

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in Town Hall, Riverhead, New York, on Tuesday, October 19, 1982 at 7:30 P.M.

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

Absent: Louis Boschetti, Councilman

Also present: Richard Ehlers, Town Attorney

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

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

RESOLVED, that the Minutes of the Town Board Meetings held September 7, 1982 and September 21, 1982, and the Minutes of the Special Town Board Meeting held on September 28, 1982, and the Minutes of the Public Hearing (Scavenger Waste) held on September 28, 1982, are dispensed without objection and be approved as submitted.

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

The resolution was thereupon declared duly adopted.

BILLS

Bills submitted on abstract dated October 19, 1982 as follows:

General Town	\$30,120.24
Highway Item #1	\$11,518.26
Highway Item #3	\$ 3,340.30
Highway Item #4	\$ 1,329.59
Street Lighting	\$12,352.30
Discretionary	\$ 7,836.45
Capital Project	\$12,944.53

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

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

General Town	\$30,120.24
Highway Item #1	\$11,518.26
Highway Item #3	\$ 3,340.30
Highway Item #4	\$ 1,329.59
Street Lighting	\$12,352.30
Discretionary	\$ 7,836.45
Captial Project	\$12,944.53

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

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "The heads of Departments of Town Government are available should you have any questions of them. Reports, Mrs. Pendzick."

REPORTS

Police Department report for the month of September, 1982. Filed.

Recreation Department report for the month of September, 1982. Filed.

Conservation Advisory Council - minutes of meeting held on September 30, 1982. Filed.

Supervisor Janoski: "The appointed time for the public hearing has not yet arrived. We move on to applications."

APPLICATIONS

Site Plan - Thomas Yasso (mercantile building on Route 58). Filed.

Special Permit - B. Arthur Thurm (expand existing mobile home park). Filed.

Special Permit - Charles F. Hydell (game arcade at Roanoke Shopping Center). Filed.

Supervisor Janoski: "Correspondence."

CORRESPONDENCE

Suffolk County Dept. of Health, 9/30/82 - copy of letter to Legislator Rose Caracappa re: placing of persons on public assistance. Filed.

American Appraisal - invitation to free seminar to be held 10/26/82. Filed.

Lee Koppelman, 10/13/82 - acknowledging receipt of resolution re: Farmland Preservation. Filed.

Wading River Chamber of Commerce - invitation to party on 10/24/82. Filed.

Gregory Blass, 10/05/82 - copy of letter from Home-craft Services re: possible solution to fresh water supply. Filed.

Suffolk County Dept. of Planning, 10/05/82 - re: Brookhaven Ordinance. Filed.

Planning Board, 10/08/82 - recommendation that special permit application of Peter Mastropoalo for expansion of existing mobile home park be approved, that special permit application of Ngen Ock Lee for a Type 6 Labor Camp be approved, with conditions, and that the special permit application of Ferdinand Gallo for a seafood market requires additional information. Filed.

John Leszczynski, 10/07/82 - submitting resignation from Highway Department. Filed.

Anthony Leanza, 10/08/82 - advising of hazardous sidewalk condition on Fishel Avenue. Filed.

Indian Island Estates, 10/08/82 - in support of the Riverhead Airpark. Filed.

Brookhaven Town, 10/06/82 - re: amendment to code. Filed.

CORRESPONDENCE - continued

Gregory Blass, 10/05/82 - copy of Florida legislation
re: development rights. Filed.

Planning Board, 10/13/82 - regrets misinformation
released by Town Board re: Airpark, especially letter to Clark
McCombe re: public hearing. Filed.

Environmental Review Board, 10/07/82 - that application
of Walter Gabrielsen is a Type II action. Filed.

H2M Corp., 10/12/82 - re: Parker Road Drainage. Filed.

Benjamin Densieski, 10/12/82 - re: Property behind
Jamesport Civic Center. Filed.

Irene J. Pendzick: "That concludes the correspondence."

Supervisor Janoski: "Thank you."

UNFINISHED BUSINESS

Riverhead Airpark - special permit for general
aviation airport.

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

Ngen Ock Lee - special permit for Type 6 labor camp,
Route 25, Calverton.

LILCO - special permit to renovate buildings on
Jamesport property.

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

Norman & Jean Hallock - special permit to add apart-
ment to existing building.

Ferdinand Gallo - special permit to operate seafood
market on West Main Street.

Walter Gabrielsen - for directional sign at corner
of Herrick Lane & Route 25.

Supervisor Janoski: "Under unfinished business we have the special permit application of Riverhead Airport for a general aviation airport. The Town Board is now awaiting the official report of the Town Planning Board on that application.

The Riverhead Flagg Corp. special permit, the change of zone for condominiums is the subject of public hearings this evening.

From Ngen Ock Lee, special permit for Type 6 labor Camp, Route 25, Calverton, before the Planning Board.

LILCO special permit to renovate buildings on Jamesport property is the subject of a public hearing this evening.

From Peter Mastropoalo, special permit to expand existing mobile home park, will be — that action will begin with a resolution this evening.

Norman and Jean Hallock special permit to add apartment to existing building is the subject of a public hearing this evening.

From Ferdinand Gallo a special permit to operate a Seafood Market on West Main Street is before the Planning Board and Walter Gabrielsen for a directional sign on the corner of Herrick Lane and Route 25 is also before the Planning Board.

There are some ten minutes remaining before the first scheduled public hearing.

I would open up the meeting to public comment at this time. Mr. Krudop."

Robert Krudop: "Irene, Gentlemen of the Board and Mr. Supervisor. It distresses me to have to come down here and talk like this tonight. But I am thoroughly appalled at the crude and libelous manner in which you, Sir, Mr. Supervisor, addressed one of the fine citizens of our community. The remark, and I quote from the October 7th edition of the News Review, 'Are you high?', is a damaging insinuation and completely out of order. Here we had a situation where a young man rose to defend an older citizen, whom as you had said among other things, and again I quote from the same article 'Cut out the bull' and the young man was maligned. This younger man graduated from Riverhead High School Valadictorian of his class, Yale University, cum laude. Just shortly before that he received a letter from County Legislator Blass asking that the plans and aspirations of this talented young person be fulfilled here on the east end of Long Island. And just the day before your verbal barrage, had received yet another congratulatory letter from County Executive Cohalan wishing him similar success. You then insinuated that he had done nothing for this Community.

With this I take issue again. Just the mere fact,
 a) that he had been here that night, showed a civic responsibility.
 b) the beautiful Spruce tree that had been planted in the Town Park in the memory of Walter Flanagan is supposed to be our future Christmas Tree, was donated by these people. When called upon, his family has given generously of their farm produce for many Civic functions. Then accused of probably not having or had

PERSONAL APPEARANCES - continuedRobert Krudop continues:

a day off that day, the Saturday prior, when you were busy attending a conference. You're not familiar with farm life. That man was up 3:30, 4 o'clock in the morning working. His day chores were not done until after dark. This is just one of many ordinary days at their operation.

To top it off, the gutter language that you used in the hall, after and outside of this meeting, that's just the pits. Sir, at least two Councilmen had the courtesy to come over and on your behalf apologized. I give them credit. I am concerned that such an attitude and speech is very intimidating. It's not easy to get up there and talk. Conscientious and concerned citizens will, I fear, be more reluctant than ever to express their concerns their fears and their ideas, both constructive, and maybe not, to the Town Board. It really has a ring of McCarthyism, Sir. It represents your distorting the Freedom of Speech. You smile and that's probably another one of your ways of doing it and I wonder maybe if it is time that you step down from your position as our Supervisor and as the principal representative of our Town. Thank you for your time."

