is to get input as to or what direction would be advised by the citizens as to what we should do."

Dick Benedict: "And does anybody know what the size of this operation is? Say how much of our landfill will take up to the extract this gas? What size buildings will be needed?"

Councilman Boschetti: "I know it's minimal, but perhaps Mr. Williams. . . ."

Dick Benedict: "Well you got to if you're going to operate. There has to be some sort of operation set up there with by-products and things like that."

Councilman Boschetti: "It's really a minimal facility. I think Mr. Williams can describe it in detail for you."

Tudor Williams from the audience was inaudible.

Councilman Boschetti: "Sure if you would please."

Tudor Williams: "That's one thing I forgot telling you about. Basically, should I use the microphone? Our facility uses about a well an acre and on your site right now, that means there would be about twenty wells that would be put into the ground and they're buried so that all you see is what looks like a meter box, the type that you have there made out of concrete, that have your meter readers in them for water.

Now those are put into a facility and in the facility we have, in this case, it will probably be two internal combustion engines, the size of that building will be on the order magnitude of fifteen hundred square feet and it will look very very similar to the offices that are currently on the landfill site. When I was there with Ed, we also recommended that a place very close by to that fill site be used for the conversion facility. The units

PUBLIC HEARING - continuedTudor Williams continues:

would be silenced to meet with any noise requirements that you would have and it would basically look like a utility shed on the property. Outside of that would be a step of transformers supplied by Lilco and then it would go right in the lines right adjacent to the property. So it looks almost like someone feeding power in. Instead we'll be delivering power. But it's a very minimal facility."

Supervisor Janoski: "Thank you."

Dick Benedict: "Are there any by-products from this operation that we should have to dispose of after they get their methane gas out, that may cause a greater hazard?"

Supervisor Janoski: "Do you have any other questions, Dick?"

Dick Benedict: "Well like I said, I'm a novice. I don't see any drawings. They may take up more square footage of our landfill than we're going to extract in gas. I don't know if they're going to put in twenty wells in an acre a piece. To me that's twenty acres, just for the wells. Now they have to have roads into these things. They have to have some buildings and what are the hazards? Right now, it's methane is under the ground supposedly some day it could get into the water table. But what if we don't take it out of there? What are the hazards if we do take it out?"

Supervisor Janoski: "Thank you Dick."

Dick Benedict: "Thank you."

Tudor Williams: "Those are both good questions. In Hartford, they just recently blew up their scale house because of the methane migration. Fortunately, no one was injured. But there are several instances where methane has been concentrated and it has sparked from an unknown source of from a cigarette has caused injury to people. Clearly your landfill will be a lot safer if the gas is taken care of and concentrated and made into electric power. The wells themselves are only about a foot in diameter. The area I was referring to was the draw radius, the area from which they extract the gas. It covers about an acre. But they themselves are only about a foot in diameter and go into the landfill site. Of the two products that people worry

PUBLIC HEARING - continuedTudor Williams continues:

about from a facility like ours, one of which are NOX, which comes from the combustion of the gas in the engines. We comply with all air quality standards that the state would have. The preferred method for doing this is the catalytic converter, very similar to like your car, only a little more expensive. The other product that you may have is, if the gas comes out, it's saturated and the gas being saturated when you cool it off, the water comes out and again it's a function of what the water quality district whose permit we have to have and determines they need to do with it. It's either trucked away or disposed of in an appropriate facility. But other than that, there are no other by-products. It's not a chemical processing plant and because it's methane gas, it's very clean."

Supervisor Janoski: "Thank you. I would point out also that if we do not draw this gas out, the method proposed here and use it to convert electricity, the State of New York is simply asking us to vent it into the air. Bill Nohejl — at quite a cost per well, 50,000."

Bill Nohejl, Wading River; "Two points that haven't been spoken on. This gentleman represents one company tonight and there was supposed to be another company here or interested."

Supervisor Janoski: "There is another company that is interested. They have, they're obviously not here tonight. We do have a proposal from them and . . ."

Bill Nohejl: "This is out of four. Two out of four, you say you submitted? And how do the proposals stack up against, one against the other?"

Supervisor Janoski: "Well that's part of the procedure that the Town Board will go through to see which proposal they basically do the same thing. Benefits the Town of Riverhead to the extreme and, of course, which company the Town of Riverhead would place it's faith and trust in."

Bill Nohejl: "Also, I suggest that there not be a flat rate, an escalating rate according to the electric rates. if Lilco charges more money more money comes from . . ."

Tudor Williams from the audience was inaudible.

PUBLIC HEARING - continued

Councilman Prusinowski: "Also Bill, I think there's a law that says, we went one time and talked to one of the recycling plants to burn the garbage and make electricity. I think in New York State they're required to pay the generating plants exactly what they charge their customer. So if their rates go up, they automatically get an increase. That's State Law. That was passed a couple years ago, too."

Bill Nohejl: "Okay."

Councilman Prusinowski: "Cause I know in Hempstead, for example, or Trophy, when they came out that was one of their presentations. We listened to four of five, is that the rates automatically go up as the rates — for Lilco go up."

Bill Nohejl: "See I believe in competetiveness and only one company or two companies make their, submit, I like to see six or eight companies, then you know pretty well where you stand."

Councilman Boschetti: "Can I make a comment."

Bill Nohejl: "Thank you."

Councilman Boschetti: "Joe."

Supervisor Janoski: "Absolutely."

Councilman Boschetti: "Bill, we — like it was pointed out earlier, we did try to get as many companies interested in the project as possible. Unfortunately, some of the more prominent, maybe some companies you heard of Getty, for example, feel that the particular project is one that's too small for them. Another one responded and said they would have been happy to take interest in the project, but they could not do it at this time. Other than Cambrian, only American Gas expressed an active interest in coming out and unfortunately, I don't know what they're not here. But they were asked, as Dick just showed me a copy of the letter they were asked to attend. Apparently they either couldn't attend or changed their mind."

Bill Nohejl: "Is there, whatever they submitted, still going to be in effect, regardless of what happened here tonight?"

PUBLIC HEARING - continued

Bill Nohejl continues:

You know, are they still in the ball game?"

Supervisor Janoski: "Yes."

Bill Nohejl: "Okay, thank you."

Supervisor Janoski: "Thank you Bill. Is there anyone else present who wishes to address the Town Board on the matter of methane gas? Mr. Kasperovich."

William Kasperovich, 15th Street, Wading River; "A number of questions come to mind. Number one, to keep the picture in a more honest and true sense, we chose very expensive earth moving equipment and we spent the price of a thousand — about a thousand dollars a tire on this equipment to keep the State people happy in how we spread the garbage around at the dump. Honestly, we cultivated that garbage like the farmers do with their potatoes, at great expense so that we would not accumulate gas and we would have a breakdown in a controlled and acceptable manner. This comment of requiring us to rent this in the future comes as a surprise to me.

