

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

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

Absent: Victor Prusinowski, Councilman

Also present: Richard Ehlers, Town Attorney

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

Supervisor Janoski: "We ask that you forgive our late-  
ness in that the members of the Town Board did pay our last  
respects to Mr. Joseph Celic who passed away this past Sunday.  
Mr. Prusinowski is absent because of that. He is Mr. Celic's  
grandson.

The members of the Town Government who are department  
heads are with us this evening, and would be available should  
you have any questions of them."

#### BILLS

Bills submitted on abstract dated September 7, 1982  
as follows:

General Town	\$58,988.61
Ambulance	\$ 639.00
Highway Item #1	\$60,006.22
Highway Item #3	\$ 1,317.66
Highway Item #4	\$ 561.04
Street Lighting	\$ 2,351.09
Capital Projects	\$ 4,677.65
Discretionary	\$ 3,744.25
Seniors Helping Seniors	\$ 93.61

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

General Town	\$58,988.61
Ambulance	\$ 639.00
Highway Item #1	\$60,006.22
Highway Item #3	\$ 1,317.66
Highway Item #4	\$ 561.04

Street Lighting	\$ 2,351.09
Capital Projects	\$ 4,677.65
Discretionary	\$ 3,744.25
Seniors Helping Seniors	\$ 93.61

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

OPEN BID REPORT - SCREENED SAND - HIGHWAY DEPARTMENT  
After being duly advertised the bids for Screened Sand  
for the Riverhead Highway Department were opened by the Town  
Clerk on Tuesday, August 31, 1982 at 11:00 A.M.

SUFFOLK CEMENT PRODUCTS, INC.  
Route 25  
Calverton, New York 11933

DELIVERY DATE: As needed

DELIVERED BID PRICE: \_\_\_\_\_ \$2.75 per yard

FILED.

EAST COAST MINES, LTD.  
Route 1, Lewis Road  
East Quogue, New York 11942

DELIVERY DATE: As requested

DELIVERED BID PRICE: \_\_\_\_\_ \$2.99 g/y

FILED.

METSKI EXCAVATION CORP.  
61 Bank Street  
Center Moriches, New York 11934

DELIVERY DATE: left blank

DELIVERED BID PRICE: 35 yard delivery \$3.00 per yard  
No limit on yardage required.

FILED.

OPEN BID REPORT - SCREENED SAND - HIGHWAY DEPARTMENT -  
continued

JOHN T. MONTECALVO, INC.  
48 Railroad Avenue  
Center Moriches, New York 878-0189

DELIVERY DATE: As required

DELIVERED BID PRICE: \_\_\_\_\_ \$3.17 per yard

FILED.

NATIONAL LAND & GRAVEL CORP.  
Old Northport Road  
Kings Park, New York 11754 (516) 269-6700

DELIVERY DATE: Upon request

DELIVERED BID PRICE: \_\_\_\_\_ \$3.80 per ton

FILED.

OPEN BID REPORT - SNOW FENCE - HIGHWAY DEPARTMENT  
After being duly advertised the bids for Snow Fence  
for the Riverhead Highway Department were opened by the Town  
Clerk on Tuesday, August 31, 1982 at 11:15 A.M.

MID-ISLAND LUMBER & SUPPLY CO., INC.  
415 Roanoke Avenue  
Riverhead, New York 11901

DELIVERY DATE: 1 week following receipt of order

DELIVERED BID PRICE FOR: 200-50' rolls at \$18.50 \$3,700.00  
per roll

FILED.

BRIGHTON STEEL COMPANY  
Hopewell Junction  
New York 12533

DELIVERY DATE: 14 to 30 days

DELIVERED BID PRICE FOR: 17.00 roll \$3,400.00

\*handwritten in on specs - 200 rolls are to be delivered at one  
time to destination

FILED.

OPEN BID REPORT - SNOW FENCE - HIGHWAY DEPARTMENT -  
continued

EASTERN WHOLESALE FENCE CO.  
 274 Middle Island Road  
 Medford, New York 11763

DELIVERY DATE: 1 week A.R.O.

DELIVERED BID PRICE FOR: \$17.50 a roll \$3,500.00

FILED.

FREEPORT EQUIPMENT, INC.  
 319 W. Sunrise Highway  
 Freeport, New York 11520

DELIVERY DATE: 21 days delivery

DELIVERED BID PRICE FOR: \$18.80 per 50' roll \$3,760.00 per  
10,000'

\*\*typed in-Lincraft Fence full 3/8 picket with  
 full 1½ wide 4' snow fence, in 50' rolls painted  
 red oxide mineral preservative

FILED.

MUTUAL STEEL COMPANY  
 76 Newtown Plaza  
 Plainview, New York 11803 516 752-7165

DELIVERY DATE: within 1 week from date of order

DELIVERED BID PRICE FOR: 200 rls of Snow Fence as \$3,760.00  
described above in 50' rolls

FILED.

EMPIRE MUNICIPAL SUPPLY CORP.  
 250 Route 303  
 Blauvelt, New York 10913

DELIVERY DATE: 30-60 days from receipt of purchase order

DELIVERED BID PRICE FOR: 10,000 feet (200 50 ft. \$4,168.00  
rolls)

FILED.

OPEN BID REPORT - THREE (3) AUTOMOBILES

After being duly advertised the bids for Three (3) Automobiles were opened by the Town Clerk on Tuesday, September 7, 1982 at 10:00 A.M.

RIVERHEAD DODGE, INC.  
642 West Main Street  
Riverhead, New York 11901

CAR #1 of 3

One (1) New 1982 Four Cylinder Sedan

I. MAKE AND MODEL BID:

1982 Dodge Aries 4 Dr. Sedan

2. NET DELIVERED PRICE OF SEDAN BID:

WORDS: Seven thousand eight hundred forty seven dollars 93/xx

NUMBERS: \$7,847.93

\*\*\* handwritten in:

Equipt. included above the bid specifications  
All tinted Glass  
Left remove mirror  
w/s/w tires  
door edge guards

FILED.

RIVERHEAD DODGE, INC.

CAR #2 of 3

One (1) New 1982 Four Cylinder Station Wagon

I. MAKE AND MODEL BID:

1983 Dodge Aries Station Wagon

2. NET DELIVERED PRICE OF STATION WAGON BID

WORDS: Eight thousand thirteen dollars and 57/xx

NUMBERS: \$8,013.57

\*\*\* handwritten in:

We bid all equipt. as specified with the following exception  
that we bid a 1983 model.

FILED.

OPEN BID REPORT - THREE (3) AUTOMOBILES - continued  
RIVERHEAD DODGE, INC.

CAR #3 of 3

One (1) New 1982 Four Cylinder Station Wagon

I. MAKE AND MODEL BID:

1983 Dodge Aries Station Wagon

2. NET DELIVERED PRICE OF STATION WAGON BID:

WORDS: Eight thousand thirteen dollars and 57/xx

NUMBERS: \$8,013.57

\*\*\* handwritten in:

We bid all equipt. as specified with the following exception  
that we bid a 1983 model.

FILED.

GARSTEN MOTORS, INC.  
GT AUTO LEASING INC.  
Chrysler-Plymouth-Honda  
1375 Old Country Road  
Riverhead, New York 11901

CAR #1 of 3

One(1) New 1982 Four Cylinder Sedan

I. MAKE AND MODEL BID:

1982 Plymouth Reliant 4 Dr. Sedan

2. NET DELIVERED PRICE OF SEDAN BID: 8088

WORDS: Eight Thousand Eighty-Eight and 00/100

NUMBERS: 8088

\*\*\* handwritten in: Subject to Availability

FILED.

GARSTEN MOTORS, INC.

CAR #2 of 3

One (1) New 1982 Four Cylinder Station Wagon

I. MAKE AND MODEL BID:

1982 Plymouth Reliant Custom Wagon

OPEN BID REPORT - THREE (3) AUTOMOBILES - continued

GARSTEN MOTORS, INC.

2. NET DELIVERED PRICE OF STATION WAGON BID:

WORDS: Eighty-four hundred eighty-five and 00/100NUMBERS: 8,485<sup>00</sup>xx

\*\*\* handwritten in: Subject of Availability

\* See copy of specs - Exceptions to specifications in file.

FILED.

GARSTEN MOTORS, INC.

CAR #3 of 3

One (1) New 1982 Four Cylinder Station Wagon

I. MAKE AND MODEL BID:

1982 Plymouth Reliant Custom Wagon

2. NET DELIVERED PRICE OF STATION WAGON BID:

WORDS: Eighty-four hundred fifty 00/100NUMBERS: 8,450<sup>00</sup>xx

\*\*\* handwritten in: Subject of Availability

\* See copy of specs - Exceptions to Specifications in file.

FILED.

REPORTSConservation Advisory Council - minutes of August 23,  
1982 meeting. Filed.

Police Department - report for month of July, 1982. Filed.

Recreation Department - report for month of July, 1982.  
Filed.

Building Department - for month of August, 1982. Filed.

Conservation Advisory Council, 9/02/82 - Report on Peconic  
River Study. Filed.

REPORTS - continued

Board of Assessment Review - complete file covering grievance period for 1982-83 Assessment Roll. Filed.

Supervisor Janoski: "Thank you Mrs. Pendzick. The hour for the first public hearing has not yet arrived. So we'll proceed with the applications."

APPLICATION

Site Plan - Thomas Yasso, for retail stores on Route 58, Riverhead. Filed.

Supervisor Janoski: "Correspondence."

CORRESPONDENCE

Jamesport Auto Parts, 8/19/82 - Urging that Riverhead Airpark be opened. Filed.

Brookhaven, Division of Sanitation, 8/20/82 - re: 20 yard container at Wading River location, without a permit to operate within the Town of Riverhead. Filed.

Fred Gallo, 8/25/82 - re-iterating support for Riverhead Airpark. Filed.

Southampton Town, 8/25/82 - Notice of adoption, Chapter 69-5, Zoning. Filed.

Planning Board, 8/24/82 - recommending that application of Flagg Corp. be approved. Filed.

Planning Board, 9/07/82 - recommending that application of Long Island Lighting Company be approved. Filed.

Environmental Quality Review Board, 8/26/82 - recommending that the application of Norman & Joan Hallock is a Type II Action. Filed.

Riverhead Aviation Assoc., 8/30/82 - copy of letter to Dept. of Agriculture requesting a review of their position. Filed.

CORRESPONDENCE - continued

Brookhaven Town, 8/20/82 - Notice of adoption to Chapter 85 of the Town Code, Chapters 79, Art. III; Sec. 85-28B(4); Sec. 85-330. Filed.

County Dept. of Planning, 8/26/82 - re: Brookhaven adoption of amendment Southampton adoption of amendment. Filed.

UNFINISHED BUSINESS

Riverhead Airpark - special permit for general aviation airport.

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

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

LILCO - special permit to renovate buildings on Jamesport property.

Peter Mastropoalo - special permit to expand pre-existing mobile home park.

N & J Hallock - special permit to add efficiency apartment to existing building.

Supervisor Janoski: "Unfinished business we have a special permit application for a general aviation airport, Riverhead Airpark, which is currently before the Planning Board.

From Riverhead Flagg Corp. a change of zone and special permit for condominiums which is before the Planning Board.

Ngen Ock Lee special permit for a Type 6 Labor Camp on Main Road in Calverton, before the Planning Board.

Lilco special permit to renovate the buildings on their Jamesport property, that is before the Planning Board.

Peter Mastropoalo, special permit to expand the existing mobile park. I believe that has gone to the Planning Board.

N & J Hallock special permit to add efficiency apartments to existing buildings, that is before the Planning Board.

There are about three minutes remaining before the first public hearing. Is there anyone who wishes to address the Town Board on any matter? Bill."

PERSONAL APPEARANCES

Bill Nohejl, Wading River; "Where does Brookhaven Town want to put this twenty yard dump?"

Irene J. Pendzick, Town Clerk "They don't."

Bill Nohejl: "What does it say?"

Irene J. Pendzick: "They don't. What they're doing to — they sent me a copy of the letter that they sent to the Sanitation Company that had a dumpster in the Town of Riverhead, but doesn't have a Town of Riverhead permit. So they had the courtesy of sending us a warning."

Bill Nohejl: "I see, okay. I'm sorry. About three, four, five, six months ago, you called the bond on Lyon and Reboli on Parker Road. Whatever became of it?"

Supervisor Janoski: "I will let the Town Attorney answer that."

Richard Ehlers, Town Attorney: "That was referred by the Bonding Company to their representative a Mr. Moore in New York City. Now we had lots of paper back and forth between Mr. Moore and our office trying to adjust the matter. Basically there are two alternative bidders in the game at this time. There is a Gatz Landscaping at about 8,000 more and a Mid-Island Construction Company at about \$22,000 more. Under the terms of the bond, the Bonding Company comes in and takes over the contract and they can perform it. Our initial hope was that they would pay us the difference between the high bidder, that being the Mid-Island, that was the recommended one by the Consultants and give us that amount of money. They don't want to pay 22,000. They'd rather be out 8,000. So they can, on their own, then contract with Gatz to do the work on their behalf which is our most recent correspondence from them that they were going to attempt to do that. The liquidated damages clause at \$50 a day is running. So we will be receiving some money back for that and we're trying to get it done before winter."