Superviosr Janoski: "Thank you Mr. Krudop. Does anyone else wish to address the Town Board? Yes Sir."

Bart Morrison, Wading River; "Mr. Supervisor, Members of the Town Board, I would like to preface my remarks to you by acknowledging and assuring you that I am personally cognizant of the work load and dedication that burdens all members of this Town Board. I have particular awareness of the extreme burden on the Councilmen who must work in their normal occupation and then double their work day as a representatives of ours in a part-time capacity that is really more than a full-time occupation and for a salary that I personally consider less than adequate. My only admonition to you, is that you made this commitment voluntarily yourselves and were fully aware of its ramifications and toll on your personal lives. These prior comments are made because of an incident that occured at the last Town Board Meeting I attended. An incident that occured, I believe, directly related to the pressures of your undertakings. And tendency at time to become thin-skinned and impatient with those of us that try to participate in our Town affairs, no matter how clumsily. Because we believe we have no business complaining if we don't attempt to participate in what we might construe as a constructive manner. The sensibilities of all decent well-meaning people, the metal of decency of all of us was tested at this Town Board Meeting, when a young man, Mr. Michael McCombe, was made the ploy of one of the oldest political tricks that we're all familiar with. If you can't shut 'em up than make an intimidating or an

PERSONAL APPEARANCES - continuedBart Morrison continues:

accusation that will both throw him and inpart down into the minds of the people who are present. This was done by our Supervisor and I believe it has left a chilling effect on all of us who dare question anything that transpires in this Town. As a concerend resident of this Township, and as an enrolled Republican in the Party that our Supervisor represents, I must go on record to deplore this type of tactic and request that the members of this Town Board, and also the leadership of the Republican Party in this Township repudiate the tactics the Supervisor employed.

Further, I request formally that the Supervisor make a public apology to this young man for impugning upon his integrity and reputation, nothing less will suffice. Thank you."

Supervisor Janoski: "There is one minute remaining before the first public hearing. Would anyone — Mr. Nohejl."

Bill Nohejl, Wading River; "In reference to the Parker Road Drainage, H2M, what was it, the correspondence about? Is this thing getting on his way?"

Supervisor Janoski: "It should be starting tomorrow. That's the word we have from the contractor. The Bonding Company which has to make good, you got to remember it's an involved situation where the contractor who is awarded the contract through the bidding process went bankrupt and then, of course, we had to deal with the Bonding Company who posted bond that the work would be done. We have negotiated that with the Bonding Company. They have awarded to the second highest bidder. And they, of course, will pay the difference between the lowest bid and the second highest bidder. Walter Gatz, I believe it is, is the name of the contractor and that work has been staked out, as you might have seen and the work should be beginning tomorrow."

Bill Nohejl: "Being that it's under the control of the Bonding Company, it still meets the same specifications?"

Supervisor Janoski: "Absolutely."

Bill Nohejl: "As the prior — not that the Bonding Company is going to slush things over."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "No. The specifications will remain the same. H2M is the construction engineer. There are employees making sure that it is done correctly and there is a liquidated damage clause at \$50 a day, for each day of delay."

Bill Nohejl: "All right. Now, I know it's getting time in reference to the Osborn — that's a different — McLean is the — the architect or the engineer."

Supervisor Janoski: "I believe that work should be beginning tomorrow."

Bill Nohejl: "Yeah, but what I'm questioning is, is there any time limit or any guarantee that this project will work. Not like the other projects. Yes."

Supervisor Janoski: "I don't know that there's any guarantees. We have had it looked at by an independent engineer to find out what the fault was — where the fault was."

Bill Nohejl: "Right."

Supervisor Janoski: "We have not concluded our negotiations with the original designers. There is some evidence to indicate that it was not properly designed. We, of course, have, and our faith, of course, is that let the renovations and the additions that it will work properly in the future.

The time has arrived for the first public hearing. Let the record show that the hour of 7:46 has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 7:45 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall on Tuesday, October 19, 1982 at 7:45 P.M. to hear all interested persons regarding the proposed amendment to the Town Code regarding Section 65-8, basis for establishing flood hazard areas.

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continuedSupervisor Janoski: "Mr. Town Attorney."

Richard Ehlers, Town Attorney: "The Federal Government revised the flood maps for the Town of Riverhead, as well as the other east end towns and they published and posted those back in December of 1981. There was a ninety day waiting period. They were on display at whatever institution they displayed them out — they come out of the World Trade Tower Building in New York City. For residents in affected areas to be able to have flood insurance. The Federal Government requires that we change our Town Code to reference the new maps since the ninety day comment period has elapsed, they have not received any comments, so those will now become the official Federal Flood Maps for the Town of Riverhead as embodied in the Town Code if this resolution is adopted."

Supervisor Janoski: "Thank you Mr. Town Attorney. Is there anyone present who wishes to address the Town Board on this issue."

No one wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 7:47 P.M.

Supervisor Janoski: "Let's do a couple of the resolutions in the few minutes remaining."

RESOLUTIONS

#629

RESOLUTION OF CONDOLENCE - REVEREND HAROLD T. BIENZ

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

WHEREAS, the sudden and untimely passing of Reverend Harold T. Bienz represents an immeasurable loss to the Town of Riverhead, and

WHEREAS, the Town of Riverhead is greatly diminished by the passing of a man known for his genuine regard for its citizens, as well as, an unselfish devotion to duty, and

WHEREAS, Father Bienz served his Lord, Church, and the Community as a faithful friend and servant and served the Community as Chaplain for the Suffolk County Police Association, the Riverhead P.B.A., the Riverhead Lion's Club, and St. David's School of Grace Church, and

WHEREAS, the Town Board of the Town of Riverhead wishes to add its sincerest condolences to those of the many who knew and admired Father Bienz and whose lives he touched,

RESOLUTIONS - continued

NOW, THEREFORE, be it

RESOLVED, that this Town Board pause in its deliberations to express our profound sorrow at the passing of Father Harold T. Bienz.

#630 RESCHEDULES TOWN BOARD MEETING

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

WHEREAS, the next regularly scheduled Town Board Meeting is set down for the 2nd day of November, 1982, Election Day,

NOW, THEREFORE, be it

RESOLVED, that the next regularly scheduled Town Board Meeting will be held on the 3rd day of November, 1982, at 7:30 P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, and be it

FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution.

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

The resolution was thereupon declared duly adopted.

#631 APPOINTS REPRESENTATIVES TO PECONIC RIVER MANAGEMENT COMMITTEE

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

WHEREAS, the Town of Riverhead has received a study report from the Conservation Advisory Council dealing with the Peconic River environment, and

WHEREAS, the Town Board of the Town of Riverhead recognizes that the Peconic River has been developed and impacted to a very small degree and still has many areas which serve as a natural refuge for wildlife, spawning areas for fish, and areas for wetland vegetation to thrive, and

WHEREAS, a Peconic River report has been prepared in accordance with New York State Department of Environmental Conservation Law, Article 15, of the Wild, Scenic and Recreational Rivers Act, and

WHEREAS, segments of the Peconic River have been designated in the report as worthy of protection and preservation, and

WHEREAS, in accordance with the Wild, Scenic and Recreational Rivers Act, a management criteria must be established to describe permitted and prohibited activities, and

WHEREAS, the management criteria together with the proposed river designations must be approved by the New York State Department of Environmental Conservation and the New York State Legislature,

RESOLUTIONS - continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Riverhead desires that a management criteria for the Peconic River be prepared, and be it

FURTHER RESOLVED, that a Peconic River Management Committee be established consisting of seven members, two each from the Towns of Riverhead, Brookhaven, and Southampton to be appointed by the Supervisor of the town, and a representative from the Cooperative Extension, and be it

FURTHER RESOLVED, that Councilman Vincent Artale and Joseph Baier, Chairman of the Conservation Advisory Council; be and are hereby appointed as the Town of Riverhead's representatives on the Peconic River Management Committee, and be it

FURTHER RESOLVED, that the Peconic River Management Committee be charged with working with the New York State Department of Environmental Conservation and local residents of the communities surrounding the Peconic River to formulate the necessary management criteria in accordance with the Wild, Scenic and Recreational Rivers Act, and be it

FURTHER RESOLVED, that the Peconic River Management Committee shall complete the management plan in no more than eighteen (18) months from the date of this resolution, and that a sum of One Thousand Dollars (\$1,000.00) be appropriated by the Town of Riverhead to assist the committee in completing the report, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Towns of Brookhaven and Southampton and Cooperative Extension.