However, when — everytime I sit here and listen to you fellows resolve to spend \$1,000 per wheel on those tires, so, we can cultivate the garbage out there in order that we would not build up gas this is kind of hard to stand here and talk about now collecting that gas and using it.

Now we spread this garbage this way, to live in this point in time. Now I would like to know what feasibility study has been made of this mountain of garbage to determine that such a project is in reality. Nothing is in the files of the Town Clerk for me to notice. Nothing is indicated that somebody has spent the time and effort to study this pile of garbage to determine that such a project is in the realm or reality. So that is my first question."

Supervisor Janoski: "That's a good one, Bill."

William Kasperovich: "I know it costs money and I haven't heard anybody expend that kind of money, so I don't know whether it was done or not."

Supervisor Janoski: "Bill you know I think this Town Board is probably one of the most patient bodies I have ever taken part in."

PUBLIC HEARING - continued

William Kasperovich: "That's very true because . . ."

Supervisor Janoski: "You're . . ."

William Kasperovich: "You tolerate me here up at the microphone so regularly."

Supervisor Janoski: "You're understanding of the operation of the landfill is certainly a novel one to me, and of course, the requirements to move that dirt and that garbage around is one that is placed upon us by the State of New York in their infinite wisdom and tomorrow or next month they may decide that we have to uncover it again and that would not surprise me. But be that as it may, methane gas, is in fact, collecting in the landfill and the State of New York I said, asked us before, actually they have told us that we must vent that gas to the air through the use of wells which I am advised will cost about \$50,000 a piece. Cambrian Industries is one who would be investing their capital in such a project and I want to tell you that before they would do such a thing, they came in and looked to see if the project were feasible, if it would have a lifetime where they could make a return on their money and the ball is really in their court to decide the feasibility. I would bet you that if it wasn't feasible that he wouldn't be sitting here tonight because they would lose a couple of bucks and they are from California. I don't know if you feel about California as the way some people do, but I don't think he's crazy."

William Kasperovich: "Well at \$35 a night to live in a motel to come visit us, I know runs into a sizeable sum of money and I appreciate the man coming out here and giving us a possibility. My thoughts, of course, come from seeing this dump grow in the last twenty, thirty years and the manner that it has grown we have excavated the hole and we have filled it up in compliance with all sorts of requirements. The fact that it has been a costly situation, not all the people in the Township appreciate that outside agencies have burdened us with costs that are quite high. Now . . ."

Supervisor Janoski: "What they have in mind for us in the future, would boggle your imagination."

William Kasperovich: "Well I don't think this is the time and place for us to discuss this, but I have my doubts,

PUBLIC HEARING - continuedWilliam Kasperovich continues:

I have my doubts about it. However. . ."

Supervisor Janoski: "Bill don't forget that I have to re-open that other public hearing which I recessed before, which I assume you're going to come back for."

William Kasperovich: "Well I — I guess you're trying to discourage me from talking too long. A man made the statement that we have about fifteen to twenty years of supply making this worth looking into the situation. As I read their proposal that's filed at the Town Clerk's Office, I was not — there was no file for American Gas Company. But as I read their proposal the — it's a standard type proposal where the if, ands, or buts, well worded by some attorney to leave them an out and possibly us holding the bag. I've read too many proposals in my lifetime not to have these things look me in the face and say hey, we got to watch out for that and for my home people in my home base, I bring these to light here and I think that should be enough said."

Supervisor Janoski: "Thank you Bill. Is there anyone present who wishes to further address the Town Board on the matter of methane gas conversion to electricity?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:25 P.M. and re-opened the 7:45 P.M. public hearing.

Supervisor Janoski: "I re-open the recessed public hearing concerning the Freshwater Wetlands Inventory Maps. Is there anyone present who wishes to address the Town Board on that matter? Mr. Kasperovich."

William Kasperovich: "My friends and neighbors as long as I have a breath in my body and the good Lord gives me health to come up here, I'm going to try and come up here. It may sound like I'm always being critical, but please understand even though I may not say so, and I guess I should I'm aware of the many hours and the many studies that you people do and make and the involvements that you get into. I make allowances for this in my own thinking. It may not sound like that, I do say and you gentlemen give us a good shake in our township. You don't slough off and pooh-pooh a lot of things like we've had to live with in many years passed. And so in that respect, I might make a point of it

PUBLIC HEARING - continuedWilliam Kasperovich continues:

to tell you I do appreciate your efforts of you five gentlemen here. Bless our Town Attorney who I can't forget, he keeps me legally straight. The freshwater, I tried to keep up with the water in the Township, especially the western end of the Township, ever since I got into this Scavenger Waste System and found that the westerly end of the Township was forgotten about. There must be a fire outside."

Supervisor Janoski: "It's not your fault Bill. Actually they saw the representative from Cambrian leaving and they wanted to talk with him. But it is certainly not you."

William Kasperovich: "So after getting involved and many trips down to Hauppauge and different offices and such to get educated with what our water is in the west end of the Township. Whenever I see anything that's got water involved I look into it. Just to keep abreast of things to cover the western end of the Township. Now there wasn't much for me to look on.

Now there wasn't much for me to look on. Now there wasn't much for me to look on — at in maps and papers. Because when I see a map that calls Route 25A, Hulse Avenue, I know that's a fifty year old map. Now I've been guilty of copying somebody else's map and changing the title box to get paid. This is something I'm not entirely strange to. But when they go to that extent I get suspicious and I start to look for things. They show houses that have been torn down and forgotten for twenty years ago. I begin to look at these maps. What are they representing? What are they showing? After we pass on them and make them legal documents, it is very hard to back track and undo it. At the same time, if it doesn't show a true picture, it could be misleading for thinking that may want to be done for future, for extended periods of time. I mean they show a very large recharge basin and that since it was built some ten, fifteen years ago, there hasn't been a drop of water in it.

So on the map, it's not a wetlands situation. I'm just using one example. So, yes wetlands are a concern to the Township. Yes we have to start to outline them. Yes this is in the right direction, but I'm sorry to say for the few pages or maps that I have been able to look at, I can't say that the effort is there for the western end of the Township. Just not there. That's it."

Supervisor Janoski: "Thank you Bill. Is there anyone else present who wishes to address (the tape ended)"

PUBLIC HEARING - continued
(The tape began with:)

Joe Baier, Wading River; "Chairman of the Conservation Advisory Council. Just by way of clarification on several points that were raised, perhaps I can shed a little light on some of the things. Mr. Morrison mentioned a regulation of a private development. The existing Town regulation was passed in 1976 and has been in force and the regulations have been adopted and have been followed by the Conservation Advisory Council and the Town Board since 1976. So we are not adopting any new regulations. The regulations are already in place. All we're doing is adopting the map to match the spirit of the regulation which is already in force. So there will be no new regulations as far as the Town is concerned. We've already been following them thus far. So we are in effect regulating development of freshwater wetlands on private property already.