Bill Nohejl: "But it will be no difference in the Town having to pay between the initial amount that the . . ."

Richard Ehlers, Town Attorney; "The Town gets the contract at the bid price."

PERSONAL APPEARANCES - continued

Bill Nohejl: "At the regular bid price."

Richard Ehlers, Town Attorney; "The Bonding Company eats the difference for whatever they can have it done."

Bill Nohejl: "I was wondering about that because I see nothing done there. I was wondering what was to become of that calling the bond because . . ."

Richard Ehlers, Town Attorney: "Well we called the bond and . . ."

Bill Nohejl: "Okay, thank you."

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

Supervisor Janoski recessed the meeting to hold the first public hearing."

PUBLIC HEARING - 7:45 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall on Tuesday, September 7, 1982 at 7:45 P.M. to hear all interested persons regarding the proposed addition to the Town Code, Chapter 79, "Mobile Homes & Trailer Parks".

The affidavits were ordered to be placed on file.

Richard Ehlers, Town Attorney: "Most of the provisions in the Town Code have a sort of a saving clause. That would be a cause that permit flexibility in the rules to permit a particular application whatever it might be to be molded into the regulatory scheme. In reviewing the Mobile Home Park section, it appears that there is no flexibility in that section. Now you're probably generally familiar with the flexibility sections of special permits where the Town Board hears testimony and based on that testimony molds a special permit to a particular application. That's not provided for in the mobile home section. This proposed amendment to the mobile home section would permit the Board under strict guidelines such as an engineers report and there can be conflicting reports which the Board can rule

PUBLIC HEARING - continuedRichard Ehlers continues:

upon which one they find in favor of, to amend certain requirements if they fit a particular location of a particular applicant."

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

Jessie Tomlinson, Wading River; "I'm kind of out of breath. I tried to make it, the hearing. I was just interested in what this proposed amendment might do to the existing mobile home parks in Riverhead. For example, would this permit an existing park to be able to circumvent the rules and regulations that now exist? And just what is the purpose of this amendment at this particular time?"

Richard Ehlers, Town Attorney: "Have you had a chance to read the actual amendment?"

Jessie Tomlinson: "Not really, no."

Richard Ehlers, Town Attorney; "Okay. What I think — what it deals with primarily is cases of hardship where a strict compliance is either impossible or unnecessary. So first of all we're not dealing with just the simple regulations of mobile homes. We're dealing with technical regulations. Perhaps the wattage of the light bulbs and how often they may be placed. Perhaps the thickness of roads. Perhaps something to do with the contours of the land. The idea that there might be, in a specific site or location, something that just physically can't be done.

And if it physically can't be done, maybe the thinking is not to prohibit someone from doing it, but that if in the opinion of the engineers and based on the reason that the Town Board can articulate, it's still in the best interest of the community to permit something to be done, that those technical requirements may be waived absent this section there could be no waiver in event. So it's sort of a — something that should be used very rarely and it does indicate special circumstances improvements that are in the interest of the public health, safety, and general welfare may be waived subject to the conditions.

And including in those conditions are the engineering opinion, necessity of engineering opinion of variation sought to any provision based on an ascertain by the applicant that the provisions from which relief is sought is not necessary from an engineering standpoint, such application for a variation shall provide the Board with a written opinion.

PUBLIC HEARING - continued

Richard Ehlers continues:

So the idea is, I think, that a couple of engineers would be brought into give their technical opinion of why a particular problem is unnecessary and that if the Board deemed that it fit with the general scheme, they could go ahead and override the technical objection."

Jessie Tomlinson: "Well I — I don't want to name any names, but there are particular parks that have problems at this time. Could they come in with a hardship kind of a thing about expanding their particular park for financial reasons say . . ."

Richard Ehlers, Town Attorney: "This talks only about the special circumstance of a particular plat. In other words, if a particular piece of property, the plat piece of property had a character to it, that required something, we're not talking about financial hardship. The word hardship, is perhaps misleading to that extent."

Jessie Tomlinson: "Okay. It has nothing to do with the financial hardship?"

Richard Ehlers, Town Attorney: "No it has nothing to do with expansion of mobile home parks either."

Jessie Tomlinson: "Can you envision an existing park using this for their own means. In other words, to do something that they might have wanted to do right along and were not able to because of our legislation. But now this might be a loophole in particular existing parks in this community or is basically geared to something new?"

Richard Ehlers, Town Attorney: "The — I'm trying to think of technical requirements. It would have to be a technical requirement of a park that wasn't currently met. That they were somehow unable to proceed because they couldn't meet it. I — if there there, they're existing and presumably they're doing things correctly."

Jessie Tomlinson: "Except in the case of when they would like to expand."

PUBLIC HEARING - continued

Richard Ehlers, Town Attorney; "Well this has nothing to do with expansions. The only why this could affect expansion would be assuming that the expansion is otherwise permitted which I'm not — not knowing the facts that you're speaking of, I don't know whether it would be or not would if, if there were a technical regulation affecting that expansion. Suppose you had a stream, two streams and you had it with the property down the center that would permit only a one way roadway for access to that particular part of the parcel. Assuming the environmental consequences were already met, this is designed to not let the two-way roadway requirement foresee to have a two-way roadway. It's designed to perhaps let them have a one-way roadway in that situation."

Jessie Tomlinson: "Are you thinking of permanent parks or perhaps temporary kind of parks?"

Richard Ehlers, Town Attorney: "Well unfortunately, the current code which is subject to revision at the moment by a committee of the Town Board, does not distinguish as clearly as perhaps we would like, between destination, permanent and mobile home and travel trailer which is something that should be coming along shortly."

Jessie Tomlinson: "Oh, is that going to be part of the future code? In other words, make a distinction between those?"

Richard Ehlers: "I don't — I don't, they make the decisions. But certainly that's something that should be clarified."

Jessie Tomlinson: "Well has it ever been decided whether or not a park on say ten acres which has a certain amount of mobile homes that were approved with the original permit? Has it ever been determined whether or not that particular park can expand in that particular size by just sort of re-arranging their homes? I think — is there some sort of an opening in our code that is kind of vague on that issue?"

Richard Ehlers: "I think you're referring to something that's under litigation right now in the Supreme Court. And I'm not going to state a legal opinion on that for the obvious reasons that we're litigating that, they can't do that."

Jessie Tomlinson: "So there is that opening in our code at the time?"

PUBLIC HEARING - continued

Richard Ehlers: "We maintain there is no opening. They maintain there is."

Jessie Tomlinson: "I see."

Richard Ehlers: "That's what a horse race is all about."

Jessie Tomlinson: "Well I just don't want them to get the idea that this perhaps might open the door to you know this sort of — it seems to me a little bit of a weakening in our mobile home park legislation and I wouldn't want to encourage something like this in this particular time? Do you agree?"

Supervisor Janoski: "I'm here to listen to you Jessie."

Jessie Tomlinson: "That's very kind of you, Joe. It's nice to see you again."

Supervisor Janoski: "Nice to see you."

Jessie Tomlinson: "Thank you."

Supervisor Janoski: "Let me just check here . . ."

Henry Fioto, 642 Northville Turnpike, Riverhead; "Does this here provision also pertain to individuals who have mobile homes with certain restrictions and so forth? Or does this just pertain to parks?"

Richard Ehlers: "It only applies to parks."

Henry Fioto: "Well, I think, it's kind of a little one sided. I know for a fact that certain people have mobile homes in this Town and have gone to the Planning Board and all the rest of the stuff or individuals paying taxes for years and they live in their own mobile homes. And because of the way the ordinance is written and these so called type loops that you have they can't expand, they can't change their trailer. And if you go into something like this, I think you should have some relief for the individual, instead of worrying about the businessman."

PUBLIC HEARING - continuedHenry Fioto continues:

This is, to me, if you're going to do it, do it to allow something for an individual who has a mobile home and is trying to improve themselves, there's nothing in the provision that has, that's what I brought them in because the Town Attorney and the Town Board wants a specific case because I could be glad to give it to them."

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

William Kasperovich, 15th Street, Wading River: "In reading the documents in the Town Clerk's Office, the impression I got from the wordage that this is going to allow the Town Board to do whatever they damn well please. The terminology in there, which I quote, and it's out of context, substantial justice may be done and the public interests secured. Yes, this should be the guiding principle. But I don't think the way this is written up that such is the case. Mr. Town Attorney, what is in life we can do, that is not financial? Everything we do in life is financial. If you tell us that this is rarely used, what do we need it for?"

Now, it appears to me, that some minds in the Town Hall here want to further the growth of mobile homes. Hardship can be defined in numerous ways. Compliance is the law. The law was written with all good intentions. There might be some ifs, ands, or buts. But the predecessors to your people were also honorable men. Like lawyers, you can hire any engineer to tell you what you want to hear. You want an engine — you want it to be black, you hire Joe Zilch. You want it to be white or green, Charlie Smith will do it for you. It's written to put it into your hands. Now keep in mind, that you're not going to be here forever. The good Lord might decide differently for you. And this being put on the books, is not going to be for our betterment. It's going to foster more mobile parks and more mobile homes. I can't see or read it any other way.

Now what it is that provokes this thing to rear its head at this particular time, I don't know. I suspect certain conditions have come up to loosen the wordage in the law that exists. But whatever immediate problems are solved, you then have this on the books for years and years to come. And I think this — this is just poorly advised, and poorly written for as I was reading. Substantial justice may be done and the public interest secured. That's us taxpayers. Thank you."

Supervisor Janoski: "Thank you Bill. Bill — Mr. Dick Benedict?"

PUBLIC HEARING - continued

Dick Benedict, Fanning Blvd; "Since we're on the subject of mobile home parks, I see that there's a pre-existing mobile park, it says on Middle Road. Could you tell me exactly where that is. It's that on the corner of Northville and Middle Road? Peter Mastropoalo."

Supervisor Janoski: "What's the location of that?"

Dick Benedict: "I think two weeks ago it said Middle Road which I didn't quite understand. I'm not familiar with too many on Middle Road."

Councilman Boschetti: "That's Mill Road."

Supervisor Janoski, Councilman Lombardi, Councilman Artale in unison: "Mill Road."

Dick Benedict: "It was stated as Middle Road, I think last — two weeks ago on the agenda. Thank you."

Supervisor Janoski: "Is there anyone else present who wishes to address the Town Board on the matter before us?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:00 P.M.

Supervisor Janoski: "Let's use the few minutes before the next public hearing to do some of the resolutions."

RESOLUTIONS

#539 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: USE OF FEDERAL REVENUE SHARING FUNDS

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 hearing all persons wishing to propose or suggest uses for the Federal Revenue Sharing Funds for the year 1983.

RESOLUTIONS - continuedPUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 21st 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 hearing all persons wishing to propose or suggest use for the Federal Revenue Sharing Funds for the year 1983.

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

The resolution was thereupon declared duly adopted.

#540 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: AMENDMENTS TO CHAPTER 108 OF THE RIVERHEAD TOWN CODE, "BODY AND FENDER REPAIR SHOP" AND "MOTOR VEHICLE REPAIR SHOP"

Councilman Lombardi 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 amendments to the Riverhead Town Code, Chapter 108, Section 108-3, amending the term "Body and Fender Repair Shop" and adding the definition of "Motor Vehicle Repair Shop".

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 21st 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 amendments to the Riverhead Town Code, Chapter 108, Section 108-3:

BODY AND FENDER REPAIR SHOP - ~~A-building, other than a private or parking garage, used for the painting of motor vehicles or repairing of motor vehicles.~~ The business use of premises, the sole purpose of which is the alteration, replacement, or painting of the non-mechanical parts of a motor vehicle.

MOTOR VEHICLE REPAIR SHOP - The business use of premises, the sole purpose of which is the repair or replacement of the mechanically functioning parts of motor vehicles.

\*Underscore indicates addition.

Running line indicates deletion.

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

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#541

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: ADDITION TO CHAPTER 101 OF THE RIVERHEAD TOWN CODE, SECTION 101.10A, "PARKING, STANDING AND STOPPING PROHIBITED"

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to the proposed addition to the Riverhead Town Code wherein the entire length of Peconic Avenue, (CR #63) in the Town of Riverhead shall prohibit the parking, standing and stopping of vehicles along the curbs.

## PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 21st 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 proposed addition to the Riverhead Town Code, Chapter 101, Section 101.10A, "Parking, Standing and Stopping prohibited":

101.10A

Street/Area	Side	Location
<u>Peconic Avenue</u> <u>County Road #63</u>	<u>East and West</u>	<u>Along the curbs of the entire length of Peconic Avenue County Road #63, in the Town of Riverhead.</u>

\*Underscore indicates addition.

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

The resolution was thereupon declared duly adopted.