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

The resolution was thereupon declared duly adopted.

#632 AUTHORIZES SUPERVISOR TO ENTER INTO AGREEMENT WITH SAV-MOR MECHANICAL, INC.

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

RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement with Sav-Mor Mechanical, Inc. in the amount of \$1,326.00 as an annual service contract for the heating and air conditioning system effective August 7, 1982, to August 7, 1983.

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

The resolution was thereupon declared duly adopted.

#633 AUTHORIZES PETER DANOWSKI TO ASSIST THE PLANNING BOARD

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

RESOLVED, that Peter S. Danowski, Jr., Esq., be and is hereby authorized to assist the Planning Board in its deter-

RESOLUTIONS - continued

mination of the application of Riverhead Airpark, Inc., for a special permit.

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

The resolution was thereupon declared duly adopted.

#634 RESOLUTION AMENDING §All4-20A OF THE RIVERHEAD TOWN CODE, "POLICE RULES AND REGULATIONS"

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

RESOLVED, that the following addition shall be made to the Riverhead Town Code, §All4-20A, "Police Rules and Regulations" by adding the following:

All4-20 Specific duties

A. A member of the Department shall:

(36) Report any court process served upon a member including any subpoenas, notices of examinations before trial, or other court orders, to the Town Attorney, in writing, prior to such appearance, not more than 24 hours after such process is served.

and be it

FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Chief of Police, and be it

FURTHER RESOLVED, that the Chief of Police is directed to post this resolution in a conspicuous place at Police Headquarters and provide any officers with a copy at their request.

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

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Let the record show that the hour of 7:55 P.M. has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 7:55 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall on Tuesday, October 19, 1982 at 7:55 P.M. to hear all interested persons regarding the special permit application of Norman & Joan Hallock to convert a garage and shop into an efficiency apartment located at 2nd Street, Jamesport.

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continued

Supervisor Janoski: "Is there anyone present representing the applicant? Please state your name and address."

"Norman Hallock, Green Street."

Supervisor Janoski: "Lower the — just pull down on the microphone."

"Norman Hallock, Green Street, South Jamesport."

Supervisor Janoski: "Well this gives you an opportunity to state the — your request and why you feel you should be granted the special permit application."

Norman Hallock; "I have a building down there with three apartments, with a garage area below. Three quarters of it is residential. I have a conformed use. I have a shop there now. I thought it would be just as well if it was completely residential."

Supervisor Janoski: "Thank you Mr. Hallock. Is there anyone else present who wishes to address the Town Board? Gordon."

Gordon Ahlers, Architect for applicant; "Irene, Members of the Board, excuse my voice. I've been working with Mr. Hallock on this project and we have been before the Zoning Board, we have been before the Planning Board and we now come to the court of last resort. Originally, this building was the Staib boat yard in South Jamesport. It was converted into an apartment some time ago by a Mr. Hanken. And at that time, Mr. Hanken received a permit to convert this very area that we're talking about the shop and the lower level received permission at that time to convert it into the apartment which he didn't do.

So we are coming back at this time to ask for this permission to convert this old shop which is used on occasion into an apartment. There will be no additional parking. The garage is part of this area will be used for the parking of — this is a single occupancy apartment and it is not a — it's a one room affair. So it'll impose no burden as far as traffic or noise or anything in the area. And it will generally dress up the area because it will get rid of the big large garage door that defaces the front of the building at the present time. We beg your indulgence on this matter."

PUBLIC HEARING - continued

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

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 7:58 P.M.

Supervisor Janoski: "The hearing is at 8:05 P.M. Let's continue with the resolutions."

RESOLUTIONS

#635

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: SPECIAL PERMIT APPLICATION OF PETER MASTROPOALO

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

WHEREAS, Peter Mastropoalo and Barney's Trailer Service, Inc. have submitted an application for a special permit pursuant to Chapter 108 of the Code of the Town of Riverhead to expand and redesign a previously approved mobile home park, and

WHEREAS, said application has been considered by the Environmental Quality Review Board of the Town of Riverhead and said Board has stated that an environmental impact statement should not be required, and

WHEREAS, the Planning Board by resolution has recommended approval of said application with restrictions, NOW, THEREFORE, be it

RESOLVED, that this Board, pursuant to the applicable statutes, laws and rules, does hereby find and declare that this action does not require the filing of an environmental impact statement, and does direct that the appropriate notice of said determination be served upon all other applicable jurisdictions, agencies, bodies and interested persons, and be it

FURTHER RESOLVED, that a public hearing on said application shall be held before this Board on November 3rd, 1982, and the Town Clerk is hereby ordered to publish and post the following Notice of Public Hearing.

RESOLUTIONS - continued

TOWN OF RIVERHEAD

PUBLIC NOTICE

PUBLIC HEARING ON APPLICATION OF PETER MASTROPOALO

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead on the 3rd day of November, 1982, at 7:45 o'clock in the evening at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all persons interested in the application of Peter Mastropoalo and Barney's Trailer Service, Inc., for a special permit, pursuant to Chapter 108, specifically pursuant to Sections 108-3, Special Permit, 108-51 and other applicable sections, to expand and redesign a previously approved mobile home park, situate to the westerly of Mill Road, north of County Road 58, south of Middle Road, in the Town of Riverhead, by constructing one hundred-fifty (150) mobile home spaces on fifty (50) acres. The exact location of the real property that is the subject of this application is more fully set forth in the application on file with the Town of Riverhead. Any person wishing further information on this application may examine the same and supporting papers on file with the Town Clerk, 200 Howell Avenue, Riverhead, New York, during regular business hours. All persons interested in giving testimony either for or against said application should appear at the above stated time and place and they will be heard.

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

The resolution was thereupon declared duly adopted.

#636 ACCEPTS RIVERHEAD FRESH WATER WETLANDS MAP PURSUANT TO SECTION 107-3 OF THE RIVERHEAD TOWN CODE

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

WHEREAS, a public hearing was held on the 17th day of August, 1982, with regard to the acceptance of the official map entitled, "Riverhead Freshwater Wetlands Inventory, Soils - Topography - Sample Sites - Field Observations and Riverhead Freshwater Wetlands Inventory, Vegetation - Land Use Ownership," and

WHEREAS, Section 107-3 of the Riverhead Town Code provides that the Town Board shall adopt by resolution the Riverhead Freshwater Wetlands Map to be referred to by such section of the Riverhead Town Code,

NOW, THEREFORE, be it

RESOLVED, that this Town Board does hereby accept,

RESOLUTIONS - continued

as Riverhead Freshwater Wetlands Inventory, Vegetation - Land Use Ownership", and numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 47, on 16, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, on 69, 68 on 69, 69 (two of each map.)

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

The resolution was thereupon declared duly adopted.