By way of an apology to Mr. Kasperovich, I spent some time, two weeks ago, if you can appreciate the vastness of the number of maps that we have to deal with, and the fact that we have a key map, we also have a freshwater wetlands map and there's an additional file of specific inventories. It's quite involved, as far as trying to understand the total number of maps and the amount of work that was done by Cornell in the Research — Resource Information Laboratory. About two weeks ago, I spent an hour and a half with one of the secretaries in the Building Department Office, in fact it's Jane Stromski, educating her, if you will on how to use the maps, how to handle anyone who came in with a specific question on a piece of property or a specific area. How to reference the maps and how to be able to show them exactly where if there were any wetlands involved or specific information. She did not — she was not in today and I guess that is what probably caused the confusion.

Finally, what we're asking is that the wetlands be identified. There may be some errors in the designation of the maps, but there are no errors as far as we know. And designation and location of the wetlands that shown on the maps and that is specifically what we're looking for, the fact that a wetland is in this particular area. And we have inventoried it and it is there. There's a file showing what — where it is, how large it is and this becomes a permanent legal record as far as the Town's concerned. So that if we have any violations, we have people filling in wetlands or filling in areas or dumping illegally or legally or whatever. We do have some basis now, official basis to take them into court and to provide the fines and penalties of the existing Chapter 107 and that's basically what we want to do in adopting these maps."

Supervisor Janoski: "Thank you Joe. If there's no comment, I will declare this hearing closed."

PUBLIC HEARING - continued

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:32 P.M.

Supervisor Janoski: "Bart, I will re-open the hearing."

At this time, Supervisor Janoski re-opened the public hearing on the freshwater wetlands inventory maps.

Bart Morrison, Wading River: "I — I'm aware and understand that — not the exact years that certain laws went into effect. What I'm saying is that — and I'm asking the Town Board and maybe it's unorthodox not to encourage other people infringing on private property owners, whether it be a conservancy organization or a government agency. It's not necessary that you formalize these maps. It's not something that you have to do and it's not necessary that it's something in the best interest. You know we find today in practically everything we do, that there's someone that comes along and tells us what's best to do with our private property. And Bart Morrison is not unique in this, and people in this room are not unique. You gentlemen also own private property and you're always finding people, telling you what is best to do with your private property. And I would ask, at this time, you know maybe sit back and think for a while. You know all good Republicans, except Mr. Lombardi. . ."

Supervisor Janoski: "He's a good Democrat."

Bart Morrison: "And we're supposed to be conservative and that's part of being conservative, you know. Let's recognize private property once in a while."

Supervisor Janoski: "Thank you Bart. Did you want to say anything, John?"

Councilman Lombardi: "No, that got me."

Supervisor Janoski: "Is there any other comment."

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:35 P.M.

Supervisor Janoski: "The proceedings thus far have taken so long that John Lombardi informs me that he cannot go another moment without having a cigarette. So therefore, I will declare a recess until 8:45."

Supervisor Janoski recessed the meeting after which it resumed at 8:45 P.M.

Supervisor Janoski: "The meeting will come to order. We will now move onto the resolutions for this evening."

RESOLUTIONS

#490 AUTHORIZES SUPERVISOR TO EXECUTE LETTER RE: H2M,
RE: SCAVENGER WASTE PROJECT

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

WHEREAS, in order to continue with the Scavenger Waste Project, it is necessary that the New York State Department of Environmental Conservation receive a letter from the Town of Riverhead indicating that the Town has contracted the services of Holzmacher, McLendon and Murrell, P.C. as engineers on the project,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and is hereby authorized to sign such letter to the New York State Department of Environmental Conservation as well as forwarding a copy to Holzmacher, McLendon and Murrell, P.C.

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

The resolution was thereupon declared duly adopted.

#491 RESOLUTION AMENDING CHAPTER 108, SECTION 108-3 OF
THE RIVERHEAD TOWN CODE, AMENDING THE DEFINITION OF
"RESTAURANT"

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

WHEREAS, a proposal was made to this Town Board to make specific additions to the Town Code, specifically regarding the term, "restaurant", and

WHEREAS, a public hearing was held on the 3rd day of August, 1982, wherein all those persons wishing to be heard were heard,

NOW, THEREFORE, be it

RESOLVED, that the following amendment shall be made to the Riverhead Town Code, as follows:

Chapter 108, Section 108-3

RESOLUTIONS - continued

RESTAURANT - A use in a building having as its sole purpose the preparation and serving of food to patrons for consumption on the premises within furnished dining areas, including as a possible accessory use the serving of alcoholic beverages with meals and which does not provide for nor permit the consumption of such food in vehicles or informally outdoors on the premises. A "restaurant" shall not be construed to include any form of live entertainment except by special permit of the Town Board or any form of drive-in, open-front, or curb-service eating establishments, cart, wagon, vehicle, lunch wagon, dining car, or camp car, or any form of tavern, bar, nightclub, or similar entertainment establishment.

*(Underscore indicates addition)

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

The resolution was thereupon declared duly adopted.

#492 RESOLUTION AMENDING CHAPTER 108, SECTION 108-3, OF THE RIVERHEAD TOWN CODE, ADDING THE DEFINITION OF "RETAIL STORE OR SHOP"

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

WHEREAS, this Town Board deems it necessary to establish a definition for a "Retail Store or Shop", and

WHEREAS, a public hearing was held on the 3rd day of August, 1982, wherein all those persons wishing to be heard were heard,

NOW, THEREFORE, be it

RESOLVED, that the following definition shall be added to Chapter 108, Section 108-3 of the Riverhead Town Code, as follows:

RETAIL STORE OR SHOP - A building dedicated to the sale of goods in small quantities to the general public which goods may be brought to the premises in their finished state or imported at such store or shop prior to sale.

*Underscore indicated addition

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

The resolution was thereupon declared duly adopted.

#493 RESOLUTION AMENDING CHAPTER 101 OF THE RIVERHEAD TOWN CODE, SECTION 101-3B, DEALING WITH YIELD SIGNS
Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLUTIONS - continued

WHEREAS, it is the consensus of this Town Board that the presence of a yield sign at the intersection of Reeves and Horton Avenue is inadequate to control traffic in that areas, and

WHEREAS, a public hearing was held on the 3rd day of August, 1982, wherein all those persons wishing to be heard were heard,

NOW, THEREFORE, be it

RESOLVED, that the following deletion shall be made to Chapter 101 of the Riverhead Town Code, Section 101-3B, eliminating a yield sign from the intersection of Reeves and Horton Avenues: Chapter 101, Section 101-3B

B. Yield intersections. The following intersections are designated as yield intersections, and yield signs shall be erected at entrances to such intersections as follows:

Intersection	Yield Sign on	Entrance From
Horton-Avenue	Reeves-Avenue	East-and-west

*Deletion marked by running line

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

The resolution was thereupon declared duly adopted.