#542

APPOINTS CHRISTINE NUNZIATO TO THE ACCOUNTING DEPARTMENT

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

WHEREAS, Christine Nunziato has satisfactorily completed her six months probation,

NOW, THEREFORE, be it

RESOLVED, that Christine Nunziato be appointed provisionally to the position of Account Clerk Typist at a salary of \$11,294.92, which is Step 1, Group 7 of the Salary Administration Schedule effective September 4, 1982.

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#543 TRANSFER OF FUNDS - GENERAL TOWN ACCOUNTS

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

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

	<u>FROM</u>	<u>TO</u>
A7180.130 Bath House Attendants	\$1,500.00	
A7180.120 Beach Attendants		\$1,500.00

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

The resolution was thereupon declared duly adopted.

#544 TRANSFER OF FUNDS - GENERAL TOWN ACCOUNTS

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 General Town Accounts:

	<u>FROM</u>	<u>TO</u>
A7110.470 Capital Improvements	\$4,000.00	
A7140.403 Utilities		\$4,000.00
A7020.407 Utilities	250.00	
A7020.401 Telephone		250.00

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

The resolution was thereupon declared duly adopted.

#545 SENSE OF THE RIVERHEAD TOWN BOARD FOR DESIGNATION OF AN AIR CRAFT CARRIER IN THE NAME OF LONG ISLAND, NEW YORK

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

WHEREAS, the County of Suffolk and the County of Nassau together constituting Long Island, New York, and the Long Island Association of Commerce and Industry, representing the industrial base of Long Island, contribute in a significant fashion to the production and development of parts and equipment necessary for United States Aircraft Carriers; and

## RESOLUTIONS - continued

WHEREAS, Long Island's Prime Contract Awards from the Department of Defense for aircraft related equipment total well over \$3 billion; and

WHEREAS, Veterans Organizations on Long Island support the concept of naming an aircraft carrier after Long Island,

NOW, THEREFORE, be it

RESOLVED, that we the undersigned members of the Town Board, do hereby urge Caspar W. Weinberger, United States Secretary of Defense, to name the first available United States Aircraft Carrier after Long Island, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Caspar W. Weinberger, Peter Cohalan, Suffolk County Executive, and William Rodgers, Clerk of the Suffolk County Legislature.

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

The resolution was thereupon declared duly adopted.

#546 RESOLUTION OF CONDOLENCE - HELEN ALLEN

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

WHEREAS, the Riverhead Town Board wishes to express its sadness at the untimely passing of HELEN ALLEN, an employee of the Riverhead Water Department, and

WHEREAS, the Riverhead Town Board wishes to add its sincere sympathy to that of the many who knew and admired her, and

WHEREAS, the Town of Riverhead is diminished by the loss of a woman known for her genuine regard for its citizens as well as an unselfish devotion to duty,

NOW, THEREFORE, be it

RESOLVED, that this Town Board pauses in its deliberations to express our sorrow at the passing of HELEN ALLEN, and in acknowledging her great contribution in service to the Town of Riverhead, extend to her family our deepest sympathy; and be it

FURTHER RESOLVED, that a suitably engrossed copy of this resolution be prepared and presented to the family of HELEN ALLEN.

#547 AUTHORIZES ROBERT SCHEINER AND RICHARD EHLERS TO ATTEND CONFERENCE IN ALBANY

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

WHEREAS, "A Main Street and Neighborhood Commercial Revitalization Conference" sponsored by the New York State

RESOLUTIONS - continued

Urban Development Corporation, the Department of State, the Division of Housing and Community Renewal, and the Offices of Parks, Recreation and Historic Preservation is being held on September 15 and in Albany,

NOW, THEREFORE, be it

RESOLVED, that Robert Scheiner and Richard Ehlers are hereby authorized to attend said conference and all expenses incurred while participating in the conference shall be charged to Account A1420.400, and be it

FURTHER RESOLVED, that an advance of \$300 be granted to RICHARD EHLERS to be receipted upon his return.

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

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Let the record show that the hour of 8:10 p.m. has arrived. The Town Clerk will please read a notice of public hearing."

Supervisor Janoski recessed the meeting to hold the 8:10 P.M. public hearing.

PUBLIC HEARING - 8:10 P.M.

The 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, September 7, 1982 at 8:10 P.M., to hear all interested persons regarding the proposed deletion of Section 92-13 of the Town Code, titled "Indemnification".

The affidavits were ordered to be placed on file.

Supervisor Janoski: "Thank you. Mr. Town Attorney."

Richard Ehlers, Town Attorney; "There are two proposed code amendments. One is a deletion and one is an addition. They both talk to the same so I will speak to both of them at the same time. A recent case in New York City upheld New York City's right to require people who fell in potholes to have previously filed a notice with the City. And the reasoning there is that the City can't be aware at all times of every defect that could or happen to occur and have people out all the time. Otherwise, they'd have watchers out forever looking for defects. This proposal is to change the current status of events which is, if you have a highway problem, you have to file a notice in the Town Clerk's Office. But all other defects, in

PUBLIC HEARING - continuedRichard Ehlers continues:

fact, the more difficult to be aware of, where a sign should perhaps be placed, where a culvert might have run over, those you don't need a notice for. So what we're attempting to do here is modify the Town Code in accordance with the New York City case to require that if you know of a defect you send the Town a notice and then if the Town doesn't fix it and you're injured by it, the claimants case is much stronger, but also the Town has an opportunity to fix the defect that's basically what it's about."

Supervisor Janoski: "Is there anyone present who wishes to address the Town Board on this matter? Mr. Nohejl."

Bill Nohejl, Wading River; "Dick, I heard something very interesting. Suppose I notified the Town and the Town didn't fix it and someone else got injured?"

Richard Ehlers, Town Attorney; "You would still be in the box, as they say."

Bill Nohejl: "What do you mean in a box? I ought to be in a box."

Richard Ehlers: "You'd be out of the box. You'd be all right. I don't know what you'd be."

Bill Nohejl: "You don't understand what I'm talking about."

Richard Ehlers: "If anybody gives us notice."

Bill Nohejl: "Yes."

Richard Ehlers: "Under this section, we've got notice. you don't have to — the injured person doesn't have to give you the notice. The idea is that we should be able to get something in writing. What's happened in a couple of the cases that we're handling in our office right now, there's sort of a floating allegation. It's either police patrol the area and maybe they saw something wrong or the — maybe Highway Superintendent happened to wonder past this area at some point. Maybe he saw something wrong. We'd like to tighten it

PUBLIC HEARING - continuedRichard Ehlers continues:

down. Either there's something on file in the Clerk's Office and reliable and we can pay and be done with it or there's nothing on file in the Clerk's Office and we're in a better position. If there's something there, then the Town — I think it will strengthen the Town's impetus to improve things."

Bill Nohejl: "What is there to say that if someone else notified you that there was a defect, and I came along and I got injured. I came into the Town Board here and you say, no, we do not know about it even though you do know about it."

Richard Ehlers: "This specifically provides that the information must be kept by the Town Clerk in a book similar to the Highway, excuse me, the sidewalk defect book she now keeps."

Bill Nohejl: "In other words, if I come, I could check the records to see if there was a report on it."

Richard Ehlers: "It would be a public record."

Bill Nohejl: "Okay that's what I want to know."

Richard Ehlers: "It will be a book kept of written notifications. If you walk in there and you just have an oral complaint, they should hand you a piece of paper and let you write it down because they can't put oral things in a book."

Supervisor Janoski: "Bart."

Bart Morrison, Wading River; "I just want some clarification. Am I to understand that if someone from the area or for that matter out of town injures themselves on Town property and no one has notified the Town of the defect that they can't proceed with litigation?"

Richard Ehlers: "Okay the — anybody can sue us any time they want, okay. And they can sue us for a variety of reasons. The common reason they sue us and the reason the

PUBLIC HEARING - continuedRichard Ehlers continues:

insurance premiums tend to be high for municipalities is that whenever an accident occurs, a driver crosses over the double line, hits a tree, he joins the Town in the lawsuit and says Town you had a defective highway. Sure, maybe I've been drinking and we have cases like this. Maybe I've been drinking and I lost control of the vehicle, but your road was unsafe.

We get involved in very expensive litigation. It costs the insurance carriers many thousands of dollars and all through that the only reason he's able to maintain that case is on this sort of floating theory that somehow we've been negligent in failing to maintain that roadway property — properly and that we knew about it. It's current in the law now, now that they have to show we knew about it. What we're attempting to do here is eliminate this floating idea that the Town is aware of everything within its boundaries because as you know it's a small Town government and people aren't out just spending their taxpayers time checking for defects. That's what it does. It doesn't cut everybody out of lawsuits. We have many statutory duties. The Highway Department has statutory duties, the Town Board has statutory duties. We have duties to hire government entities like Suffolk County and the State, when we purchase equipment sometimes. It has to be approved or disapproved. But those — all of those types of obligations continue. The general negligence idea, though, it — somehow your road is defective because you had eight warning signs instead of the ten that is should have. Unless somebody brings that to our attention under this provision, we're not going to be liable when the drunk drives crosses the line and creams the tree."

Bart Morrison: "But you would still have to litigate?"

Richard Ehlers, Town Attorney: "Well it's customary in negligence cases to have examinations and advance the trial and try to bring out these facts and hopefully you would be able to persuade the opposing side. They couldn't stand a very good chance."

Bart Morrison: "Thank you."

Supervisor Janoski: "Is there anyone else present who wishes to address the Town Board? Mr. Kasperovich."

William Kasperovich, 15th Street, Wading River; "Gentlemen, this is a prime example of what is often referred to as

PUBLIC HEARING - continuedWilliam Kasperovich continues:

putting salt in the wound. I came up here and on two separate occasions, I presented specific hazard, curb hazards on Main Street at crosswalks. I brought it up once. After a number of weeks, I brought it up again. Of all the items, two were fixed. Thank God. But the rest of them, still to this afternoon unattended.

Now, if that didn't get you to move, to get these fixed, certainly all the added wordage from now to forever isn't going to move you. I'm sorry, Mr. Attorney, but using New York City as an example is a real bad one, cause so many of us here felt we have escaped New York City and their practices and conduct. I remember a lawyer I used to have occasion to go to, had a big sign in his office, 'Don't argue, sue the bastard'. And that's the way so many of them do in the City. We don't want that sort of thing in Riverhead Township. Are we really acknowledging that we have situations and we're not focusing in on them to get them fixed? Are really going after fancy schmancy and not concerning ourselves with safety? Yeah, we have insurance to cover it. There's no way to balance money and injury in this life. The people in New York City do it everyday. But the good people of Riverhead don't want to live that way. We don't want to see the blood on the street before we repair it. If it's reasonable and it's brought to your attention, there is absolutely no excuse not to fix it.

Now if you don't know how, there's a guy around the corner that'll tell you. We, it seems in this Town Hall, are, over the years prompted to get from under when we get an insurance involvement. Once that phases away and fades out a little bit, it seems we forget it. It doesn't take an engineer or a highway or a road expert or sidewalk or curb expert to walk down the street and see what is bad, what is an eminent danger, what is a dangerous hazard and which should be fixed right away and which should be put into a program to be fixed. No, we only come up to be concerned when the insurance premium goes up or when we get involved in some kind of an issue.

Now I thought that I would get a rise out of you gentlemen by bringing up specific cases so that it is on public record on two separate occasions to get a motion in this direction. No, and now you come up — this means with which the person on the sidewalk has a more difficult time in the event he gets hurt. This is not the approach as far as I'm concerned."

Supervisor Janoski: "Bill, I'm going to have to interrupt you. The time for the next public hearing has arrived. I will certainly recognize you after that public hearing is over."

William Kasperovich: "Thank you."

PUBLIC HEARING - continued

Supervisor Janoski: "Let the record show that the hour of 8:22 p.m. has arrived. The Town Clerk will please read a notice of public hearing. Mr. Berger, please try to stay awake."

Supervisor Janoski recessed the public hearing to hold the 8:20 P.M. public hearing.

PUBLIC HEARING - 8:20 P.M.

The 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, September 7, 1982 at 8:20 P.M. to hear all interested persons regarding the proposed addition to the Town Code, to be designated as Chapter 10, "Civil Claims, Notice Requirement," Local Law #6-1982.

The affidavits were ordered to be placed on file.

Supervisor Janoski: "Thank you. Mr. Town Attorney you've already explained this particular item. Is there anyone present who wishes to address the Town Board? That being the case, Mr. Kasperovich."

William Kasperovich, 15th Street, Wading River; "Believe me, Mr. Supervisor, it's not pleasure to bring to your attention, work with you, or fail to accomplish. If you had gotten these curbs fixed and they were no longer in the condition that they were and are today, I would have to sit quietly. But now we are not only talking of curbs, sidewalks, and roads. We're talking the entire movement of vehicles, people and the surface on which they traverse. There's a dozen different situations that can and eventually will be involved in this. We seem to look for the expedient way when it comes to doing something right in this Township. When I bring to your attention lines on the road for stop signs, I look to see what response was taken. I got — what was done, I see miles of double lines painted. That's lines where the stop signs are. You got to stop, get out of the car and look for them and these are in bad intersections. Now we are liable for this. But why aren't we doing something more about it? The double lines are going down the streets of sparsely traveled residential streets. And 98% of the traffic is the people that live there, not corssing through and yet we double line it, an experience. Because any other way to do it, takes some guts, takes a little action on the police people. Takes a little more support from our justices. Expedience seems to be the answer in our township.