#637 APPOINTS TEMPORARY LABORER TO SANITATION DEPARTMENT

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

WHEREAS, a temporary vacancy exists at the Sanitary Landfill due to the vacation of an employee of that department, NOW, THEREFORE, be it

RESOLVED, that Owen P. McPartlin, Jr. be and is hereby appointed to the position of temporary laborer at the sanitary landfill for the period of October 21, 1982 through October 30, 1982 at the hourly rate of compensation of \$4.50.

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

The resolution was thereupon declared duly adopted.

#638 AUTHORIZES TOWN CLERK TO PUBLISH AND POST WANT AD
Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, two part-time positions are available as Security Guard at the Jamesport Community Center,

RESOLVED, that the Town Clerk be and hereby is authorized to publish and post the following Want Ad:

WANTED

The Town of Riverhead is now accepting applications for Part-Time Security Guard at the Jamesport Community Center. Applicants must be at least 18 years of age and able to work in the evenings. Applications will be accepted in the Accounting Office of the Town Hall. The Town of Riverhead is an Equal Opportunity Employer.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#639

APPOINTS LABORERS IN THE HIGHWAY DEPARTMENT

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

WHEREAS, two vacancies have been created in the Highway Department upon the retirements of John Leszczynski and John Condzella, and

WHEREAS, this Town Board wishes to maintain the strength of staff in the Highway Department, and

WHEREAS, this Town Board has advertised and interviewed all applicants,

NOW, THEREFORE, be it

RESOLVED, that Steve Punda, Jr. and John Kalba, Jr. are appointed as laborers for a probationary period of six (6) months at the salary of \$10,641.29, which is Group 3 Step P of the Salary Administration Schedule, effective immediately.

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

The resolution was thereupon declared duly adopted.

#640

AUTHORIZES OVERTIME FOR SANITATION DEPARTMENT
EMPLOYEE

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

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

James Baldelli-----10 hours @ \$10.4470
on October 11, 1982--- \$104.47

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

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Let the record show that the hour of 8:05 P.M. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:05 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall on Tuesday, October 19, 1982 at 8:05 P.M. to hear all interested persons regarding the special permit application of Long Island Lighting Company to renovate existing buildings and to install ten tent platforms for overnight facilities for employees.

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continued

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

Unidentified Speaker from the audience was inaudible.

Supervisor Janoski: "Yes, please. Please state your name and address for the record."

Charles M. Slevin, 6 Pinehill Court, Northport, New York; "Now what would like to know about?"

Supervisor Janoski: "Well this is, once again, your opportunity to make a case for your application to explain why it should be granted? What your intentions are at this site."

Charles Slevin: "What we intend to do as a result of employees requesting use of this land is put in some ten platforms, refurbish of the buildings that are in a state of deterioration due to roofs giving out on them and put a permanent year-round caretaker in one of those buildings to eliminate the vandalism we presently have to try and control. A certain amount of damage gets done as people come up from the beach. Youngsters, I assume, come up and knock holes in the wall, things of this source. So we want to put someone there on a year-round basis, permanent basis, a caretaker. And allow our employees on a limited basis to set up a tent, stay a maximum of a week and use the beach facility which requires that the stairs be refurbished. They were in a state of disrepair too. And, again leave.

I'ts experimental right now. We don't know if it's even going to be popular. There are several people that have called me, they know who I am and the fact that I'm involved in this and out of the 5,200 and some employees we have, I've only received about twenty calls. So we really don't even know if it's going to be as popular as we would like it to be. But we're going to make an effort as a result of union request to make this land useable because right now it is sitting there vacant and it is a very nice north shore piece of property right on the Sound. That's our intent."

Supervisor Janoski: "Okay, thank you. Does anyone else wish to address the Town Board? Hank."

PUBLIC HEARING - continued

Henry Fioto, 642 Northville Turnpike, Riverhead;
"Originally when I heard — when I found (a few of his words were incomprehensible) removal of the buildings and conversion, I thought they were making some basic changes. From what the gentleman just said up here, they're looking to set up is they're looking to set up a camp site. We're going to a whole different thing. And I don't think it was really — my way of thinking, I don't think it was really brought out this way that LILCO was willing to use the property up there to open another camp site. To me, I thought they were just using it for their own purposes and just going to use the building to remodel the building. This is a whole different situation and I think the Town should look into it a little bit more before they really — this could be a whole can of worms. This is not just LILCO looking to — like I say, take some of their buildings and use it for their business. They're going to make a recreation camp up there. And once they start with this thing, how far does it go? I mean, I could see if they turn around and say now they're going to put up four tents or five tents and this is the extent of it, but I would say if the Town Board does come up with something, I think they better turn around and come up with some restrictions.

Before we know, we're going to have — our parks right now are loaded in in the summertime and it could wind up, like he said, there's a lot of LILCO employees we could wind up there with a lot of traffic jams and a lot of other things once this thing starts up. I think it takes a little more than what was originally — just turn around and brought out when I first heard about this thing. I would say, I think the Town Board should really look into it a little more and probably have another hearing on it and get a little more input from LILCO on it. Cause I think this is an altogether, a whole different ball game from what I originally heard. I have no way of knowing. I don't think anybody here knows, I think it would be a lot more people here who would resent the idea of them opening the camp that's exactly what they're looking to. They're looking to open a camp out here. A camping facility for Lilco, for Lilco employees. I think it concerns all the people of Riverhead, and I don't it — the way it was laid out, or the original application the way it was applied for to me didn't say anything about that."

Supervisor Janoski: "Well Hank, I just want to say certainly the application clearly spells out what they had — what they are proposing. And the resolution calling the public hearing, which was published two weeks ago clearly stated and I know you were here — what they were proposing."

PUBLIC HEARING - continued

Henry Fioto: "Yeah, but they didn't say they were — they said they were going to put temporary tents up there, but they didn't go into the fact from what I understand that — they're looking to do up there now is make a camp site out of it. I was under the impression to me it wasn't until just now that they were going to do work up there and they wanted to put these temporary tents up there to do work on their buildings and so forth. Now what they're applying for to me is a regular camp site. And I think it should go in front of the Planning Board, the same as everything else. I don't think there should be any — I don't think they should be any better off than anybody else who has a piece of land who would like to open a camp site. I'm sure there's a lot of property up there, people love to open camp sites on."

Supervisor Janoski: "Hank it has gone before the Planning Board. Does anyone else wish to address — Bill."

Bill Nohejl, Wading River; "I agree with Hank to a certain extent. I also feel as though these gentlemen are being paid proper money. Now to come to the Shoreham Nuclear Power Plant, these people come from New York City, Jersey, Flushing, wherever, come and go back. And I feel as though there should not be any partiality, be able to — guys come out and put up tents and stay here and renovate. We're not in that kind of a situation that we have to put up tents to house people or Lilco, put up tents to house people. I feel as though they're getting paid properly. Let them do as everybody else does. Thank you."

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

Dick Benedict, Fanning Blvd. Riverhead; "I, too, had the same impression Hank did, that Lilco was going to have some temporary tents to house some employees and I attended Town Board Meetings also. And I'm opposed to the idea now because I don't think — first of all, ten tents, probably twenty cars and relatives and open fires and a lot of other things that the other Town residents can't get away with. I'm opposed to it. Thank you."

Supervisor Janoski: "Thank you. Is there anyone else who wishes to address the Town Board on this application? Yes Sir."

PUBLIC HEARING - continued

Unidentified Speaker from the audience: "I just wanted to point out . . ."

Supervisor Janoski: "You have to state your name."