#494 RESOLUTION AMENDING CHAPTER 101 OF THE RIVERHEAD TOWN CODE, SECTION 101-3A, DEALING WITH STOP SIGNS

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

WHEREAS, it was brought to the attention to this Town Board that a stop sign should be placed at the intersection of Reeves and Horton Avenues, and

WHEREAS, a public hearing was held on the 3rd day of August, 1982, wherein all those persons wishing to be heard were heard,

NOW, THEREFORE, be it

RESOLVED, that the following amendment shall be made to the Riverhead Town Code, Chapter 101, Section 101-3A, wherein the following intersection shall have a stop sign: Chapter 101, Section 101-3A

A. Stop intersections. The following intersections are designated as stop intersections, and stop signs shall be erected at such intersections as follows:

Intersection	Stop Sign on	Entrance From
<u>Reeves Avenue</u>	<u>Horton Avenue</u>	<u>East and West</u>

*(Underscore indicated addition)

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#495 APPROVES BOND SUBMITTED BY MOHRING ENTERPRISES, INC.
Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Planning Board on June 17, 1982, held a public hearing regarding the preliminary plat, "Subdivision Map for Mohring Enterprises, Inc., filed by Richard Mohring at Peconic Bay Boulevard, Aquebogue, New York, and

WHEREAS, the Planning Board did approve the final plat subject to the filing of a performance bond in the amount of \$112,000.00 which bond shall run for a term not exceeding two (2) years, and

WHEREAS, Mohring Enterprises, Inc., has supplied this Town Board with a performance bond in the amount of \$112,000.00, and

WHEREAS, such performance bond has been reviewed by the Town Attorney and has been approved by him as to form, sufficiency and manner of execution,

NOW, THEREFORE, be it

RESOLVED, that this Town Board does hereby approve the performance bond filed by Mohring Enterprises, Inc., regarding the subdivision to be located on Peconic Bay Boulevard, Aquebogue, New York, in the amount of \$112,000.00, and be it

FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Board of the Town of Riverhead, and be it

FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Richard Mohring or his agent.

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

The resolution was thereupon declared duly adopted.

#496 APPOINTS CHARLES BROWN AS TEMPORARY LABORER
Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, this Town Board finds it necessary to repair and maintain the exterior of the Town Hall,

NOW, THEREFORE, be it

RESOLVED, that Charles Brown be and hereby is appointed to a 90-day temporary position of laborer at \$5.80 an hour, retroactive to June 9, 1982.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#497 TRANSFER OF FUNDS - GENERAL TOWN ACCOUNTS
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 General Town Accounts:

	<u>FROM</u>	<u>TO</u>
A3120.427 Training	\$400.00	
A3120.420 Photographic Supplies		\$400.00

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

The resolution was thereupon declared duly adopted.

#498 AUTHORIZES MEMBERS OF THE CONSERVATION ADVISORY COUNCIL TO ATTEND NEW YORK STATE CONFERENCE ON THE ENVIRONMENT

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

BE IT RESOLVED, that Delphine Kucera, Michael Velys, and George Bartunek of the Conservation Advisory Council be and are hereby authorized to attend the New York State Conference on the Environment on October 22, 23, and 24, 1982 at the Americana Inn, Albany, New York and that they be reimbursed for all expenses incurred pursuant thereto from the budget of the Conservation Advisory Council, further be it

RESOLVED, that the total expenses are not to exceed \$900.

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

The resolution was thereupon declared duly adopted.

#499 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: ADDITION TO CHAPTER 101, SECTION 101-10.A, "PARKING, STANDING AND STOPPING PROHIBITED"

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 an addition to the Riverhead Town Code, Chapter 101, Section 101-10.A, "Parking, standing and stopping prohibited."

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 30th day of August, 1982, at 3:00 o'clock P.M.

RESOLUTIONS - continued

at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the following proposed addition to the Riverhead Town Code, Chapter 101, Section 101-10.A, "Parking, standing and stopping prohibited" with regard to County Road 58:

101-10.A Parking, standing and stopping prohibited.

The parking, standing or stopping of vehicles is hereby prohibited in certain locations as follows:

Street/Area	Side	Location
<u>County Road #58</u>	<u>north and south</u>	<u>From the Long Island Expressway (N.Y.S. Route 495 to Main Road (N.Y.S. Route 25)</u>

*Underscore indicates addition

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

The resolution was thereupon declared duly adopted.

#500 TRANSFER OF FUNDS

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:

	<u>FROM</u>	<u>TO</u>
A8020.420 Consultant	\$800.00	
A8020.430 Planning Consultant	\$500.00	
A8010.420 Consultant	\$800.00	
A8010.200 Equipment	\$100.00	
A3120.429 Police Uniforms	\$ 40.00	
A8010.410 Contractual		\$ 900.00
A8020.410 Contractual		\$1,300.00
A3120.239 Halogen Tools		\$ 40.00

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#501 DECLARES LEAD AGENCY RE: SPECIAL PERMIT APPLICATION
OF PETER MASTROPOALO

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

WHEREAS, Peter Mastropoalo has submitted an application for a Special Permit pursuant to Chapter 108 of the Code of the Town of Riverhead,

NOW, THEREFORE, be it
RESOLVED, that:

- (1) the application be accepted and filed,
- (2) the Town Clerk refer said application to the Planning Board for its recommendations, and
- (3) this Board does hereby declare itself to be "Lead Agency" for the purposes of determining the potential environmental impacts of said application and the Town Clerk shall give notice of this Board's declaration of lead agency status to all interested parties as is provided by law and regulations.

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

The resolution was thereupon declared duly adopted.

#502 AUTHORIZES OVERTIME COMPENSATION - SANITATION DEPARTMENT
Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the following employee of the Riverhead Sanitation Department be paid time and one-half overtime compensation:

THEODORE KRUKOSKI 58 hrs. at \$12.4108 = \$719.82

FURTHER RESOLVED, that the explanatory report relating to the aforesaid overtime be submitted to 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.

#503 APPOINTS SUPERVISOR, FREEDOM OF INFORMATION OFFICER
Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Supervisor be and is hereby appointed Freedom of Information Officer wherein he is designated to receive all Freedom of Information request forms, submitted to the Town or any of its departments or agencies, and to act thereon as provided by law.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#504 AUTHORIZES SUPERVISOR TO SIGN AGREEMENT LETTER WITH RAYMOND, PARISH, PINE & WEINER, INC.

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

RESOLVED, that the Supervisor be and is hereby authorized to sign an agreement letter with Raymond, Pine, & Weiner, Inc., with regard to said corporation making recommendations to the Town Board concerning the Master Plan of the Town of Riverhead wherein a maximum budget of \$1,500 shall be established.

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

The resolution was thereupon declared duly adopted.