And, once again, we are manipulating the words in our town ordinances so that we can step aside from things we should

PUBLIC HEARING - continuedWilliam Kasperovich continues:

be doing. Everybody in public life carries insurance. But this, in no way excuses us morally or otherwise of not making a good genuine effort to eliminate hazards, dangers and possible disasters. I've talked on this in the few minutes you've given me in the Town Board meetings and I've come out in time and time again, and I get no place. I don't know. If you're in New York City, you would have umptenty number of suits. We can't go from here to Roanoke Avenue without compiling one hundred legally possible suits. And this is the street that we are proud of, that the whole world passes through that's known as Riverhead. I don't know what else to say to you gentlemen. Words won't do it, printed words won't do it. It's action on your part that will do it. Thank you."

Supervisor Janoski; "Thank you Bill. Is there anyone else present who wishes to address the Town Board on this matter? Certainly, Mr. Town Attorney."

Richard Ehlers, Town Attorney; "If I could just clarify one thing, the use of the New York City case is a result of an historical fact. New York City took that case up on appeal and they won. What this section does most importantly is it gives people, like yourself, a place to file your complaint and it creates a legal obligation on the part of the Clerk to accept that. And then there's no question whether or not Mr. Kasperovich spoke at a Board Meeting on a particular evening. Probably the plaintiff's, the potential plaintiff's that might be injured as a result of the defects you mentioned, may never know you even spoke here. If they didn't have a way of tracing it back to the Town Clerk's records of these meetings and they have no reason to look there for it. What this does, it creates a place in the Town. If there's defect, we know about it, the Town knows about it because they've been notified about it and the person who gives the notification is assured that that notification is lodged in the correct place."

Supervisor Janoski: "Is there anyone else present who wishes to address the Town Board on this issue."

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:29 P.M.

Supervisor Janoski re-opened the 8:10 P.M. public hearing at 8:29 P.M.

PUBLIC HEARING

Supervisor Janoski: "I will re-open the previous hearing at which time I had interrupted you, Mr. Kasperovich. Do you wish to pick up where you left off in the present hearing?"

William Kasperovich, 15th Street, Wading River; "Thanking you — thank you for the privilege of allowing me to stand up here, once again. Some weeks back, I come upon a dangerous hazard. This hazard, I brought to the attention of all the officials that would normally be concerned in the Town Hall. I was amazed to find that people in the Town Hall did not have at their finger tips that which to safeguard the public with.

Now I'm not going to spell out names or people. I have asked the Town Board, the privilege to address them at a working session, so that in the privacy, I can spell out specific names. But if you don't know the law to secure the safety of its residents and you should differ it to somebody else. Now that was the case of public ingress and egress. Tonight we talk about — oh, I should, excuse me, let's re-phrase that public ingress and egress on private property, which has a different color to it. Tonight we're talking about surfaces and structures that are public where you people have the strongest control in many directions. One of the ways to accomplish getting a man to do something is to put it in the town ordinance pointing the finger at him. You do it or else. This business of indemnification, lets the fellows take a backstep and be free of it. If you do nothing, it should be your tail. Being free of indemnification is not the way we do things. That's enough."

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

Before I close this hearing, I would like to point out, that when someone sues the Town of Riverhead, they don't sue Joe Janoski, or John Lombardi or Vince Artale, or Lou. They sue you people who are sitting there in the chair. We represent the Town of Riverhead and I guess are thought of as being the Town of Riverhead, but we're not. You people are and it is your best interest that the Town Board is seeking to protect. I would like to point out also, that we have moved in a similar fashion with regard to sidewalks. And I would have to observe that the Highway Department is doing the best job with sidewalks which has ever been witnessed in this Town as the result of the action of this Town Board. And Mr. Punda's here and he will probably attest to that, that when the Town receives notification of some defect, we do move with all haste to correct it. And I would point out, that this work is going on constantly and presently. As a matter of fact, when you're leaving, you look next door here, you will see the Town of Riverhead correcting a hazardous condition in a sidewalk. We can't be everywhere at the same time, but work is continually going on. I think the positive results of the action

PUBLIC HEARING - continuedSupervisor Janoski continues:

that we have taken and our desire to protect the best interest of you, the people of the Town of Riverhead, who are, in fact, the Town of Riverhead, speak to themselves. This hearing is closed and we will take a . . ."

Unidentified speaker from the audience was inaudible.

Supervisor Janoski: "Absolutely. Bill if you come up here, identify your — is this part of the hearing Bill?"

Bill from the audience: "Yes."

Supervisor Janoski: "Okay."

Bill Nohejl, Wading River; "Does this only pertain to potholes, defects in the roads, or all hazardous material?"

Richard Ehlers, Town Attorney: "I'm not sure what you mean by hazardous material. What do you mean by material?"

Bill Nohejl: "I've spoken a number of times. Limbs, grass, leaves, garbage in the road. Does this refer to that too?"

Richard Ehlers: "Whenever the Town is sued over a defect, it is at the moment the law that we must be aware of the defect, either constructively because somebody sees it or an actual notice filed in the Town Clerk's Office, or with the Highway Superintendent depending on which province it is. This would affect the constructive notice of a continual defect. Many of the defects that I think you're mentioning come and go. A limb falls in the road and it's cleared away."

Bill Nohejl: "No, it's gone today and it's there tomorrow."

Richard Ehlers: "All right. Currently, we would — the Town would not be responsible for a defect constructively that it wouldn't have sufficient time to become aware of."

PUBLIC HEARING - continued

Bill Nohejl: "I'm referring to . . ."

Richard Ehlers: "So we're not affecting those."

Bill Nohejl: "I'm referring — I'm asking about hazardous material placed in the road, which is on highway property."

Richard Ehlers: "First question. If someone were injured to hazard a negligence opinion, if someone were injured and you knew who put the hazardous material in the road, they would probably be the first people involved in a lawsuit."

Bill Nohejl: "But the Town ordinance that no hazardous material should be in the road."

Richard Ehlers; "Well then the Town would probably be joined in the suit."

Bill Nohejl: "Thank you. I will serve notice on the Town Clerk."

Supervisor Janoski: "Thank you Bill. Is there anyone else who wishes to address the Town Board on this matter? That being the case, I declare the hearing closed."

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:36 P.M.

Supervisor Janoski: "We're going to take a short recess and we will reconvene at ten minutes of the hour of nine."

Supervisor Janoski recessed the meeting after which the meeting reconvened at 8:52 P.M.

Supervisor Janoski: "I don't remember what resolution we're at, but I'm sure the Town Clerk does."

## RESOLUTIONS

#548

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: AMENDMENT TO CHAPTER 107 OF THE RIVERHEAD TOWN CODE, SECTION 107-3, TO BE KNOWN AS LOCAL LAW #7-1982

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 the proposed amendment to Chapter 107 of the Riverhead Town Code, Section 107-3, "Natural Drainage System" to be known as Local Law #7-1982.

## PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 21st 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 local law, #7-1982, which amends section 107-3 of the Riverhead Town Code, as follows:

107-3

NATURAL DRAINAGE SYSTEM - Consists of those uplands, floodplain lands and watercourses, including ~~coastal-wetlands, designated on the Official Map of Riverhead Town,~~ but not limited to, those tidal wetlands designated on the New York State Department of Environmental Control Official Tidal Wetlands Map and including, but not limited to, those fresh water wetlands appearing on the Riverhead Fresh Water Wetlands Map as shall be adopted by resolution of the Town Board after a public hearing thereon. Such lands and waters may include but are not limited to all uplands exhibiting fifteen percent (15%) or greater slopes, all fresh, salt or brackish water, swamps, bogs, marshes, streams, vernal ponds, ponds, lakes and all lands within the coastal floodplain whether intermittently or permanently saturated or covered by ground, surface or tidal waters.

\*Underscore indicates addition.

Running line indicates addition.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

- #549 AUTHORIZES JOSEPH H. BAIER OF THE CONSERVATION  
ADVISORY COUNCIL TO ATTEND CONFERENCE AT STATE  
UNIVERSITY OF NEW YORK - MUSEUM OF LONG ISLAND  
NATURAL SCIENCES

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

BE IT RESOLVED, that Joseph H. Baier of the Conservation Advisory Council be and is hereby authorized to attend the conference of the Museum of Long Island Natural Sciences at the State University of New York at Stony Brook, on September 24, 1982 and that he will be reimbursed for all expenses incurred pursuant thereto from the budget of the Conservation Advisory Council.

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

The resolution was thereupon declared duly adopted.

- #550 AUTHORIZES POLICE OFFICERS TO ATTEND JUVENILE OFFICERS  
CONFERENCE

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

RESOLVED, that Detective Edward Curven and P.O. John Dunleavy be and hereby are authorized to attend the 7th Annual N.Y. State Police Juvenile Officers Association, Inc. training conferences to be held at Concord Hotel, Kiamesha, New York on September 20 - 23, 1982, inclusive and that all related expenses be paid from the Juvenile Aid Budget, not to exceed \$400.00 each, and be it

FURTHER RESOLVED, that Detective Edward Curven and P.O. John Dunleavy be each advanced the sum of \$300.00 with regard to the above convergence.

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

The resolution was thereupon declared duly adopted.

- #551 AUTHORIZES SUPERVISOR TO PURCHASE TWO (2) SAND SPREADERS  
Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Supervisor is hereby authorized to purchase from Trius, Inc., 369 Duffy Avenue, Hicksville, N.Y. 11802, under Suffolk County Letting No. 66-82.4.8 Item #14, two (2) 11' Hi-Way E-2020 Spreaders - Dump body mount at the bid price of Eight Thousand Three Hundred Seventy Four and 00/100 Dollars, \$8,374.00 each totalling Sixteen Thousand Seven Hundred Forty Eight and 00/100 (\$16,748.00) Dollars.

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

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#552 AWARDS BID FOR SNOW FENCE - HIGHWAY DEPARTMENT  
Councilman Lombardi offered the following resolution which was seconded by Councilman Artale.

WHEREAS, the Town Board has duly advertised for 10,000 lineal feet of heavy duty snow fence for the Highway Department, and

WHEREAS, said bids were duly opened by the Town Clerk on August 31, 1982 at 11:15 A.M., it is hereby

RESOLVED, that the bid for 10,000 lineal feet of heavy duty snow fence be and is hereby awarded to Brighton Steel Company, Hopewell Junction, New York 12533, for the Bid price of Seventeen and 00/100 (\$17.00) Dollars per 50 foot roll total price THREE THOUSNAD FOUR HUNDRED and 00/100 (\$3,400.00) DOLLARS, and be it

FURTHER RESOLVED, that the acceptance of this bid is subject to the specifications filed in the Town Clerk's Office.

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

The resolution was thereupon declared duly adopted.

#553 AWARDS BID FOR SCREENED SAND - HIGHWAY DEPARTMENT  
Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, the Town Board has duly advertised for Screened Sand for the Highway Department, and

WHEREAS, said bids were duly opened by the Town Clerk on August 31, 1982 at 11:00 A.M., it is hereby

RESOLVED, that the bid for Screened Sand be and is hereby awarded to Suffolk Cement Products, Inc., Route 25, Calverton, N.Y. 11933 for the bid price of TWO DOLLARS and 75/100 (\$2.75) per yd., to be delivered as needed, and be it

FURTHER RESOLVED, that the acceptance of this bid is subject to the specifications filed in the Town Clerk's Office.

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

The resolution was thereupon declared duly adopted.

#554 AUTHORIZES PUBLICATION OF LEGAL NOTICE - SMALL CITIES  
PROGRAM

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

## PUBLICATION OF LEGAL NOTICE - SMALL CITIES PROGRAM

WHEREAS, the Town of Riverhead has applied for the received Federal funds for the administration of a Small Cities Program for Federal Fiscal Year 1981, and

WHEREAS, the expenditure of these funds requires the writing of an Environmental Review Record for each Program activity, and

RESOLUTIONS - continued

WHEREAS, an Environmental Review Record has been completed for the Alternative Energy Grant Program and a Request for Release of funds is expected,

THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Riverhead publish the following public notice in the Legal Notice section of the September 9, 1982 edition of both the Riverhead News-Review and the Long Island Traveler-Watchman.

LEGAL NOTICE  
NOTICE OF FINDING  
OF NO SIGNIFICANT EFFECT  
ON THE ENVIRONMENT AND  
REQUEST FOR RELEASE OF  
FEDERAL FUNDS

Town of Riverhead  
200 Howell Avenue  
Riverhead, N.Y. 11901  
(516) 727-3200 Ext. 238

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about September 25, 1982, the Town of Riverhead will request the U.S. Department of Housing and Urban Development to release Federal funds under Title 1 of the Housing and Community Development Act of 1964 (PL 93-383) to be used for the following project:

The Alternative Energy Systems Grant Program.