Charlie Slevin, Long Island Lighting; "The name of the area, I believe is Camp Carey for some forty years. It has been a camp with boys coming out from the city, under-privileged children by the droves for forty years. All we want to do is let a few employees on a very controlled basis, use it only because they're Lighting Company employees. But nothing has changed. We haven't done anything with it in a way of a proposal that will infringe on the use. It's been receiving for the last forty years. The only reason I believe that it was closed, of course, we bought the property for the purpose of building a generating station and that hasn't come to pass.

The only reason that the camp was closed was because of that and, of course, the Herald Tribune is no longer functioning. So there's nothing unusual that's going to take place there. It's going to be lighting company people, their own families, no one else, no outsiders going down the private road that they own and leaving. If you're concerned about hundreds of people, it's not going to happen. We don't have the room for hundreds of people. There's only about thirty acres there that we're going to put to use. One caretaker and a men's and women's shower, so that people have a way of washing up. They're simply going to camp over night and leave, rather than let the land lie fallow, we're simply going to let some of our employees put it to use."

Supervisor Janoski: "Bill."

Bill Nohejl, Wading River; "I heard you say men and women's showers. Is this going to be men and women living there in the tents, their family coming out?"

Charlie Slevin: "No one is going to live there. It's going to be an overnight campsite. When you go to a state park, you stay overnight, correct?"

Bill Nohejl: "Umh huh."

PUBLIC HEARING - continued

Charlie Slevin: "Same thing. A man and his wife and his two or three children, whatever will go there and camp over night. No one lives there. They'll be only allowed to stay for a period of about five days, maximum. We anticipate most people will probably only stay one or two days. They're not going to live there. They're going to camp there. It's a recreational facility, that's all."

Bill Nohejl: "Gentlemen, I disagree with this."

Supervisor Janoski: "Thank you Bill. I'm going to have to recess this meeting — this hearing because the hour of 8:15 has arrived and we must move onto the next public hearing. I will return to it. The Town Clerk will please read a notice of public hearing."

Supervisor Janoski recessed the hearing on Lilco to hold the next public hearing scheduled at 8:15 P.M.

PUBLIC HEARING - 8:15 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall on Tuesday, October 19, 1982 at 8:15 P.M. to hear all interested persons regarding the special permit application of Flagg Corporation to construct condominiums at Baiting Hollow.

The affidavits were ordered to be placed on file.

Supervisor Janoski: "I see that the representative of the applicants have just arrived. Mr. McNulty are you going to open up the discussion of the special permit application for the condominiums? That's the first public hearing."

John McNulty, Lawfirm of McNulty, Gilmartin, Di Pietro, Nesci & Haefeli, Riverhead; "I represent the Riverhead Flagg Corp. as the applicant on this petition. Are you going to handle these as two separate items? All right. The petition requests two types of relief. One is to place the property in the recreational district and the other relief is a special permit to permit the use of the premises for three hundred condominiums, tavern, restaurant, retail store and health spa. I believe that this matter has been discussed on several occasions with you Mr. Supervisor and Members of the Board and Members of the Planning Board and the Board of Appeals. It's been the subject of several newspaper articles and it's been

PUBLIC HEARING - continuedJohn McNulty continues:

discussed quite a bit and I don't wish to delay matters or take up too much of the Board's time. We had a site — survey with a yield map prepared which shows that the site would yield three hundred units. The premises would be subject to approval by the Health Department that is the next step if we are successful here this evening.

I am here — I must state this, that Riverhead Flagg Corporation has contracted to sell the property subject to obtaining this approval. And it is not Riverhead Flagg Corporation that will be constructing the condominiums, but rather the contract vendees. They and their representatives are here and if the Board has any questions or if the audience has any questions, we'll try and answer them."

Supervisor Janoski: "I have an initial question. Who are the contract vendees?"

John McNulty: "The contract vendees are Neil Rego of Quogue, Frank Vianccini of California and J. Stanton Pohl, an attorney of Quogue."

Supervisor Janoski: "Mr. McNulty, I assume that you'll be present should anybody have any further questions during the course of this hearing."

John McNulty: "Absolutely."

Supervisor Janoski: "Thank you. Does anyone wish to address the Town Board on this matter? Bart."

Bart Morrison, Wading River; "A — probably a very naive question but, can anyone give us any idea what type of tax dollars we can realize out of this if this venture comes to fruition versus what we're receiving right now?"

Supervisor Janoski: "Two thousand a unit, initially."

Bart Morrison: "That's on three hundred units? And can anyone give us an idea what we're getting out of that area right now?"

PUBLIC HEARING - continued

Supervisor Janoski: "He knows because he's part of the group that pays the taxes."

John McNulty: "In excess of fifty thousand, I believe."

Bart Morrison: "And these units are supposed to go at what price?"

John McNulty: "Cost or . . ."

Bart Morrison: "Cost per unit, yes. Cost per unit."

John McNulty: "Construction cost or selling cost?"

Bart Morrison: "Selling cost."

John McNulty: (the first few words were inaudible). . . officially \$150,000."

Bart Morrison: "And we can assume that the type of — this won't be year round or will be year round or will be family type or how many kids will it bring into the school district?"

Supervisor Janoski: "Bart, wait a minute. Bart now please don't get mad at me Bart."

Bart Morrison: "I wouldn't get angry at you."

Supervisor Janoski: "You're violating the rules of a public hearing. Please address the Town Board, raise your question and I will see to it that they're answered."

Bart Morrison: "Okay. Does the Town Board know — know the types of — out of \$150,000 a unit which is not really outrageous in this day and age. You know I was lead to believe that it wouldn't affect the school district very much and \$150,000 isn't really much. So we couldn't . . ."

PUBLIC HEARING - continued

Supervisor Janoski: I — I think the Town Board would agree with this assessment. One, that it will be a private community requiring no services from the Town of Riverhead that it will produce very few children for the school district as a community and that it will in part be a summer residence for some of the owners. That's our assessment."

Bart Morrison: "That is the consensus of the members of the Town Board. Okay, thank you."

Supervisor Janoski: "Mr. Nohejl."

Bill Nohejl, Wading River; "I know that when you go to the Planning Board you have to have a map or some type of diagram showing what you're proposing. I've argued over the course of the years that an applicant should on public hearing divulge or show to the audience just what they propose doing. If they can do it to the Planning, I think that the general public should know the same principle. As of right now, we don't know anything.

Now I'm not against the condominiums. As long as it's done in an orderly and fashionable way. I feel as though that spot up there has long, long been neglected as a centerpiece for the Town of Riverhead. If properly done, it could be — look — it could be done a bright spot of Riverhead. And I also wish, you know that the surrounding area is strictly agricultural. One of the prime agricultural areas. I hope that this area that is proposed will be part of the area. Not saying look we're here now, stop the world, stop your agricultural practices. You adhere to what we want, not what has been here before.

Also, the Oakleigh Avenue drainage situation. It must definitely be taken into consideration there is always flooding on that road and if there isn't a sump put there, there is going to be a magnitude of problems for the area up there. Right now, there's times that you cannot get through Oakleigh to get to the golf course. I play golf at that golf course. I like it very much so. And I do hope that the Town Board does approve it with a firm control over what goes on up there. Thank you."

Supervisor Janoski: "Thank you Bill. There is roughly one minute left until the next public hearing. Yes Sir."

Benno Schoenborn, Baiting Hollow; "I have a number of questions to the Town Board."

PUBLIC HEARING - continued

Supervisor Janoski: "Would you just repeat your name? Perhaps Irene you need the spelling?"

Irene J. Pendzick: "Yes."

"Benno Schoenborn, Baiting Hollow."

Irene J. Pendzick: "Would you want to spell that please?"

"Benno S-c-h-o-e-n-b-o-r-n."

Irene J. Pendzick: Thank you."