#505 TRANSFER OF FUNDS - DISCRETIONARY ACCOUNTS

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 Discretionary Accounts:

	<u>FROM</u>	<u>TO</u>
DSG79-8660.31 Doctor's Path Project	\$1,093.18	
DSG79-8666.31 Doctor's Path Project/ Water Extension		\$1,093.18
DSG79-8668.30 Home Improvement Loan Program	\$ 28.54	
DSG79-866.31 Doctor's Path Project/ Water Extension		\$ 28.54
SMC79-8660.30 Land Acquisition Program	\$3,113.79	
SMC79-8662.34 Doctor's Path & Greens Improvement		\$3,113.79
SMC79-8660.30 Land Acquisition Program	\$ 137.44	
SMC79-8662.35 Townscape Program		\$ 137.44
SMC79-8860.30 Land Acquisition Program	\$2,125.10	
SMC79-8686.4 Administration		\$2,125.10
SMC79-8662.31 Horton/Osborne Water Ext. Project	\$6,865.84	
SMC79-8668.32 Direct Grant Fixed Income		\$6,865.84
SMC79-8662.31 Horton/Osborne Water Ext. Project	\$3,029.55	
SMC79-8686.4 Administration		\$3,029.55
SMC79-8662.33 Jamesport School Improvement	\$2,318.69	
SMC79-8686.4 Administration		\$2,318.69

RESOLUTIONS - continued

	<u>FROM</u>	<u>TO</u>
SMC79-8668.33 Commercial Loan Program	\$ 924.84	
SMC79-8686.4 Administration		\$ 924.84

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

The resolution was thereupon declared duly adopted.

#506 APPOINTS YOUTH COUNSELOR IN JUVENILE AID BUREAU
Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, Donna Sievers has satisfactorily completed her six months probation,

NOW, THEREFORE, be it

RESOLVED, that Donna Sievers be appointed provisionally to the position of Youth Counselor at a salary of \$14,450.95 which is Step 1, Group 4 of the Salary Administrative Schedule, effective July 25, 1982.

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

The resolution was thereupon declared duly adopted.

#507 AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS FOR SCREENED SAND - HIGHWAY DEPARTMENT

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

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on Screened Sand for use of the Town of Riverhead Highway Department, and be it

RESOLVED, that specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on August 31, 1982, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby designated to open publicly and read aloud on 11:00 A.M. at August 31, 1982 at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Screened Sand".

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

The resolution was thereupon declared duly adopted.

#508 AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS FOR SNOW FENCE - HIGHWAY DEPARTMENT

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

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on 10,000 feet of snow fence for use of the Town of Riverhead

RESOLUTIONS - continued

Highway Department, and be it

RESOLVED, that specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:15 A.M. on August 31, 1982, and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby designated to open publicly and read aloud on 11:15 A.M. at August 31, 1982 at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Snow Fence".

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

The resolution was thereupon declared duly adopted.

#509 AUTHORIZES SUPERVISOR TO TRANSFER FUNDS - HIGHWAY DEPARTMENT

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

RESOLVED, that the Supervisor is authorized to transfer the following:

	<u>FROM</u>	<u>TO</u>
HIGHWAY ITEM #3 DM1990.000 Contingency	\$20,000.00	
HIGHWAY ITEM ## DM5130.200 Purchase of Equipment		\$20,000.00

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

The resolution was thereupon declared duly adopted.

#510 TRANSFER OF FUNDS

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

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

	<u>FROM</u>	<u>TO</u>
A1910.400 Unallocated Insurance	\$515.00	
A3120.223 Fire Extinguishers		\$192.00
A3120.233 Resuscitators		\$323.00

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued
 #511 RESOLUTION REQUIRING CERTIFICATION BY CLAIMANT FOR SERVICES OR MERCHANDISE FURNISHED TO THE TOWN OF RIVERHEAD

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

WHEREAS, Chapter 9 of the Laws of 1982 amended §118(1) of the Town Law, permitting the Town to pay claims against the Town which are not certified by the claimant, and

WHEREAS, this Town Board deems it a desirable and prudent accounting practice to require those furnishing services or material to the Town to certify that such services or material were actually furnished,

NOW, THEREFORE, be it

RESOLVED, that all claims against the Town for services or merchandise shall be paid only after the claimant certifies that such services or merchandise have in fact been provided, on the form, Town of Riverhead Voucher, and be it

FURTHER RESOLVED, that the provisions of §118 of the Town Law as amended by Chapter 836 of the Laws of 1970, as amended by Chapter 9 of the Laws of 1982, shall be modified by this resolution to require such certification.

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

The resolution was thereupon declared duly adopted.

#512 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: ADDITION TO THE RIVERHEAD TOWN CODE, "MOBILE HOMES AND TRAILER PARKS"

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 adding a new section to the Riverhead Town Code, Chapter 79, Section 79-28A, "Variances and waivers, amendments".

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of September, 1982, at 7:45 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 proposed addition to the Riverhead Town Code, Chapter 79, "Mobile Homes and Trailer Park", as follows:

§79-28

A. Variances and waivers, amendments.

1. Variation in case of hardship. Where the Town Board finds that unnecessary hardships may result from strict compliance with this chapter, it may vary the regulations so that substantial justice may be done and the public interest

RESOLUTIONS - continued

secured. Such variation shall be based upon written findings of fact by the Board that strict compliance is either impossible or necessary. Where the Board's conclusion is that strict compliance is unnecessary, such written findings shall be based upon expert testimony that the intent of the provision from which the relief is sought will be met by the Board's acceptance of the variance.

2. Waiver of required improvements. Where the Town Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare, it may waive such requirements, subject to appropriate conditions.

3. Board to impose conditions. In granting variances and modifications, the Town Board may require such conditions as well, in its judgment, secure substantially the objectives of the standards of requirements so varied or modified.

4. Relief not to be precedent. Relief to one applicant shall not constitute a waiver of any provisions of the requirements of the Riverhead Town Code, including this chapter, as it may be applied to any other applicants.

5. Necessity of engineering opinion. Where a variation is sought to any provision of this chapter based on an ascertainment by the applicant that the provision from which a relief is sought is not necessary from an engineering standpoint, such applicant for a variation shall provide the Board with a written opinion of a certified engineer that the variation will not result in a different condition than if the original requirements had been met.

*Underscore indicates addition.

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

The resolution was thereupon declared duly adopted.

#513 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: RAISING THE INCOME LEVEL FOR SENIOR CITIZENS WHO OBTAIN TAX EXEMPTION

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 a proposed resolution raising the maximum income level for senior citizens who may obtain a tax exemption pursuant to §467 of the Real Property Tax Law, as amended.

RESOLUTIONS - continuedPUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of September, 1982, at 8:00 o'clock P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to a proposed resolution raising the maximum income level for senior citizens who may obtain a tax exemption pursuant to §467 of the Real Property Tax Law, as amended.

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

The resolution was thereupon declared duly adopted.