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the Town of Riverhead has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190). The reason for such decision not to prepare such statement is as follows:

(i) The analysis required for the development of an Environmental Review Record for the subject project did not point to any impact that would significantly affect the human environment. The basis for this determination lies in the fact that all identified adverse impacts are not intractable and can, through project design, be either minimized or avoided.

Environmental Review Records respecting the aforementioned project has been made by the Town of Riverhead which documents the environmental review of the project and more fully sets forth the reasons why such Statement is not required. The Environmental Review Record is on file at the above address and is available for public inspection and copying upon request, at the Community Development Office between the hours of 9:00 a.m. and 4:00 p.m.

RESOLUTIONS - continued

No further environmental reviews of said project is proposed to be conducted prior to the request for release of Federal funds.

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the Town of Riverhead to the Office of the Supervisor. Such written comments should be received by the Supervisor on or before September 24, 1982. All such comments received will be considered and the Town of Riverhead will not request the release of Federal funds for the subject project prior to September 25, 1982.

The Town of Riverhead will undertake the subject project with Block Grant funds from the U.S. Department of Housing and Urban Development (HUD) under Title 1 of the Housing and Community Development Act of 1974. The Town of Riverhead is certifying to HUD that the Town of Riverhead and the Town Supervisor, in his official capacity as Supervisor, consent to accept the jurisdiction of the Federal courts if an action is brought to the responsibilities in relation to environmental review, decision making, and action, and that these responsibilities have been satisfied.

The legal affect of the certification is that upon its approval, the Town of Riverhead may use the Block Grant funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969. HUD will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer of the applicant approved by HUD; or (b) that applicant's Environmental Review Records for the project indicate omission of a required decision, finding, or step applicable to the project in the environmental review process. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58, ) and may be addressed to:

U.S. Department of HUD  
New York Area Office  
26 Federal Plaza  
New York, N.Y. 10028

Objections to the release of funds made on bases other than those stated above will not be considered by HUD. No objection received after October 14, 1982 will be considered by HUD.

by: Mr. Joseph Janoski  
Town Supervisor  
200 Howell Avenue  
Riverhead, N.Y. 11901

## RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#555 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: SECTION 108-31.1 OF THE RIVERHEAD TOWN CODE, "REVIEW OF SITE PLAN"

Councilman Lombardi 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 amending Section 108-31.1 of the Riverhead Town Code, "Review of Site Plan".

## PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 21st day of September, 1982 at 8:50 o'clock P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the following amendment to the Riverhead Town Code:

§108-31.1. Review of site plan.

Before issuing a building permit, each application, other than single-family residences, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and recommendation. Such site plan shall include parking, traffic flow, planting buffers with designation as to types of vegetation, on-site drainage, architectural features, architectural elevations of all sides of buildings, including materials, colors, and textures, and signage. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

\*Underscore indicates addition.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued  
 #556 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: ADDITION TO CHAPTER 108, SECTION 108-97B(25), "POTTABLE WATER", TO BE KNOWN LOCAL LAW #8-1982

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 adding an additional requirement that a subdivider shall observe with regard to land subdivision, to be known as Local Law #8-1982.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 21st day of September, 1982, at 8:40 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 Chapter 108, Section 108-97B to be known as Local Law #8-1982:

§108-97B(25)

Pottable Water - The Riverhead Town Board finds that it may be necessary for a private water service and supply system be utilized to provide an adequate supply of water for residents in a proposed major subdivision as defined herein or a multiple dwelling unit of five (5) or more residence units. Therefore, the following requirements shall be met when a water supply and service system is proposed for a major subdivision or multiple dwelling unit of five (5) or more residence units.

(a) Prior to Planning Board approval, detailed engineering design and specifications prepared by a licensed engineer shall be submitted by the applicant. An engineering firm shall be designated by the Town Board for review of said plan, at the applicant's expense, to determine whether such system would be compatible with services provided by the Riverhead Water District, should connection with the Riverhead Water District be necessary.

\*Underscore indicates addition.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#557 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: ADDITION TO CHAPTER 108, SECTION 108-3, "WATER SERVICE AND SUPPLY, PRIVATE"  
Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Notice of Public Hearing with regard to the proposed addition to Chapter 108, Section 108-3 of the Riverhead Town Code, "Water Service and Supply, Private".

## PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 21st day of September, 1982, at 8:30 o'clock P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposed following addition to Chapter 108, Section 108-3 of the Riverhead Town Code:

WATER SERVICE AND SUPPLY, PRIVATE - A non-municipal water supply system providing pottable water to more than four (4) dwelling units or a condominium having more than four (4) separate dwelling units.

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

The resolution was thereupon declared duly adopted.

#558 TRANSFER OF FUNDS - GENERAL TOWN ACCOUNTS  
Councilman Lombardi offered the following resolution which was seconded by Councilman Artale.

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

	<u>FROM</u>	<u>TO</u>
A3120.411 Gasoline	\$4,000.00	
A3120.422 Radio Maintenance		\$4,000.00
A3120.421 Prisoners Food	100.00	
A3120.439 Maintenance		100.00

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#559 AUTHORIZES TIME AND ONE-HALF OVERTIME FOR ACCOUNTING  
DEPARTMENT EMPLOYEE

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

RESOLVED, that the following employee of the Accounting Department be paid time and one-half overtime compensation.

Janice R. Carney-----12.00 hours @\$10.3209 \$123.85

and be it

FURTHER RESOLVED, that an explanatory report shall be filed with the Town Clerk detailing said overtime.

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

The resolution was thereupon declared duly adopted.

#560 RESOLUTION OF CONDOLENCE - JOSEPH P. CELIC

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

WHEREAS, the Riverhead Town Board wishes to express its sadness at the untimely passing of JOSEPH P. CELIC, a life-long resident, businessman, and community leader of the Town of Riverhead, and

WHEREAS, the Riverhead Town Board wishes to add its sincere sympathy to that of the many who knew and admired him, and

WHEREAS, the Town of Riverhead is diminished by the loss of a man known for his genuine regard for its citizens, NOW, THEREFORE, be it

RESOLVED, that this Town Board pauses in its deliberations to express our sorrow at the passing of JOSEPH P. CELIC, and in acknowledging his great contribution in service to the Town of Riverhead, extend to his family our deepest sympathy; and be it

FURTHER RESOLVED, that a suitably engrossed copy of this resolution be prepared and presented to the family of JOSEPH P. CELIC.

#561 AUTHORIZES PUBLICATION OF BID NOTICE RE: OSBORN AVENUE  
RECHARGE BASINS

Councilman Lombardi 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 Bids with regard to sealed proposals for the Osborn Avenue Recharge Basin Improvement.

## NOTICE TO BIDDERS

Sealed proposals for OSBORN AVENUE RECHARGE BASIN IMPROVEMENTS,

RESOLUTIONS - continued

will be received by the Town of Riverhead at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 A.M. Prevailing time on September 23, 1982, at which time and place they will be publicly opened and read aloud.

Plans and Specifications may be examined and obtained at the Town Clerk's Office between the hours of 8:30 A.M. and 4:30 P.M. daily except Saturdays, Sundays, and Holidays.

A deposit of \$25.00 will be required for each copy of the Contract Documents. Deposits will be returned to all bidders upon the return of Documents in good condition within ten (10) days following opening of bids. No refund will be given to non-bidders.

Each proposal must be submitted on the form provided and must be accompanied by bid surety as stated in the Instructions to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

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

The resolution was thereupon declared duly adopted.

#562 AUTHORIZES TOWN CLERK ADVERTISE FOR BIDS ON ONE (1) 185 CFM PORTABLE COMPRESSOR - HIGHWAY DEPARTMENT  
Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of One (1) 185 CFM Portable Compressor for the 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 September 20, 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 September 20, 1982, at 11:00 A.M. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York all sealed bids bearing the designation, "BID ON ONE (1) NEW 185 CFM PORTABLE COMPRESSOR".

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

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#563

APPOINTS PROVISIONAL ACCOUNT CLERK-TYPIST

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

RESOLVED, that SUZANNE BREITENBACH be and is hereby provisionally appointed to the position of Account Clerk-Typist for a probationary period of six (6) months at Group 7, Step P of the Salary Administration Schedule at an annual salary of \$9,709.92, effective September 8, 1982.

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

The resolution was thereupon declared duly adopted.

#564

TRANSFER OF FUNDS - TOWN CLERK ACCOUNT

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

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

	<u>FROM</u>	<u>TO</u>
A1410.400 Town Clerk Contractual	830.00	
A1410.200 Town Clerk Equipment		830.00

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

The resolution was thereupon declared duly adopted.

#565

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>
A1310.100 Finance Personal Services	\$ 3,780.00
A3120.225 Police Misc. Equipment	250.00
A3120.407 Police Doctor's Fees	100.00
A3125.404 J.A.B. Programs	600.00
AM2705 Ambulance Donations	650.00
A6410.400 I.D.A.	7,500.00
A9720.630 Sanitary Landfill Mach. 2A	
Principal	8,187.50
A9720.730 Sanitary Landfill Mach. 2A	
Interest	3,930.00
A9720.640 Sanitary Landfill Mach. 2B	
Principal	8,187.50
A9720.740 Sanitary Landfill Mach. 2B	
Interest	3,930.00
A1010.460 Litigation appraisals & recording	8,000.00
A1930.400 Judgements and claims	10,000.00
TOTAL	\$55,115.00

RESOLUTIONS - continued

	<u>TO</u>
A1310.401 Finance Computer Supplies	\$ 3,000.00
A1310.403 Finance Maint. Contract	180.00
A1310.404 Finance Travel	300.00
A1310.200 Finance Equipment	150.00
A1310.405 Finance Misc.	150.00
A3120.430 Police, Waxing & Cleaning Police Units	250.00
A1010.410 Ordinance Codification	5,000.00
A3120.439 Police Misc.	100.00
A3125.401 J.A.B. Utilities	600.00
A1010.450 Surveys and House Numbers	3,000.00
AM4545.400 Ambulance Contractual Expenses	650.00
A1620.201 Shared Services Automobiles	24,235.00
A6410.401 I.D.A. Publicity	7,500.00
A1620.420 Shared Services-Supplies & Service	10,000.00
TOTAL	\$55,115.00

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

The resolution was thereupon declared duly adopted.

#566 SUPPORTS LEGISLATOR BLASS' COMMITTEE PROPOSAL  
RE: SHOREHAM NUCLEAR POWER PLANT

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

WHEREAS, the Town Board of the Town of Riverhead is concerned for the welfare of its citizens, and

WHEREAS, the Long Island Lighting Company's Shoreham Nuclear Power Plant is located on Riverhead's western boundary, and

WHEREAS, approximately 60 percent of Riverhead's land area and 58 percent of its residents are within that Plant's 10-mile radius emergency zone, which was designated by the Nuclear Regulatory Commission, and

WHEREAS, the matter of a creditable inspection of the safety of the Shoreham facility has been and continues to be the object of severe controversy and contention, and

WHEREAS, the First District County Legislator, Gregory Blass, has offered a reasonable concept with which to resolve the pending inspection disagreement by his proposed volunteer, four-member panel, which will not be employed by either the pro or con factions in this dispute, and which will examine the said Power Plant and render an objective report on such examination,

NOW, THEREFORE, be it

RESOLVED, that this Town Board does fully support the consent advanced by Legislator Blass, and be it

FURTHER RESOLVED, that this Town Board requests that the proper steps be taken to assure an unbiased and truly independent inspection panel as is possible.

RESOLUTIONS - continued

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

Supervisor Janoski: "Well Mr. Kasperovich, why don't I open the meeting to public comment and you go first. I'm glad I'm not drawing against you people because those hands are very quick."

William Kasperovich: "Does this entitle me to more than five minutes?"

Supervisor Janoski: "No, it entitles you to five minutes."

William Kasperovich, 15th Street, Wading River; "If my words are a little sharp, it's because I'm trying to get them in sideways.

Mr. Supervisor, at one time in the recent past, you told me that special board meetings were only held for accounting purposes or where time is of the necessity or there is an emergency. Now, I find that you're been permitted to engage a fox to guard the hen house."

Supervisor Janoski: "Would you say that for me one more time?"

William Kasperovich: "I'm glad I got your attention. You're going to hire a fox to guard the hen house."

Supervisor Janoski: "Okay, I got you."

William Kasperovich: "And I don't mean to call this a little sneaky, but I got to know who owns the hen house. Now, last August 31, at one of your special meetings, I don't know where the rush was, but you decided to pass resolution 526 where you're going to engage Mr. Alden Young to review and compare the highway book in the Town Clerk's office with the Town Highway system within the Town of Riverhead and to prepare a list of discrepancies, if any, which exist and report them back to this Board so that the necessary modifications, if any, may be made. That's for the benefit of the people in the audience. Now, you led us to believe, gentlemen, all of you, that we could live until January without a Highway Superintendent. And here you're going

PERSONAL APPEARANCES - continuedWilliam Kasperovich continues:

to engage somebody at a pretty fancy price to do Highway Superintendent's work. And I don't like that. Now Mr. Alden Young is not the person for this job, not that he's not qualified. But he's been involved in many of these areas that need modification and thus disqualifies him.