Benno Schoenborn: "I have a number of questions to the Town Board. I think we have heard from the papers that something is going on that nothing discreet has ever been published. I would want to ask has an environmental impact statement been published?"

Supervisor Janoski: "Yes it has."

Benno Schoenborn: "Is the builder, for instance, required to set a bond for further damage to the bluff? As we all know, it's an extremely sensitive area and second I think what we heard before is it doesn't require any support from the Town. It certainly will acquire police patrols which are already insufficient now. The area generally from the past general sort of usage of Long Island has been Residential A which was about ten years from the Regional Planning Board and certainly if it is being changed, I think for a very small gain in tax rate in income for the Town, we do not know who the occupants would be. We don't really know how many additional school space will be needed. I think this has not been really discussed. Particularly, the time that was allocated, fifteen minutes for discussion is obviously not adequate. You can see to this point."

Supervisor Janoski: "Thank you. I must recess this public hearing. I will return to it. I must now open the public hearing which is scheduled at 8:25 P.M. Let the record indicate that the hour has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 8:25 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 19, 1982 at Riverhead Town Hall to hear all interested persons regarding the application of Flagg Corporation to have a change of zone from Residence C to the Recreational Use District.

The affidavits were ordered to be placed on file.

Supervisor Janoski: "Thank you. Mr. McNulty this public hearing deals with the change of zone."

John McNulty: "Mr. Supervisor, as you know and as the Members of the Town Board know, perhaps the public does not know, this application was the subject of an environmental impact statement which was prepared and rather lengthy. There were comments made by several agencies and replies. Finally the impact statement was accepted by this Town Board. The Planning Board reviewed the application and has recommended approval to the Town Board. I believe that the Suffolk County Planning Board indicated its approval of the project and I believe that partially every agency that we have been before has indicated approval of the project. The New York State Department of Environmental Conservation has issued its exempt certificate. We're exempt from their regulations after review of our proposal and the health and the surge in water supplies will be the subject of review by the Suffolk County Department of Health and as far as the actual siting of the structures on the premises that remains to be the further subject of a site plan review by the Planning Board if this Town Board approves the change. I urge the Board to favorably consider our petition. We feel that this is the type of industry that should be encouraged in our area, that it would develop tourism and this is the first type of project of this nature in the east end where you have a condominium golf course complex and we think it's a good thing and we urge your approval."

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

Henry Fioto, 642 Northville Turnpike; "I don't know — it seems to me it's very funny. Here we are. We're changing — on Sound Avenue we're changing some zoning from Industrial A to Agricultural A to try do Sound Avenue. Now we're changing down the same road, we're changing zoning from one back to something else again. We're going back and forth on the same street. I'm not opposed to the overall situation,

PUBLIC HEARING - continuedHenry Fioto continues:

the condominiums per se. I feel like you brought out before, it should be really looked into as the Town Board should also find out, not only the fact if they're going to build them, all the local industries receive anything out as far as building materials, local contractors and still overall as a package. I mean they're looking now to get something for us to tie up our Long Island Sound, not that much of its really left of it. Here these unit things are going for \$150,000 a piece.

Another thing I'd like to find out, how many acres is involved in this?"

Supervisor Janoski: "As I recall, and they will when they testify, correct me if I'm wrong, the three hundred units are scheduled to be sited on thirty-five acres of land."

Henry Fioto: "Thirty-five acres of land. But this was the only zoning in regard — the only change in the zoning on thirty five acres, or the overall zoning of the whole thing and then I guess — you see there's another situation. We're going back to a Catch 21. They're proposing thirty-five acres in total are involved in the overall — in this whole piece of property. A hundred and ninety-one acres."

Supervisor Janoski: "I'm sure the applicants — One hundred ninety-one acres."

Henry Fioto: "A hundred ninety one acres. Now don't forget we're changing zoning for one hundred ninety acres, not for thirty-five acres. And I think, there again, the Board should turn around at this time, if they're going to do something they should also to protect ourselves for the future. I might say if we're going to go along with the situation, maybe changing zoning on thirty five acres, let's not just give them a blanket petition on this whole one hundred ninety-one acres and then we've already eliminated the stepping stone on this whole thing. So I would say that number one, I would request that they change their application for the zoning for the thirty-one acres that they're actually going to use. And that's — that's not the whole hundred and ninety-one acres."

Supervisor Janoski: "All right. Thank you Hank. Stan, did you want to perhaps answer some of the things that have been raised so far, because I . . ."

PUBLIC HEARING - continued

Stanton Pohl: "To respond to different questions. . ."

Supervisor Janoski: "Well a number of issues have been raised. I think an understanding of the recreational zoning which is being considered would be a good explanation."

Stanton Pohl: "Well what we're talking about here is a concept known as cluster zoning. We've submitted to the Board a yield method which if we went along and developed the property according to conventional methods, we probably would be entitled to I think 304 or 305 houses, half acre houses on half acre lots. What we're doing is taking 157 acres and leaving it as a golf course forever in the perpetuity. We have submitted to the Town covenants and restrictions where it will remain that way. So all you're trying to do is preserve that parcel of land in perpetuity forever and ever. Your Town Attorney, of course, represents the Town of Riverhead as I have submitted the covenants to him and I think is satisfied the Town will be protected in leaving that area forever in its recreational state. We would then take what we would be entitled to build as far as the yield is concerned and put it on the 35 acres plus or minus on the bluff. I think that's basically the concept of cluster zoning. Concentrating density in a small area and preserve a lot of the land in its natural state."

Supervisor Janoski: "Thank you Stan."

(The tape ended and began with:)

Bill Nohejl: "...you. I want to ask him a question."

Supervisor Janoski: "He'll hear you."

Bill Nohejl: "Okay. I don't think you know the answer."

Supervisor Janoski: "I may."

Bill Nohejl: "All right. On the thirty five acres, what type of sewage disposal is going to be on it? Will it be cesspools or will it be a sewage plant to take the sewage on the three hundred condominiums on thirty five acres?"

PUBLIC HEARING - continued

Stanton Pohl: "We have retained the services of Holzmacher, McLendon and Murrell to develop a number of proposals which we have submitted to the Health Department. They are presently reviewing the proposals which we have submitted and you can rest assured that their requirements are certainly rigorous. We will comply with whatever their requirements are and I think that you have absolutely no question that the sewage proposal which is finally accepted by the Health Department will be adequate. One of the things that the Health Department has said and the reason why I think they're looking favorably upon this, because in that particular area the outflow is toward Long Island Sound. They like that idea, so a number of the proposals that have been submitted all deal with the outflow going into Long Island Sound."

Bill Nohejl: "What would the water supply be, private?"

Supervisor Janoski: "Say that . . ."

Bill Nohejl: "Water supply."

Stanton Pohl: "Once again, H2M, Holzmacher, McLendon and Murrell has submitted a number of proposals. Test wells have been drilled close to this site, not on the site. We are going to do a test well and drill down into the megathy which is some two hundred feet and we are told by H2M that there is plenty of adequate and sufficient water which can deliver to the site. We will, once again, be subject to the rigorous standards of the Health Department, put in whatever the wells are that are required and I think in this question it is up to the determination by the Town of Riverhead whether or not we would turn the systems over to the Town, incorporate it into the water district.

Once again, is a determination that has to be by the Town. But I think that the Town probably would want us to turn our water supply system over to the Town and incorporate it in the water district."

Bill Nohejl: "Are there going to be any condominiums on Oakleigh Avenue?"

Supervisor Janoski: "Bill, no, no. The site of development is a wooded area to the west, northwest of the present clubhouse. I do, as a matter of fact, have, I believe, a map on my desk and I will try to get that out here. All right. I must once again, I can't — I must recess this meeting and note for the record that the hour of 8:35 P.M. has arrived. The Town Clerk will please read a notice of public hearing."