#514 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: DELETION OF SECTION 92-13 OF THE RIVERHEAD TOWN CODE, INJURIES FROM DEFECTS IN SIDEWALKS

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 deletion of Section 92-13 of the Riverhead Town Code, Injuries from Defects in Sidewalks, Indemnification.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of September, 1982, at 8:10 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 deletion of Section 92-12 of the Riverhead Town Code:

~~§92-13.--Indemnification.~~

~~No-civil-action-shall-be-maintained-against-any-town-or-Town-Superintendent-of-Highways-for-damages-or-injuries-to person-or-property-sustained-by-reason-of-any-defect-in-its-sidewalks-or-in-consequence-of-the-existence-of-snow-or-ice upon-any-of-its-sidewalks,-unless-such-sidewalks-have-been constructed-or-are-maintained-by-the-town-pursuant-to-statute, nor-shall-any-action-be-maintained-for-damages-or-injuries-to-person-or-property-sustained-for-reason-of-such-defect-or in-consequence-of-such-existence-of-snow-or-ice-unless-written notice-thereof,-specifying-the-particular-place,-was-actually given-to-the-Town-Clerk-or-to-the-Town-Superintendent-of-Highways and-there-was-a-failure-to-neglect-to-cause-such-defect-to-highways,-and-there-was-a-failure-or-neglect-to-cause-such-defect-to be-remedied,-such-snow-or-ice-to-be-removed-or-to-make-the-place other-wise-reasonably-safe-within-a-reasonable-time-after-the receipt-of-such-notice.~~

*running line indicates deletion.

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#515 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: ADDITION TO THE RIVERHEAD TOWN CODE, "CIVIL CLAIMS, NOTICE REQUIREMENT", LOCAL LAW #6-1982

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 a proposed addition to the Riverhead Town Code, to be designated as Chapter 10, "Civil Claims, Notice Requirement", Local Law #6-1982.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of September, 1982, at 8:20 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 proposed addition to the Riverhead Town Code, to be designated as Chapter 10, "Civil Claims, Notice Requirement", Local Law #6-1982.

Chapter 10Civil Claims, Notice Requirement10-1. Requirements.

No Civil action shall be maintained against the Town of Riverhead, the Town of Riverhead Water District, the Town of Riverhead Sewer District, the Town of Riverhead Street Lighting District, the Town of Riverhead Industrial Development Agency, Riverhead Housing Development Corporation, Riverhead Multi-Family Housing Corporation, the Riverhead Parking District, and the Community Development Agency unless the requirements of this chapter are fully met.

10-2. Claims against the Town of Riverhead.

No civil action shall be maintained against the Town of Riverhead for damages or injuries to person or property sustained by reason of any highway, bridge, culvert, sidewalk, sewer manhole or appurtenance, water meter or appurtenance, curb, any missing highway sign, or the failure to provide by ordinance of otherwise for the erection of any highway sign unless written notice of such defective, unsafe, dangerous, or obstructed condition shall be filed with the Town Clerk fifteen (15) calendar days prior to the event giving rise to the alleged claim.

RESOLUTIONS - continued10-3. Constructive Notice Not Sufficient.

In the absence of written notice, as required above, no civil claim shall be maintained against the Town of Riverhead, nor shall any civil claim be maintained based on an allegation that such defect, danger or obstruction existed for so long a period of time that the same should have been discovered and remedied in the exercise of reasonable care and diligence, nor a claim that any Town employee possessed actual notice of such defect, danger or obstruction unless written notice is filed with the Town Clerk as required above.

10-4. Statement of Exact Location and Condition Required.

The written notice required by this chapter shall state the exact location of the alleged defect, danger or obstruction and shall specifically state the condition complained of. If this requirement is not met, such notice shall be void.

10-5. Constitutionality.

If any portion of this chapter is found by a court of competent jurisdiction to be unconstitutional or repugnant to the Laws of the State of New York, such portion hereof shall be null and void. However, all remaining provisions shall remain in full force and effect.

10-6. Effective.

This local law shall take effect upon its being duly filed in the Office of the Secretary of State and the State Comptroller.

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

The resolution was thereupon declared duly adopted.

#516 AWARDS BID TO STETLER BROTHER, RE: STORM DRAINAGE
IMPROVEMENTS AT PECONIC RIVER
MARINA

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

WHEREAS, this Town Board did advertise for bids for storm drainage improvements at Peconic River Marina, and

WHEREAS, on August 12, 1982, all those bids received were opened and read aloud, and

WHEREAS, Holzmacher, McLendon and Murrell, P.C., by letter dated August 16, 1982, did recommend to this Town Board that the bid be awarded to Stetler Brothers at a total bid price of \$25,111.25,

RESOLUTIONS - continuedNOW, THEREFORE, be it

RESOLVED, that the bid for the storm drainage improvements at Peconic River Marina be and is hereby awarded to Stetler Brothers, at a total bid price of \$25,111.25, Stetler Brothers being the lowest responsible bidder, and be it

FURTHER RESOLVED, that the Supervisor be and is hereby authorized to sign the necessary documents with regard to this project, upon Stetler Brothers posting the necessary bonds.

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

The resolution was thereupon declared duly adopted.

#517 ACCEPTS DRAFT ENVIRONMENTAL IMPACT STATEMENT OF RIVERHEAD AIRPARK, INC.

Before the following resolution was offered Rob Pike stated:

Robert Pike: "Mr. Supervisor, can I make of point of inquiry?"

Supervisor Janoski: "A point of inquiry."

Robert Pike: "First of all, I would like to understand whether this is the acceptance of a revised draft for public commentary or whether this is a final draft? This agenda, I would note, indicates that it's a Draft Environmental Impact Statement that you're . . ."

Supervisor Janoski: "That will be so declared by our action tonight that it is the Draft Environmental Statement."

Robert Pike: "It is not the Final Environmental Impact Statement?"

Supervisor Janoski: "No."

Councilman Prusinowski: "It is the final."

Robert Pike: "I would ask you to review the copy of the resolution sitting before you to determine whether that's the case."

Supervisor Janoski: "It will become by our action

RESOLUTIONS - continuedSupervisor Janoski continues:

tonight, the Environmental Impact Statement. It is no longer the Draft. It will become the Environmental Impact Statement."

Robert Pike: "Is it your intention to have a public hearing on the Environmental Impact Statement?"

Supervisor Janoski: "No."

Councilman Artale: "We had one."

Supervisor Janoski: "No, we didn't."

Robert Pike: "It is also is my understanding that there have been no hearings on the Environmental Impact Statement."

Supervisor Janoski: "Well, the Town Board in the — receiving the Draft Environmental Impact Statement had a choice of doing one of two things. One, was to allow a thirty-day waiting period for comment, written on the Environmental Impact Statement. The other was to have a public hearing (the tape ended) (the tape began with:) . . . arose with the written comment. We have gone through the thirty-day period a number of times revising questions and having received certain adjustments in the Environmental Impact Statement."

Robert Pike: "So that the Impact Statement that you would be adopting today is not the one that was the subject of a thirty-day period of which notice was given to all parties interested? It has been modified since that date?"

Supervisor Janoski: "Yes."