Now some of these things that need modification, Mr. Supervisor, I gave you as part of a complaint of mine and in the process I gave Mr. Duffy all my papers going back to the year in the mid '50's which contain pages of Board Meetings, maps, resolutions, and other things. And I still don't know what your answer is. No, it's a legal question. The legal question that could be resolved by the Board or the legal question that could be resolved by other means or thrown into court, get a judicial decision. I don't know what would be accomplished by it, but there are many things involved. I — when I speak to the Police Department they tell me that the Town Officials inform him of certain information. I come to the Town Board, I can't find any documentation. When I present the papers of the years past, which differ with their conclusions, a year goes by, I still got no answer.

Now the conduct of the Police depend on the information that's forwarded to them from the Town Board. At times, it's very important. There are times when there's an expenditure of money involved as to whether it should be or could be done. And people of certain neighborhoods suffer because they can't — nothing can be brought to a head. And here you engage an individual that's going to do the Highway Superintendent's work and it's not going to come to any conclusion. So what are we going to spend all this money for to get no place. The people who live in these areas of — that need modification, they know about it. They don't have to be told that they need modification. They know about it. They don't have to be told that they need modification. And certainly, Mr. Young, adding to the list of people telling him isn't going to help any. But at the same time, because of his participation, he is disqualified and I don't see that you people have a right to engage this man for this purpose. Thank you for the extra minute."

Supervisor Janoski: "I have to, you'll forgive me. Mr. Alden Young has performed this service for the Town of Riverhead probably longer than I've been alive. Sit down Bill. You've had your five minutes. Have a Seat Bill."

William Kasperovich: "Mr. Supervisor. . ."

Supervisor Janoski: "Mr. Kasperovich, I just want to respond to — you know sometimes I don't even know what the heck you're talking about. This service is required by the State

PERSONAL APPEARANCES - continuedSupervisor Janoski continues:

of New York and some of the grants and aid that we get, for example, the CHIPS funds are dependent upon our accurate accounting of the streets and their mileage in the Town of Riverhead. You know I kind of — sometimes I don't want to use the word resent, but I sit here in amazement. You know we're honorable people. We're trying to do a job for the Town of Riverhead. My God, to be referred and Mr. Young is the most unlike any fox I have ever know. I know that they call him Decon, but not a fox, is a gentleman who played a large role in the laying out of the Town of Riverhead, he has been at this job that long."

William Kasperovich: "And he has done his share of mistakes."

Supervisor Janoski: "Mr. Kasperovich — that very well may be, and that is your judgment. But we don't dream up these things, as I say it is required by the State of New York. It had to be submitted to the State of New York by a particular date. That work, I am happy to report is done, thereby, protecting the aid monies and financing that we will get from the State of New York for highway work within the Town of Riverhead. And I guess that just about addresses everything that you had to say."

William Kasperovich: "And once again, you seem to want to wash out my words and not allow me a rebuttal."

Supervisor Janoski: "Go right ahead."

William Kasperovich: "All right."

Supervisor Janoski: "It's interesting to note how to add more to it. You're talking about the maintenance of roads and what we are doing is cataloging the names of the streets in the Town of Riverhead which exist and which in some records are misnamed because the names have changed over a period of time and compiling a list as to what the actual length of that road — that Town Road happens to be. It has nothing whatsoever to do with the condition of the road. It is simply a cataloging for the State of New York which requires it, an operation that is — has been as I pointed out undertaken on a yearly basis by the Town of Riverhead and conducted by Mr. Alden Young. It is the first time that I had anybody suggest that an expertise in an area is a reason to disqualify someone from doing the job."

PERSONAL APPEARANCES - continuedSupervisor Janoski continues:

I don't really want to — I'm just pointing out what it is this thing is all about."

William Kasperovich: "I'm not talking about Mr. Young's qualifications or abilities. I'm saying that he partook in the layout of these streets. He partook in the preparing of the paper work. And it is so far buried downward except in his office. In all the sub — previous boards, possibly Mr. Lombardi remembers differently from the old building, the old Town Hall, the human cry was we can't collect these documents, we have no place to put them. We have no file space. We have no map cases. Mr. Young will keep them for us.

Now, all of a sudden, they belong to Mr. Young. The hell they do. They belong to the Town of Riverhead. And now you're asking him to justify and catalog these things. And so we will go on and on for years and no modifications are going to be accomplished."

Supervisor Janoski: "Are you talking about — Mr. Kasperovich, modifications? I have said to you . . ."

William Kasperovich: "But that's the word used in the resolution."

Supervisor Janoski: "Fine. I've said to you very plainly that this catalog is required by the State of New York. Nobody sitting on this Town Board made it up. We have got to do this. Highway Superintendent Deputy is sitting here. As a matter of fact, he requested of me that I get this done. The Town Board concurred, considered Mr. Young's qualifications to be eminent. That he is the person that should do the job and as I report to you it has been satisfactorily done and submitted to the State of New York and we'll guarantee that we will get these monies which are coming to us based on the mileage of Town roads in the Town of Riverhead, not their condition, but their length and their name, period."

William Kasperovich: "The name of a street — look a rose by another name smells just as sweet."

Supervisor Janoski: "Not as far as the State of New York is concerned. You know, really, why don't we just stop this. You can have another minute or two to talk about whatever you want to talk about. But I think I have adequately explained what that resolution is about. I think most of these

PERSONAL APPEARANCES - continued

Supervisor Janoski continues:  
people understand it, if you don't."

William Kasperovich: "All right. Let me present publicly the point that I brought to you a year ago. From 17th Street to 21st Street, from Hulse Landing Road, west of Hulse Avenue and some connecting streets which you called private right here in this room, from that podium, I gave your Mr. Duffy all the papers that are in your Town Clerk's Office, plus many papers of my own, that I copied in the County and in Mr. Young's Office to show that the Town resolve this, not to be private, but public thoroughfares. And that's the words they used. Now public thoroughfares cannot be called private roads. The law doesn't care who owns the land under the pavements. It's the pavement that the public traverses.

Now the police conduct themselves like these were private roads, our patrolling and our concern, they say it's a private road."

Supervisor Janoski: "From what — your point of view, I could build a highway right across your front yard, because we don't care. As long as the land underneath it is . . ."

William Kasperovich: "And the Federal Government has so done in the United States and many places. This is nothing new."

Supervisor Janoski: "Go right ahead Bill. No, you're five minutes are up."

William Kasperovich: "So I gave you people all the papers that I collected over the years (the tape ended) (the tape began with:). . . from the resolutions going back to the 1950's. You have no choice unless you want to change the resolutions that previous Boards passed. Now you seem to want to call these roads private. The . . ."

Supervisor Janoski: "What is your interest in having the Town of Riverhead accept your recommendation that they are indeed public roads?"

William Kasperovich: "No, public thoroughfares."

Supervisor Janoski: "Whatever."

PERSONAL APPEARANCES - continued

William Kasperovich: "I would get different patrol activity and conduct from the Police, for one. Very serious, but important. They do not patrol private roads the same as they do public thoroughfares and public roads. There is a degree of liability and responsibility that goes to different agencies when these are acknowledged as public thoroughfares, but are not when they are acknowledged as private roads.

Now, I presented you papers to show that they were public thoroughfares and so resolved by a previous Town Board and yet a year goes by, and I get no comment one way or the other. Other than I talk too much. For which I am truly sorry. But I try to get my thoughts across the best way I can."

Supervisor Janoski: "Thank you Bill. I think you will admit that you've had your five minutes."

William Kasperovich: "Yes, thank you very much."

Supervisor Janoski: "I saw a couple of other hands shoot up a little while ago. Bill, unless you want to be last."

Bill Nohejl from the audience was inaudible.

Irene J. Pendzick: "Thirty seconds."

Bill Nohejl, Wading River; "I see a bid going out for the Osborn sump. H2M originally designed that and I believe that you had another architect review it, right?"

Supervisor Janoski: "Engineer."

Bill Nohejl: "Engineer. There is no recourse to H2M on this."

Supervisor Janoski: "Yes, there is, but at the present time, it has not been resolved and I would refrain from discussing it because it is still potentially a matter for . . ."

Bill Nohejl: "Litigation."

PERSONAL APPEARANCES - continued  
Supervisor Janoski: "Litigation."

Bill Nohejl: "All right. So you put it out for bid and you go ahead and you have it done according to the recommendations of another engineer. I am suggesting that in your specifications that they post a performance bond just like everyone else for a period of years to cover the sump or whatever work they do.

In other words, if this engineer in there, that you are engaged in now, going to put out bids and he says this is the way it's supposed to be and this is the way you shall perform and I will guarantee it for three or five years, put up a performance bond, they guarantee it for three or five years. Not like what has happened on Osborn Avenue. H2M got precious money from the Town of Riverhead for their work. And God knows if you get any money out of litigation and the Town will be stuck with another big bill. So you're going to go and do the work and worry about the litigation and try and get the money afterwards which is like putting the cart — the cart in front of the horse."

Supervisor Janoski: "Not necessarily."

Bill Nohejl: "I know it has to be done. It's a mess up there. It's been reworked and it's still a mess and I understand that they need new wider spillways for the water to come in. And for that amount of money that has been paid to Holzmacher, I think he gets a percentage of what the cost of the sump cost, like an architect does. Ten or fifteen or twenty per cent and I think there should be more liability put onto these kind of people, not the Town — not the people of the Town of Riverhead taking a jerk off, shall I say for things that happen. Yes the jerk off. Pardon the expression, but that's just what happened.

Another thing, I do not notice any — stop shaking your head."

Supervisor Janoski: "I'm agreeing with you Bill."

Bill Nohejl: "I do not notice any educational programs. I do not notice any stirrings in the Shopping Center of Wading River or some other places. I hear rumors that the Town's bite is — the grown is louder than the bite. And they are — put their foot out and cannot enforce it."

Supervisor Janoski: "We'll enforce it, Bill."

PERSONAL APPEARANCES - continued

Bill Nohejl: "Well it's been well over a month, five weeks since this ordinance has been passed. Ordinances are made, but they're not kept. Now you told me three weeks ago, there was going to be an educational program carried on. And I'll be damned, that you would have to have ten Malcolm's to go down Wading River to give an educational program in that there King Kullen Shopping Center."

Supervisor Janoski: "Bill, I have asked the Police Department to disbatch such a vehicle to educate some people."

Bill Nohejl: "How in the world are you going to post a man there from 6:00 to 10:00 at night or give an educational program in that period of time because I can come in there in one minute and get a ticket and the policeman will be there and he'll give me the ticket and another guy . . ."

Supervisor Janoski: "Do you have any suggestions for the Town Board, Bill?"

Bill Nohejl: "Huh?"

Supervisor Janoski: "Do you have any suggestions? How would you like to see us proceed?"

Bill Nohejl: "I don't see how you're going to do it. It's impossible."

Supervisor Janoski: "Then why don't we just forget about it then."

Bill Nohejl: "Why didn't you forget about it? Why did you make the resolution if you can't enforce it?"

Supervisor Janoski: "Oh, I just finished telling you that we're going to enforce it. But I want to know — I mean you're standing there talking about something, I thought maybe you had an idea which was better."

Bill Nohejl: "Well I saw policemen drive right pass and the whole damn place is lined up."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "Well the Police Department will be continuing to issue warnings and until such time as the Highway Department has adequately marked each area under control of the ordinance. When those signs are in place, then summonses will be given out."

Bill Nohejl: "Now, another thing, at that shopping center in Wading River there, people come in there and drinking beer right out in the open there. They're having their lunch."

Supervisor Janoski: "It's not Town property."

Bill Nohejl: "And there's an enforcement — there's a ban on that."

Supervisor Janoski: "It's not town property."

Bill Nohejl: "Well why did you enact that no drinking in public or cars or drinking?"

Supervisor Janoski: "I don't remember enacting any such ordinance, Bill."

Bill Nohejl: "Well at the railroad station, you can't have anything down at the railroad station."

Supervisor Janoski: "That happens to be under Town jurisdiction. We lease that parking lot from the railroad for nothing actually. We used to do it for a dollar a year. The King Kullen Shopping Center happens to be private property."

Bill Nohejl: "So is their parking area."

Supervisor Janoski: "That's why we had to enact an ordinance to enforce the . . ."

Bill Nohejl: "Yeah, but that's where I hear rumors that your growl is bigger than your bite."

Supervisor Janoski: "Well Bill, I remember a fellow who insisted with me that I install radar some place. Guess

PERSONAL APPEARANCES - continued

Supervisor Janoski continues:  
who was the first guy to get a ticket?"

Bill Nohejl: "You."

Supervisor Janoski: "No, the guy who requested the radar. So I hope that you — when we do start giving out summonses. . ."

Bill Nohejl: "I have never been in a fire — stopped in that fire zone as long as they built that shopping center there because I see it's a fire zone."