At this time, Supervisor Janoski recessed the 8:25 public hearing to hold the next public hearing scheduled for 8:35 P.M.

PUBLIC HEARING - 8:35 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 19, 1982 at Riverhead Town Hall to hear all interested persons regarding the 1983 Town Budget and allocation for the Federal Revenue Sharing budget.

The affidavits were ordered to be placed on file.

Supervisor Janoski: "Thank you. In the front of the room is a graph which pictorially is the general town budget. The brown area represents the 1982 budget as adopted by the Town Board which amounted to a budget of 5.6 million dollars. The yellow area represents the 1983 budget as proposed at the present time which amounts to approximately 6 million dollars. The lower graph represents the 1983 appropriations increases, which total about \$408,000. There are different color areas in that section which denotes — denotes, I'm sorry, donate is a Freudian slip, I'm sure. Denotes the various increase in spending in four areas which would account — well let me go through these. The yellow area represents employee salary increases for the year 1983 which total \$285,000. The green area represents salaries of four present police officers where in this budget are being paid through federal revenue sharing funds. It is the philosophy of this Town Board that this should not be the case and that over a period of years, we have been removing them and this year we are removing four more and placing them in the general town budget. This amounts to an expenditure of \$120,000.

The orange area represents the increase in hospital insurance, provided for our employees. The increase in hospital protection is \$72,000. The blue area represents a new program by which the Town will start renovating its beaches and beach facilities and boat ramps. In order to do this over a period of years, in the first year which will be next year, we will expend some \$40,000 on that project. This totals \$517,000 which is in excess of \$100,000 above the increase in spending from last year.

I would invite any comment on the proposed budget that you might have at this time and, of course, the federal revenue sharing. Mr. Smith."

Harold Smith; "Mr. Supervisor, Members of the Town Board, and as President of not-for-profit council for the Vail-Leavitt Music Hall, Inc., I would like to repeat a suggestion made at an earlier Town Board Meeting that \$10,000 in federal revenue sharing funds be allocated to the Vail-Leavitt Music

PUBLIC HEARING - continuedHarold Smith continues:

Hall restoration project now underway. Completion of music hall's first phase, the temporary mini-cine has been established by the Don Denis office as costing about \$18,000. Of this amount, we have already approximately raised \$8,000 in grants contributing membership donations, Country Fair revenue and in kind contributions. An appeal for professionals to volunteer such as plumbing and electricity has produced an offer to do the plumbing for mini-cine. We still need to correct our fire exit violations, to install our fire protection apparatus and to build partitions in our lounge area. Other wise, mini-cine is almost complete.

If we were to finish remaining work before our new projected opening date some time after the first of the year, some assistance from the Town is vital to our efforts. Music Hall with its colorful history and its connection with Thomas A. Edison, is too good a project not to be eventually realized. Adequate funding at an early date will bring about an earlier completion of the theatre which would give employment to local workers and which could have a vital beneficial effect on tourism and on downtown Riverhead. That is why we hope the Town sees fit to aid us financially at this time. Thank you."

Supervisor Janoski: "Thank you Harold."

Councilman Prusinowski: "Joe."

Supervisor Janoski: "Yes."

Councilman Prusinowski: "Before, Bill Nohejl asked me this question for the last three years. our street lighting tax rate because we took over the operation of the street lighting will decrease this year approximately 8.48%. So our tax rate for the street lighting district will decrease. And the appropriations do not increase at all. So through savings in the lighting fixtures and doing the thing ourselves instead of contract out, we're actually starting to do the other way."

Bill Nohejl from the audience was inaudible.

Councilman Prusinowski: "Well whatever and the overall tax rate will only increase 6.33% which, I believe our news department has told me is the lowest increase of any Town budget in Suffolk County. So the Town of Riverhead has the lowest tax increase of any town budget in Suffolk County. And I hear

PUBLIC HEARING - continuedCouncilman Prusinowski continues:

like Huntington Town is 17%, Southold, Southampton. So 6.33% . . ."

Councilman Lombardi: "That's because you still got a Democrat on the Board."

Supervisor Janoski: "what'd you say, 6.33?"

Councilman Prusinowski: "Yes."

Supervisor Janoski: "It's four."

Councilman Prusinowski: "Oh, I'm sorry. I got the wrong — 4%."

Supervisor Janoski: "Well maybe, if they'll buy six."

Councilman Prusinowski: "Four percent increase. I'm sorry."

Supervisor Janoski: "4.83. Thank you."

Councilman Prusinowski: "I'm reading the wrong figure."

Supervisor Janoski: "Bill it takes a tough man to produce those vegetables, huh? Does anyone else wish to address the Town Board? Bart."

Bart Morrison, Wading River: "I just can't resist the temptation. I want to say that six million dollars is and I don't mean this sarcastically, is really laughable. When you consider that the school budget in Riverhead is three times the size of that, close to eighteen million dollars. So no one in this room should really be very concerned about the six million for the Town Government is generally applied pretty well by the gentlemen that are sitting up there. The only time I would ask is that you might consider some of the federal funds to work on some of the private roads in Jamesport and Wading River and Calverton in some of the areas that they can possibly be applied in that area. Thank you."

PUBLIC HEARING - continued

Supervisor Janoski: "The HUD Block Grant which the fiscal year — financial year this starts this month in October, has allocated \$105,000 for stragety areas in the Wading River area as well as other places in Town dealing with private roads. I have probably about a half a minute, if anybody wants to say something. Dick Benedict."

Dick Benedict, Fanning Blvd.: "Last year, I think I made a tactical error in not having our area declared a stragety area. Okay, you remember very distinctly at a Town Board Meeting that another group fighting for the same thing was somehow designated strategy area. I would like to include Fanning Blvd. since you've already got the deed. Thank you."

Supervisor Janoski: "Thank you Dick. Is there anyone else who wishes to address the Town Board on the issue of the budget or federal revenue sharing. That being the case, the hearing is declared closed."

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

Supervisor Janoski: "Let the record show that the hour of 8:45 has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 8:45 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 19, 1982 at Riverhead Town Hall, to hear all interested persons with regard to exercising local law option pursuant to Article 9-2 of the General Municipal Law for the conduct of Games of Chance.

The affidavits were ordered to be placed on file.

Supervisor Janoski: "Thank you. Does anyone wish to address the Town Board on the matter of games of chance? Oh yes, I'm sorry. Mr. Town Attorney, would you explain what this involves."

PUBLIC HEARING - continued

Richard Ehlers, Town Attorney; "The General Municipal Law provides that a Town or any other municipality may exercise a local option to permit certain games of chance within the municipality. In our case, there are no villages within the Town so this would be a town-wide ordinance. Basically, it's divided into two processes. The licensing of the actual parties that would conduct the games includes the fire departments, the philanthropic organizations within the community that would be permitted to conduct such games and they apply for licenses.

The second portion of the ordinance would deal with the licensing of those places where games of chance would be conducted. Those places must also be private, excuse me not-for-profit eleemosynary institutions. What has been done in the drafting of this proposed local law is to take from Article 9A of the General Municipal Law its requirements. The Town cannot expand on the states requirements. There can be no more than five non-merchandise wheel games and the Town can do nothing about that. It could diminish the number, but it could not increase the number. The number of merchandise wheels is not controlled. The maximum pay out of a merchandise wheel is limited to \$1,000 per night. That's in the general municipal law. The maximum pay out on any other game is limited to \$200 per night.