Robert Pike: "Have the modifications been posed to any of the interested parties to the Department of Ag and Markets, people who have appeared individually and together to stop the airport?"

Richard Ehlers, Town Attorney; "The purpose of the resolution, as I understand it, is to permit the Supervisor to forward notice to all of the parties which if you would like a copy of the resolution, it does so state, so that they

RESOLUTIONS - continued

Richard Ehlers, Town Attorney continues:
may be advised that the Final Environmental Impact Statement will be accepted in this form. Obviously, unless they send us some comments which are so overwhelming to indicate otherwise. I think perhaps you should see a copy of the resolution which I'd be happy to supply you with."

Robert Pike: "I have it. It's my reading of the resolution that it adopts it as the final and that would preclude you from amending it at any time and would also establish an evidentiary basis for any court proceeding."

Richard Ehlers, Town Attorney: "That is correct."

Robert Pike: "So that there would be no modifications?"

Richard Ehlers, Town Attorney: "Probably not."

Robert Pike: "In other words, there have been modifications? They haven't been noticed to other parties, other than the applicant and there has been no notice allowing them to comment on the modifications or the subject matter in which modifications were made?"

Supervisor Janoski: "Could I inquire as to what is the purpose of your inquiry?"

Robert Pike: "To find out whether the Environmental Quality Review Act has been complied with."

Supervisor Janoski: "We certainly hope so."

Robert Pike: "I would think considering the past history of the application that you would hope so. It is my belief that you have not and I would start with the fact that you've been given no notice of the resolution. The agenda itself, says adopts the Draft Environmental Impact Statement. That is not, in fact the case.

Secondly, you're telling me that the statement had been modified. None of those modifications has been subject to any — any public comment either in writing or as part of a public hearing.

Thirdly, it would seem, and you can correct me if I'm wrong, that no modifications have been made by any party other than the

RESOLUTIONS - continuedRobert Pike continues:

applicant. That you are accepting on its face as the Environmental Impact Statement, statements made by the applicant. Is that true?"

Supervisor Janoski: "I don't know what relief it is that you're seeking here as Counsel for the opposition to the airport, but I do know in the audience on a bi-weekly basis are — I have announced from this podium over and over again, certain states — statements of fact. Now why do you want to, in fact, hold up the legal procedure which we are trying to adhere to in this matter? I mean, do you have — what relief do you want?"

Robert Pike: "Well, let's start with this. I think everybody in the Town of Riverhead has a right to know the content of the resolution that you are adopting. They do not. There has been no public notice content of the resolution that you are adopting. They do not. There has been no public notice of the content of the final draft at all. And before you go ahead and adopt it, you should consider whether you run substantial risk that'll be thrown out on the basis alone. I've already given you the technical thing about the agenda, mislabeling, giving notice. . ."

Supervisor Janoski: "That is a matter of interpretation and, of course, as a counselor, you know that we can play games with interpretation."

Robert Pike: "I'm not trying to play games."

Supervisor Janoski: "We are adopting. . ."

Robert Pike: "I'm trying to speed up the process."

Supervisor Janoski: "We are adopting what is, in fact, what was until we adopted it a Draft Environmental Impact Statement. We are going to adopt that draft. Now we can play semantic words back and forth here. Now let's stop playing games and ask the Town Board for the relief that you seek in speaking at the microphone."

Robert Pike: "The relief is simply this. One, that the comments of the other interested parties who have been made comments, have not, and should be included and dealt with as part of the

RESOLUTIONS - continuedRobert Pike continues:

substantive final Environmental Impact Statement. That has not been done and it ought to be. There are other considerations which I think you should take into account here, including what is your clear right to have a public hearing, even at this stage of the content. It would get rid of this problem that there has been no disclosure of what the resolution says and you can't present to anybody here a copy of the final Impact Statement. You don't have it with you, do you?

Supervisor Janoski: "I can get one within five minutes."

Robert Pike: "But the fact is, that unless I had gotten up here, nothing along those lines would have happened."

Supervisor Janoski: "You know, quite honestly, in the beginning of this proceeding, it was duly noted that a copy of this Environmental Impact Statement was on file in the Town Clerk's Office and has been so for a number of months."

Robert Pike: "And you gave people thirty days in which to make comments and revisions?"

Supervisor Janoski: "Absolutely."

Robert Pike: "You have allowed one party, the applicant to make comments and revisions, out of that thirty-day period."

Supervisor Janoski: "They are the submitting party of the Draft Environmental Impact Statement, who is going to revise it. Certainly not the opponents."

Robert Pike: "Do remember one thing, Sir. That you are the lead agency and as lead agency you have legal responsibility to exercise your own independent judgment about the application. That's clearly set forth verbatim in the Environmental Conservation Law.

Now, if you have not dealt with specific substantive objections of the Stop the Airport Committee and if you have not dealt with the specific substantive objections of the State Ag and Markets and if you have not dealt with all of the comments of numerous, over five hundred people, who from their personal experience have talked about the Environmental Impact of the airports of this, and in other areas. You have not given those

RESOLUTIONS - continuedRobert Pike continues:

people the benefit of your independent judgment. All you've done is allowed the applicant to dictate the words that you are now putting into the public record."

Supervisor Janoski: "Are you finished? We are extending a courtesy to you which is very irregular. Now, have you finished with your statement?"

Robert Pike: "I find it interesting that you think getting a clarification of what a resolution is, is irregular."

Supervisor Janoski: "No, I think you're irregular. Now do you want to continue to say something which is cogent to the resolution before it, if not, please sit down so we can proceed. If you have further statements, please go ahead."

Robert Pike: "I'll just review what I said. One, it should not be adopted for improper notice on the agenda.

Two, it should not be adopted because you have not successfully included comments of other parties, as part of the Environmental Impact Statement itself.

Three, that it should not be adopted because of the procedural advisability of having public commentary on a revised draft after the thirty-day period has expired and — I basically request that you comply with the spirit of the law which allows all comments and all parties to get involved with drafting the Environmental Impact Statement, so that it reflects everybody's opinion and not just the applicants."

Supervisor Janoski: "Thank you. Recess."

Supervisor Janoski recessed the meeting at 9:20 P.M. after which the meeting resumed at 9:22 P.M.

#517 ACCEPTS DRAFT ENVIRONMENTAL IMPACT STATEMENT OF RIVER-
HEAD AIRPARK, INC.