Supervisor Janoski: "I am happy to hear that."

Bill Nohejl: "But, I don't see how you're going to educate people without giving them a ticket and the word be passed or notice be published up in the front there that when they pull up there saying you are going to get a ticket some how or another."

Supervisor Janoski: "Well that's — you refer to a program, Bill, and I didn't mean there there was going to be any formal education. What I had said is a period of education. A period of time in which people would be accustomed, or unaccustomed I should say to parking in fire zones in the areas covered under the ordinance. Soon enough, they will be getting real summonses and I believe that you will be happy with the result."

Bill Nohejl: "I would like to be the Officer to go on a commission basis to give tickets in Wading River."

Supervisor Janoski: "If it were possible, Bill, and it would keep you occupied, I would so move."

Bill Nohejl: "Thank you."

Supervisor Janoski: "Thank you Bill. Mr. Benedict."

PERSONAL APPEARANCES - continued

Dick Benedict, Fanning Blvd., Riverhead; "I, too, live on one of those public thoroughfares, as you remember from a few years back, but that's not why I'm here.

Resolution #538, authorizes attendance of Sewer District Employee at Suffolk Community College. Now am I to understand that's full-time, one semester? Daytime or nighttime?"

Supervisor Janoski: "No."

Dick Benedict, Fanning Blvd: "What is that?"

Supervisor Janoski: "It's a course, and, of course, it is in the best interest of the Town of Riverhead."

Dick Benedict: "It is a fourteen week Suffolk Community Course, day-shift like everybody else attends?"

Supervisor Janoski: "I don't — we're not familiar with the time of it, but I do know it is a normal fourteen week course."

Dick Benedict: "Well is he going to get paid for it? Is that off his normal duties?"

Supervisor Janoski: "Absolutely."

Dick Benedict: "Tuition, books, gas, everything?"

Supervisor Janoski: "It's required."

Dick Benedict: "What do you mean it's required? Two hundred dollars? What about this salary? He's going to be not attending night school or nothing, cause there are a lot of companies who have tuition reimbursement programs, but its' on your own time. I know, I went for five years. My friend at IBM had to take a leave of absence. Are we going to set a precedence by sending people to Suffolk Community College?"

Supervisor Janoski: "Well, I'll tell you one thing we're going . . ."

PERSONAL APPEARANCES - continued

Dick Benedict: "Because why wouldn't the Accounting Department want to go or?"

Supervisor Janoski: "We do send them."

Dick Benedict: "At the taxpayers expense?"

Supervisor Janoski: "We send many of our employees, for in service training in their various areas of responsibility. We do have certain requirements which are imposed upon us by the State of New York. Once again, that these people be certified in the Sewer District. Now bear in mind, that these people that work in the Sewer District are not playing with toys. They're dealing with a very dangerous and deadly substance which happens to be chlorine. If I were you . . ."

Dick Benedict: "There's also colleges in Syracuse and stuff that teach that—that people come out of everyday that we can hire. Their fathers spent a lot of money on teaching."

Supervisor Janoski: "Well I'm sure this young man who lives in the Town of Riverhead would be delighted to find out that you'd like to fire him and hire somebody else."

Dick Benedict: "I didn't say that."

Supervisor Janoski: "You suggested it."

Dick Benedict: "No, I'm suggesting that maybe he attend on his own time and you do a tuition reimbursement program based on his grades like other major corporations and stuff do. Not full-time, out of my tax money."

Supervisor Janoski: "Are you suggesting that the Town Board then would have to negotiate with the CSEA and I would hope it would be their proposal to institute a tuition program, reimbursement program because one does not exist in the Town of Riverhead. Do you really want that?"

Dick Benedict: "Well you know we hire unqualified people, is that what you're saying and then we're going to train them? At Suffolk Community or any other college?"

PERSONAL APPEARANCES - continued

Supervisor Janoski: "No, but we're making sure that our people are trained and are kept up to date. You know one of the things we have discovered in this Town all too much, is that we lose people without really planning for it. And the people who are in charge of the Water District, Sewer District, you know it's a terrible thing to depend on one person with certain knowledge and qualifications. And it's the responsibility of this Town Board to make sure that we have people available who can provide for the needs of whatever the department happens to be. You know if you're suggesting and I think you should talk to the CSEA and perhaps be their negotiator that they propose a . . ."

Dick Benedict: "No, I'm talking . . ."

Supervisor Janoski: "Mr. Benedict."

Dick Benedict: "Yes, okay."

Supervisor Janoski: "Please let me go. That they propose for their contract negotiations, which we are presently engaged in a tuition reimbursement program and see if the Town Board would accept that in negotiations."

Dick Benedict: "You're saying that they're telling you that you have to send Town employees to college to learn what it is that their job is supposed to be doing."

Supervisor Janoski: "This has been going on for many years."

Dick Benedict: "Well this is the first time, I've ever been here and seen it funded by my money. That's the only thing that bothers me. When I went for night school and my grades determined how much I got back, for five years. And anybody with initiative, I believe could do the same thing including Town employees."

Supervisor Janoski: "What would you like to say to the Town Board?"

PERSONAL APPEARANCES - continued

Dick Benedict: "I would like for you to set up a tuition reimbursement program and if these people have the initiative, let them go and fund them somewhat."

Supervisor Janoski: "You're ignoring what I'm saying. That the CSEA would have to negotiate with the Town, this program that you're talking about. We certainly are not going to implement such a, unilaterally, such a program. And I don't believe that you really want the Town Board to do it. If you stop and think about it for a while, I think that you will find out that the way we're going, it is a little bit better."

Dick Benedict: "We're not setting a precedent sending these people in all, these other departments to college?"

Supervisor Janoski: "We're not setting a precedent. We are requiring people to — to attend these inservice courses. We have done it with many departments. What you are suggesting is that anyone who wants to go to school can go to school and have the Town reimburse them. Anybody in any department."

Dick Benedict: "No, if it's job-related, is the only time you get reimbursed."

Supervisor Janoski: "Well that's assumed and I can make a case, for any course that's job-related. You know in any department, one could take literature courses, english courses, etc., and make a case, etc."

Dick Benedict: "You're right."

Supervisor Janoski: "That the're related to your job description. But if you work in the Sewer District, I think what you're suggesting is really far in excess of what the Town is presently doing at this time and I'm suggesting to you that if you thought about your suggesting as compared to what we're presently doing, you would agree with the way the Town is handling it now."

Dick Benedict: "You're telling me that he is going to be on Town time going to Suffolk Community and getting paid, plus reimbursed for his books and tuition and probably gas mileage. You're telling me that?"

PERSONAL APPEARANCES - continued

Supervisor Janoski: "I'm not telling you that."

Dick Benedict: "No. I must have misread it."

Councilman Boschetti: "Can I make a statement?"

Supervisor Janoski: "Thank you please."

Councilman Boschetti: "The course we're sending him to is a resolution, it states that a Sewer Treatment Plant Operators Course and when I attend Suffolk Community, I can tell you that most of this type training is usually conducted on Saturday. Unfortunately, I can't say that this specific course that I have knowledge of, this specific course will be held on Saturday, but most of them are held on Saturday because they do relate to occupations wherein those attending would be normally working during the week."

Dick Benedict: "Well that was my basic question when I came up here. How many hours is the man going to spend and how much is it going to cost the Town? I'm not against education, don't get me wrong."

Supervisor Janoski: "I'm not suggesting that."

Dick Benedict: "But I don't want to set a precedent to start sending all these people to school at my expense. Thank you."

Councilman Boschetti: "Your welcome."

Supervisor Janoski: "Jessie."

Jessie Tomlinson, Wading River; "I won't take up too much time cause I know it is getting late. I've just had a chance to read over that proposed amendment to the mobile home park and there really are some areas that I find rather disturbing and I would like to suggest that you refrain from passing this until we have a change to meet at the tri-board meeting. I think there's one scheduled for a week or two in September and perhaps you could have a chance to go over some of the things that I

PERSONAL APPEARANCES - continuedJessie Tomlinson continues:

noticed and perhaps some of the other members of the other boards might notice. I mean there are some things here that are just so vague, I can envision all kinds of horrible things happening in this Town. Do you agree to hold off on any final decision until such time?"

Supervisor Janoski: "Let us just say that we have heard your recommendation and we will consider it."

Jessie Tomlinson: "Okay, thank you. And I have one other question about Miss Suzanne Breitenbach. Is she taking Helen Allen's place?"

Supervisor Janoski: "No."

Jessie Tomlinson: "Oh, where will she be working?"

Supervisor Janoski: "She will be working right now, in my office which is the fiscal office of the Town of Riverhead."

Jessie Tomlinson: "Oh, I see. Well then in other words, you will still have to advertise for . . ."

Supervisor Janoski: "We have advertised in the official paper of the Town of Riverhead, I don't know why I'm thinking about it, the News-Review. And we have not scheduled interviews yet, but we will in the very near future."

Jessie Tomlinson: "Okay and one other thing on the amendment to the mobile home park. You have not specified whether or not you are going to circumventing any special permits. In other words, would this take place under the special permit process also? Is the Suffolk County Planning Commission going to be involved when it is pertinent to it and there are so many other areas that I think haven't been spelled out clearly. I would strongly urge that you try to hold off on doing this until we all have a change to look it over more carefully. Thank you."

Supervisor Janoski: "Thank you. Bart."

PERSONAL APPEARANCES - continued

Bart Morrison, Wading River; "I just wanted to comment on looking through some of these resolutions and the same thing Mr. Benedict was talking about. I think, first of all, if we hired qualified people and those qualifications were set by Civil Service Test, we might not have to worry about furthering their education on a taxpayers expense. I have nothing against education either.

The other thing is I'm worried about how some of these resolutions are worded. There's one in particular for Bob Scheiner and Mr. Ehlers going up to Albany. I think we're getting a little sloppy about these trips. And the way that one was worded, if I — I might be wrong, but it sounds like they just have carte blanche as far as spending money up there goes. I noticed three hundred dollars, I guess for the airfare or something like that. But . . ."

Supervisor Janoski: "No."

Bart Morrison: "Oh, you're not helping the economy here. Can you tell me how that was worded though?"

Supervisor Janoski: "Would you explain, now you're an employer so that people understand what you're . . ."

Bart Morrison: "No. I'm not going to — How that was worded, it sounded as they could spend what they want when they get up there though."

Supervisor Janoski: "The two people in question, actually there's a third one and that happens to be me, are going to . . ."

Bart Morrison: "You're driving too."

Supervisor Janoski: "They're driving. I'm going to go along for the ride. We are going to leave for Albany on the 14th day of September, stay over night, two nights, to attend this conference. Actually it starts early the next morning which is the 15th. I'm looking for the resolution, it seemed like all the other ones. The three hundred advance to be granted would cover their . . ."

Bart Morrison: "What was before that?"

PERSONAL APPEARANCES - continued

Supervisor Janoski: "Hereby authorized to attend said conference and all expenses incurred while participating in the conference. . ."

Bart Morrison: "And all expenses incurred. What does that mean?"

Supervisor Janoski: "Well it is assumed that they are real necessary expenses which is the wording we very often use."

Bart Morrison: "I thought we usually said a figure."

Councilman Artale: "It has to be receipted."

Bart Morrison: "Yeah, but it — before I've seen these resolutions and authorizations. Usually you had a specific figure, not to exceed over . . ."

Supervisor Janoski: "Actually, the Town Attorney disclaims any authorship of this resolution. We . . ."

Bart Morrison: "I mean, if you fellows come back with a three thousand dollar bill, you know who's going to audit it?"

Supervisor Janoski: "I don't think that anybody would audit a three thousand dollar bill. The amount to be advanced is three hundred dollars. Actually, I guess you're right that the resolution is not all as tight as it could have been. But three hundred dollars is the expense money for the two and one-half days for the three people that are going. And, of course, they better come back with receipts because I get very nervous if I don't get receipts."

Bart Morrison: "I was also surprised that — I don't want to be petty, but this other one, the police conference or something up in the Concord, that's pretty nice too."

Supervisor Janoski: "The Juvenile Aide one?"

Councilman Artale: "Juvenile Aid, yes."

PERSONAL APPEARANCES - continued  
Bart Morrison: "Yeah."

Supervisor Janoski: "Juvenile Aid as it points out, is paid by — Juvenile Aid which is funded by the State of New York."

Bart Morrison: "So our funds are not in there. The other thing I want to speak about was I was dismayed and appalled by what happened as far as the Senior Citizen Abatement went. I just don't understand the State Legislature, the County Legislature, Brookhaven and Southampton all go to the 10,500, and cautious Riverhead goes the \$9,700 route. And, of course, our school board went 10,000. They really went out. And I really don't know what that means in dollars and cents wise. If they'd gone 10,500, I don't know what you fellows accomplished by 9,700, except saying to the senior citizens that you really don't count that much. But you do count. And all the citizens of Riverhead count. When you came to us and asked for the 50% abatement for business which I was in favor of also, and can understand what you're trying to do. But I think it was just as important to get the 10,500 put through for the senior citizens and I think it's going to come back to haunt you.

You fellows, to me, you don't make sense at times. I mentioned to you prior to the election that I was going to come back to you with something and I realize that this Town has a real tax problem. But I don't think you fellows are willing to grab the bull by the horns and do anything serious about it. I don't see what that 50% abatement for the business did. I haven't noticed any great moves in the Town industry wise or anything but we'll give it time and see what happens. But how about the suggestion I made last year why don't we institute in this Town a rental tax. A tax on people that are renting in private homes, in beach houses and etc. We could realize over a half a million dollars in this Town. Every one of you know, you look on your own street, you know you have a neighbor living there that's renting a basement apartment or a ranch house or whatever and the Town Board is blinking and looking the other way and we know everyone's doing it. So let's realize the fact that they're doing it and start taxing them.

And if you say you can't do it, you can't account for who's doing it. If we can have dog enumerators going out and figuring out who has dogs, we sure as hell can figure out who's renting their basement apartment or their upstairs apartment, and think we should make a serious attempt to institute a rental tax in the Town of Riverhead. Particularly on the shore line here where people are renting the houses, turning them over two or three times during the year. People that are renting their residences here in the summertime and people that are renting year round. They're enjoying the ambiance of the community here, all the services. The Highway services, the Police Department, whatever and the ones year round. The School District, no one's getting

PERSONAL APPEARANCES - continuedBart Morrison continues:

anything out of it. And if you think they're spending tax dollars in the Town, I disagree with you because the same people that come in and rent, are the first ones to rush down to the mall to buy something. And I think this Town should look into this and fact the reality that a good percentage of the people living in this Town are renting apartments, illegal apartments at that. We're looking the other way and we're not getting anything out of it and I think someone should think about drawing up some legislation and going after it."

Supervisor Janoski: "Bart, do you know of specific locations of rentals which are illegal?"

Bart Morrison: "I damn well do. But I mean I'm not going to go . . ."

Supervisor Janoski: "If you're not going to report them, then you Sir, are looking the other way because I don't know of any."

Bart Morrison: "I'm telling you about it now. I tell the dog enumerators that could find dogs. . ."

Supervisor Janoski: "Bart, you're missing the point. Bart, you're missing the point."

Bart Morrison: "You're missing the point. You want to look the other way. This is a way for a half million dollars tax you could bring into this Town."

Supervisor Janoski: "Bart, I just asked you a question. And you said you knew of specific . . ."

Bart Morrison: "You're passing it off to me."

Supervisor Janoski: "You know, Bart, I don't interrupt you when you're talking. And I would expect the same courtesy."

Bart Morrison: "Go ahead."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "I asked you, do you know of specific instances of housing in this Town which is illegal. If you do, you are looking the other way if you are not going to report it."

Bart Morrison: "Okay."

Supervisor Janoski: "I — I know of none."

Bart Morrison: "I'll buy that. And if you fellows will put the legislation through so that we can put this tax through, I'll start turning some of the names into you. How's that?"

Supervisor Janoski: "I didn't hear what you said."

Bart Morrison: "You fellows draw the legislation up, so that we can put this tax through."

Supervisor Janoski: "I suspect Bart, that that legislation you propose would be highly unconstitutional. I would . . ."

Bart Morrison: "Well I would suggest you look in — make a serious attempt at looking at it. . ."

Supervisor Janoski: "I could probably . . ."

Bart Morrison: "Elections are not too soon, so you don't have to worry about elections."

Supervisor Janoski: "I could tell you off the top of my head that it seems to me that it would be very unconstitutional. One of the things that we do have to do here is be conservative."

Bart Morrison: "I don't think it is. And they were talking about — motel, hotel tax, and the County."

Supervisor Janoski: "Sales tax."

PERSONAL APPEARANCES - continued

Bart Morrison: "That's right. It was a tax, nevertheless. So I'm sure if you looked into this and you got your good attorneys to work on it, you could work something out. But I guess it's easy to look the other way."

Supervisor Janoski: "Mr. — wait a minute, Bart. That's the third or fourth time you have accused this Town Board of looking the other way. I have told you very clearly that I know of no illegal housing in this Town. If you do, I wish that you would present such evidence or names or addresses to me, as Supervisor of the Town, and I'll tell you that we will process those."

Richard Ehlers: "We can't get into these places without an affidavit and we can't — we need an affidavit to get a search warrant."

Bart Morrison: "Yeah."

Richard Ehlers: "So if you want to come down and sign affidavits, I'm happy to prepare them for you."

Bart Morrison: "No. I want to see — no, I want to see you realize some tax revenue in this Town. You know what I'm getting at."

Supervisor Janoski: "I know that you are now . . ."

Bart Morrison: "You're just trying to turn it around."

Supervisor Janoski: "You're skirting the issue, is what you're doing, Sir."

Bart Morrison: "I think you're skirting the issue."

Supervisor Janoski: "You want to now talk about this tax program that you have in mind. You have accused the members of this Town Board of not performing their duty and that's what you've done and I am putting you on the spot. If you . . ."

PERSONAL APPEARANCES - continued

Bart Morrison: "You're not putting me on the spot."

Supervisor Janoski: "Yes, I am Sir."

Bart Morrison: "What you're doing right now is you're putting yourself on the spot. You know what I'm talking . . ."

Supervisor Janoski: "Mr. Morrison, you can say this as long as you want. I invite you to supply affidavits to this Town and the Town Board will do its duty."

Bart Morrison: "Sure as soon as you fellows do something serious about drawing up legislation for a tax."

Supervisor Janoski: "That's a really nice way to squirm out of this Mr. Morrison."

Bart Morrison: "Who's squirming?"

Supervisor Janoski: "I'm not squirming, believe me and you know you want to now focus attention onto this scheme of some tax proposal that have — which I think would probably . . ."

Bart Morrison: "Which you haven't done anything about."

Supervisor Janoski: "Because I don't believe it is proper or constitutional."

Bart Morrison: "You made that decision, just like that tonight."

Supervisor Janoski: "Mr. Morrison, I believe that I'm right."

Bart Morrison: "Most school teachers do. Thank you."

Supervisor Janoski: "Mr. Morrison, are you going to supply us with those affidavits that you don't want to talk about anymore."

PERSONAL APPEARANCES - continued

Bart Morrison from the audience: "When you put the legislation together."

Supervisor Janoski: "That is not the way for any citizen of this Town to react. You are cognizant of illegal activities and you refuse to do your duty as a citizen and I take special note of that and I also note that you have accused us of doing something of which we are not guilty. Yes Sir. We're going to save you for last. Henry.

Now, this has turned into what I — an interesting Town Board Meeting. I thought it was going to be a real dud."

Clark McCombe, Sound Avenue; "You're talking about being cognizant of legal activities and I pointed it out to you many times about the operation of the airport up on Sound Avenue."

Supervisor Janoski: "I will say the same thing to you. If you produce us some affidavits, some documentation."

Clark McCombe: "We have supplied affidavits to the Town Attorney, Mr. Duffy had them. And we were told that when we did that, that summonses would be issued and they never were issued."

Richard Ehlers: "Come back to the Town Hall any time and help me find them. I don't know where. . ."

Clark McCombe: "Well I'll sign affidavits saying that planes took off this past Saturday, Sunday and Monday."

Richard Ehlers: "Bring them down."

Supervisor Janoski: "Absolutely."

Richard Ehlers: "You got the numbers on the planes. Get the numbers and bring them on down."

Clark McCombe: "Up to this point, the Town has been shirking it's responsibility in enforcing the law."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "I know several summonses, Clark, that have been issued."

Clark McCombe from the audience: "And what did the Town do to stop what's going on."

Supervisor Janoski: "After summonses are issued, it then goes out and you know damn well, it's the court that makes the decision, not the Town Board.

Would you come back up to the microphone if we're going to continue this dialogue."

Clark McCombe: "Planes take off every weekend from an illegal runway along Route 105."

Supervisor Janoski: "And how do can you prove that in a Court of Law?"

Clark McCombe: "Well what do you want me to do. I'll sign a document swearing that I see the planes taking off."

Supervisor Janoski: "Fine and the Town Attorney is right, that you do, and please get the nubmers from the aircrafts wing and we will pursue it, turn it over to the Courts, and they, of course, will make their decision."

Clark McCombe: "Okay, but I'm saying is that we've done this before, summonses have been issued before. Planes still take off and summonses don't seem to make any difference."

Supervisor Janoski: "Well (the tape ended). .(the tape began with:) . . Hank you're on."

Irene J. Pendzick: "Make it short Hank."

Supervisor Janoski: "Oh Nora, how about a break."

Nora from the audience was inaudible.

PERSONAL APPEARANCES - continued

Supervisor Janoski: "Nora, you have to come up to the microphone. Hank, do you give over your place to Nora? Thank you."

Nora Brewer, Wading River; "I know how the Town can get quite a bit of revenue. Charge admittance to these sessions."

Supervisor Janoski: "Good idea, Nora."

Nora Brewer: "How about that?"

Supervisor Janoski: "Perhaps we could sell the transcripts to this particular meeting."

Henry Fito, 642 Northville Turnpike, Riverhead; "On this agenda tonight, there's a hearing coming up, next meeting for the parking on Peconic Avenue and I would like to know, I saw an article in the Long Island Traveler Watchman last week and it said that Mr. Artale is in charge of the — of this situation."

Supervisor Janoski: "I don't believe so."

Henry Fioto: "Well I would like to find who is in charge of it?"

Supervisor Janoski: "Who's in charge of it?"

Henry Fioto: "Well you must have some — there must be somebody who's looking into the feasibility of no parking on Peconic Avenue?"

Supervisor Janoski: "Well the purpose of a public hearing in order to determine the feasibility . . ."

Henry Fioto: "Well according to the — that was in the paper last week."

Supervisor Janoski: "What is this? Nobody wants to give me a chance to finish my sentences."

PERSONAL APPEARANCES - continued  
Henry Fioto: "Go ahead."

Supervisor Janoski: "The feasibility of the proposal will be determined as one of the results of the public hearing. That's what public hearings are for. Many people ask questions. But you're really supposed to tell the Town Board how you feel about the proposal and supply us with information that would help us make a determination on the matter."

Henry Fioto: "Well, Joe, I've done that and you've still done what you want to do. That's besides the point. I'm bringing out a situation, an article that was — you were in the article and so was Vince and it said there that the merchants on Peconic Avenue are in favor of it — in favor of it. And they picked out the beautician shop on Peconic Avenue who happens to have a fire hydrant in front of his location which makes no difference then, because there is no parking."

Supervisor Janoski: "You would have to ask the author of that story who I think is present in the room right now, how he came to the determination that the merchants on Peconic Avenue are in favor of it."

Henry Fioto: "Is the Board going to interview any of the merchants on this situation?"

Supervisor Janoski: "The Town Board is going to hold a public hearing as is indicated in this resolution at which time the merchangs there and other people in the Town who are interested have the opportunity to express their feelings on the proposal."

Henry Fioto: "In other words, the burden will go back on the merchants? In other words, the Town will not take the time to go interview the merchants and find out . . ."

Supervisor Janoski: "Quite honestly, Mr. Fioto, I have talked with many of the merchants down there. . ."

Henry Fioto: "On Peconic Avenue, you have?"

Supervisor Janoski: "Yes."

PERSONAL APPEARANCES - continued

Henry Fioto: "Would you be glad to name some, there's only six of them. There's only six merchants on Peconic Avenue."

Supervisor Janoski: "That's right."

Henry Fioto: "Ald I spoke to three of them so far and they — nobody said they talked to you."

Supervisor Janoski: "Well maybe we talked to three different ones. I talked to Riverhead Savings Bank, the beautician and the barber shop."

Henry Fioto: "All right the barber shop told me nobody spoke to me. I asked the barber shop."

Supervisor Janoski: "Oh well . . ."

Henry Fioto: "The Riverhead Savings Bank, you eliminated one parking lot. One of the parking facility was eliminated a little while back for their benefit and just so the Town Board for a point of information, if you go there 8:00 o'clock in the morning, the first three parking stations or the first three stalls in the parking lot are Riverhead Savings Bank employees, because the Riverhead Savings Bank doesn't have any parking for their employees in their own parking lot. And they park in the Town parking lot."

Supervisor Janoski: "The Town Board is addressing that situation at the present time, too."

Henry Fioto: "But I — you know there is other merchants who depend on people stopping, for whether it's five minutes or not."

Supervisor Janoski: "Yes."

Henry Fioto: "I think all the merchants should be, you know, questioned on the situation before time."

Supervisor Janoski: "Really, the proposal is before the Town Board. We are going to have a public hearing and if

PERSONAL APPEARANCES - continued

Supervisor Janoski continues:

it is important to those merchants, then I'm sure we're going to hear from them as well as other people in the Town. Anybody else want to address the Town Board?"

No one else wished to be heard.

There being no further business no motion and vote, the meeting adjourned at 10:00 P.M.

*Irene J. Pendzick*

IJP/vlv

Irene J. Pendzick, Town Clerk