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

WHEREAS, an application has been made for a special permit for an airpark on Sound Avenue, Town of Riverhead, by Riverhead Airpark, Inc., and

WHEREAS, the Town Board has declared itself the Lead Agency for purposes of the New York SEQRA regulations and has

RESOLUTIONS - continued

proceeded pursuant to those regulations to cause a Notice of Completion of the Draft Environmental Impact Statement of Riverhead Airpark, Inc., to be distributed on December 18, 1982, and

WHEREAS, a result of this distribution, comments have been received by the public and responded to by the applicant, and

WHEREAS, any public hearing held on the Draft Environmental Impact Statement would duplicate the hearings to be held by the Planning Board and Town Board in the course of the special permit proceedings, and

WHEREAS, such hearing on the Draft Environmental Impact Statement is, therefore, unnecessary

NOW, THEREFORE, be it

RESOLVED, that the Town Board, acting as Lead Agency in the matter of the application of Riverhead Airpark, Inc., accepts the Draft Environmental Impact Statement, the public comments thereon and the responses thereto, as a Final Environmental Impact Statement, and be it

FURTHER RESOLVED, that the Town Attorney's Office is directed to forward the necessary documents to all those parties who received notification of the Draft Environmental Impact Statement, and be it

FURTHER RESOLVED, that the Supervisor be authorized to execute any documents required by this Board's acceptance of the Draft Environmental Impact Statement and the Final Environmental Impact Statement, and be it

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of the Environmental Impact Statement, as accepted, to the Planning Board with the direction that they proceed on the special permit application and made their recommendations to this Town Board.

The vote, Boschetti: "I vote No.", Artale Yes, Prusinowski; "Yes. I just want to comment that — no, just one thing. It has nothing to do with this. Is that nobody dictates anything to this Town Board. And I've been up here two and one half years and I'm getting a little tired of hearing that garbage because we're responsible citizens in this Town. And we don't do anything and we're not threatened by votes or anything. And I think we're all intelligent people and we can read the information in front of us and we can make a decision. I vote Yes."

Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#518 APPOINTS ROBERT SCHEINER EXECUTIVE ASSISTANT TO THE TOWN SUPERVISOR AND COUNCILMEN

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

WHEREAS, the Community Development Director, Robert Scheiner, has performed many valuable services to the Town of Riverhead in addition to those called for by his title, and

WHEREAS, recognition for the performance of these duties is therefore necessary and proper,

RESOLUTIONS - continued

NOW, THEREFORE, be it

RESOLVED, that Robert Scheiner be appointed the working title of Executive Assistant to the Town Supervisor and Councilmen at no additional compensation.

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

The resolution was thereupon declared duly adopted.

#519

TRANSFER OF FUNDS - PUBLIC PARKING II

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

BE IT RESOLVED, that the following budget for the Public Parking II Capital Project is adopted.

PUBLIC PARKING II

	<u>FROM</u>	<u>TO</u>
H5710 Serial Bonds	\$65,000.00	
H5650.410 Slurry Seal		\$20,000.00
H5650.420 Drainage		\$30,000.00
H5650.430 Engineering & Inspection		\$10,000.00
H5650.440 Contingency		\$ 5,000.00

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

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, Supervisor Janoski adjourned the meeting at 9:25 P.M.

Supervisor Janoski re-opened the meeting at 9:25 P.M.

Bill Nohejl from the audience: "I object, I object."

Supervisor Janoski: "Where are these voices coming from. You don't have a vote, but if there's interest in speaking, once again, I certainly will open up the meeting again. Bill."

Bill Nohejl, Wading River; "Vic, I personally take an objection to what you just said a moment ago, that no one dictates to this Town Board. We're intelligent people. Now, you're taking on the aspect that you're infallible."

PERSONAL APPEARANCESCouncilman Prusinowski: "No, no."Bill Nohejl: "There's no such thing."

Councilman Prusinowski: "No, no, no. I didn't mean it that way, Bill. I meant that special interest groups come in here and snow us under and we don't have the intelligence to look out for the best interest of all of us. And I'm a taxpayer, too, in this Town. And I think a lot of times people get up here and they have the attitude they're always trying to pull something. And you're not trying to do that. We're listening. I think since I've been on the Town Board, one of the biggest objections that I've heard from previous Town Boards in people were, that the Town Board was not inflexible. They wouldn't listen to people. And I think since we've been up here, the last two and one half years, speaking for — I think we've been very flexible and very — we always listen to people because we're all working in this Town together.

Nobody has the answers up here. That's why we have public hearings. And on this particular application, there's going to be plenty of public hearings. I'm sorry. I apologize. I didn't mean to fly off the handle like that. But generally, after you're here you try to do the best you can and make decisions based on the fact and somebody will come up and say — and it's not just Rob, because I hear it all the time and it's not — it's not the truth. I mean people really, you try to do the best job you know how, and you try to listen to as many inputs and as many ideas as possible. All our job is to accumulate the facts, listen to both sides and try to make the best judgment that we know how."

Bill Nohejl: "But it came across the wrong way."

Councilman Prusinowski: "Well that's what I meant and I'm sorry. What I meant was that somebody comes in and gives us the big snow job and we don't read the information and then we just go with it, without even thinking about it. That's what I mean. That's not what happens, okay. At least not since I've been on the Town Board. That's what I meant, not that we're being dictated to by you know. Even with your thing with the Highway, you have the perfect right, we took it down and we've discussed it. I don't mean it the negative way, I mean it."

Bill Nohejl: "Well it sure didn't come across that way out here."

PERSONAL APPEARANCES - continued

Councilman Prusinowski: "Well, okay. I'm sorry and I'm glad you brought it up. Okay. That's what I meant, Bill, not — okay."

Bill Nohejl from the audience: "Not everyone is right."

Councilman Prusinowski: "No, I didn't say that. I agree with you. We all make mistakes and I've made plenty of them and I'll be the first one to admit it, okay."

Bill Nohejl from the audience was inaudible.

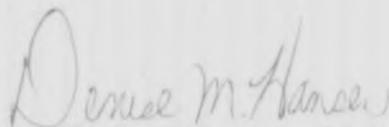
Supervisor Janoski: "Bart."

Bart Morrison, Wading River; "I enjoy the Town Board Meetings and but, I only come down here for one specific reason this evening and I can't go home without doing it. The State Legislature and the City Legislature passed and I see you have a resolution here on 513 for a public hearing, but still I want to pursue it. They have passed a legislation dealing with the Senior Citizens and uping the allowance on a tax abatement and right now the School Board is sort of sitting on their hands because they're waiting for you and you're sort of sitting on your hands because you don't, it seems, know what to do, because you want to see how many people are really involved and how much it's going to cost the Town and I know you're also worried about what it's going to do to the rest of the taxpayers.

I just got done in the spring and the early part of the summer of unsuccessfully running for the School Board here in Riverhead and I had said at that point that we have an obligation to two groups of people in this Town. And I want to reiterate it. We have an obligation to the very young and we have an obligation to the old or the senior citizens. And by God, we should stop sitting around here, no matter what it costs us, we should give them that abatement and I realize as a taxpayer, in the Town of Riverhead and also as the middle American, it's going to cost me some money, but we should do it anyway. Let's go ahead with it. Thank you."

Supervisor Janoski: "Anybody else want to address the Town Board on any matter?"

There being no further business on motion and vote, the meeting adjourned at 9:30 P.M.


Denise M. Hansen, Deputy Town Clerk