This local law is then subject to a mandatory referendum. That means that if the Town Board choses to adopt the local law as a result of this hearing, it is then placed on the ballot for the consideration of the electorate. And if passed, only if passed by the electorate does it them become a law of the Town of Riverhead. I believe this came up back in 1977, and there was, in fact, a referendum. Since that time, the General Municipal Law has been amended to remove many of what my research has indicated were two objections at that time. One of which being no more than \$1,000 could be awarded that night and it required people to wait till the end of the evening.

This ordinance as it's modelled after the General Municipal Law, will not have that requirement in it. It does have the requirement that the institutions that participate must be not-for-profit. It delineates very carefully what those institutions are and there are reporting requirements withing seven days to the Town Clerk's Office of the proceeds from the event and a requirement that the New York State Wagering Board oversees all fund raising activities engaged in through this method."

Supervisor Janoski: "Thank you Mr. Town Attorney. Is there anyone present who wishes to address the Town Board on this problem? Jessie."

Jessie Tomlinson, Wading River; "Is this a Las Vegas Night type ordinance?"

PUBLIC HEARING - continued

Supervisor Janoski: "It has been called that, yes."

Jessie Tomlinson: "So in other words, there would be blackjack and crap tables and things like that?"

Supervisor Janoski: "I'm not familiar with the particular games of chances. My Town Attorney . . ."

Richard Ehlers: "You can't have a game of chance where the probability of one person winning is against another's persons winning. The probability must be against the house for a prize."

Jessie Tomlinson: "Well that would be a crap table blackjack, right?"

Richard Ehlers: "Right. Now that's one of the permitted types of games. If the Board wanted to prohibit that type of game, that could be written into our ordinance. But we cannot expand on what's permitted."

Jessie Tomlinson: "What precipitated this public hearing, I really am kind of surprised about it. In other words since the Town defeated this referendum in 1977 why is it came again."

Richard Ehlers: "Well I was requested to research into what has happened back then and what I was able to determine is that the opposition was in two major areas. One, that people did not approve of this type of behavior, generally, and the other being that the previous state law which granted the option had many restrictions and encumbrances. One of which was that a local — not-for-profit organization couldn't have its own tables, couldn't make its own equipment. It would have to buy this equipment from some assumed gangster organization. That's no longer true. In the change that was passed subsequent to the defeat of the local law here in Town.

So the individual organizations can purchase dice and cards, can build their own wheels of fortune, as they wish. They just can't loan them to anyone else without approval of the New York State Wagering Board."

Jessie Tomlinson: "So they can't lease the — a — tables that are necessary for the crap tables and the blackjack?"

PUBLIC HEARING - continued

Richard Ehlers: "Only — only with the permission of the New York State Wagering Board."

Jessie Tomlinson: "How do they get that permission?"

Richard Ehlers: "They make an application. You know, it's — they have a reem of rules. I mean these are the same people that control horse racing and what not. So you can bet they have a reem of rules to get that permission. I think it would be beyond the scope realistically of any of the organizations here to have their tables tested to determine whether or not they could belong to another organization."

Jessie Tomlinson: "With Bingo in this Town there has to be a Bingo Inspector who evidentially polices the various churches or wherever they have Bingo. Does it mean in this particular case, would there be another position then for somebody to police these areas that have the Las Vegas Nights or Games of Chance or whatever you want to call them?"

Richard Ehlers: "There is no requirement in the Town, in the General Municipal Law that anyone police on a daily basis. There is a requirement and this local law does designate the Chief of Police as the officer whose function is to regulate. So if there is a violation it becomes the Chief's duty to notify the New York State Wagering Board and whatever criminal sanctions under the penal law would be involved indeed, also be the person to prosecute."

The Town could create such a position. There would be not prohibition from that, but the act does not require a Town to create the position which is the case with the current Bingo. This act does not effect what's known as Bingo or Lotto or the Enumerator Penal Law violations of Poker. Poker, being an example of where one player plays against another player for a pot."

Jessie Tomlinson: "Would those games be in churches, for example? Like in St. John's in Wading River in the Bingo Hall? Or would this be more of a summertime kind of thing, you know, like with the fairs and bazaars and things like that?"

Richard Ehlers: "There's a limit on the number of occasions any institution can use this method. So you wouldn't have the possibility, I believe it's fourteen days per year is the limit. Although I'm just remembering that. And the Church

PUBLIC HEARING - continuedRichard Ehlers continues:

could if they wish to since they are not-for-profit and derive more than 75% of their income from non-gambling, hopefully, related activities. They would quality if they wish to, nobody would require them to do so. That would certainly be their choice."

Jessie Tomlinson: "Okay, thank you very much."

Supervisor Janoski: "Thank you. Does anyone else wish to address the Town Board on the consideration of the games of chance? Mr. Kasperovich."

William Kasperovich, 15st Street, Wading River; "I think the lady's question as to what brought this forth as this point was rather evasive. To ask the Town Attorney — Town Attorney to look into matters as to bring us up to date is not really a proper answer. We have five gentlemen administrating the life of the people."

Supervisor Janoski: "Bill what brought this . . ."

William Kasperovich: "In this Township and . . ."

Supervisor Janoski: "Do you want an answer Bill to that particular question. Quite honestly, there are some institutions and organizations in this Town which seek to raise revenue to support the institution organization which is interested in pursuing this. It seems like a reasonable request to look into the possibility — the changes which have taken place in the law and to consider this before the Town Board and before a public hearing, knowing full well that the people of the Town in a referendum must approve the adoption of this availability of a system, excuse me, of raising revenues."

William Kasperovich: "Well this is exactly the same thing that occured in '77. But now we have you five gentlemen sitting there and I think the public should know which one of you or which group of you are pushing this thing and which group is opposed to it. The Churches and the organizations that were for this in '77 are still for it and the ones that are against it are still against it. I mean are we calling it by different names with different perimeters or limitations, but it's still gambling. But are you gambling against the house or you're

PUBLIC HEARING - continuedWilliam Kasperovich continues:

gambling against any individual, it is still gambling. And from what I see going on in the areas around us that permit this, it is not run by the so-called charitable or non-profit organizations.

Certainly I got to exclude the Churches, for I accept them for what they stand for. But this is still gambling and it is still done by parties outside of the membership of these non-profit organizations. And seeing what happens else where, I don't want to see it happen in Riverhead. The fact that it brings some revenue to these people might be very well and good, but at the same time in the same sense of position in life that permitting the drinking of alcohol cannot in any way hide the tremendous problem of alcoholism in the Country. The permission of smoking cigarettes and even the saying on each individual package that it is dangerous to the health is not in anyway reduce the amount of cancer that is in the Country, and so on down the list.

No, we stand in a little different light in this Riverhead Township. Let the good people stand up to be counted against gambling by whatever name. And our organizations are not lacking in funds. They are not capitulating because of the lack of funds. We can all use more money that goes from the day one. But to use this as a reason to permit gambling, no. And I say something of this nature should reach out more to the people to get more of a response, prior to a referendum such that the voice of the people can and should be heard."

Supervisor Janoski: "Thank you Bill. You ended just on your five minutes. Does anyone else wish to be address the Town Board on this matter? Chief. Ex-Chief."

James Kane, Main Road, Aquebogue; "I represent the Jamesport Firemen's Association and we are probably one of the organizations that probably instituted this permit hearing tonight. Back in '77 when Allen Smith was Supervisor, we went — well I should say before that, of course, that we all knew that there were wheels at the carnivals and stuff like that. And back again to answer this gentleman's question about that, it was brought up in '77 was that referendum was brought up, there were certain rules and regulations that had to be followed and since then has been changed. Our organization does rely on outside fund raising, not letters to the residents, but to running a carnival, a cocktail party and along those lines due to the number of residents in our district.

We feel that now with the laws the way that it's been changed, we feel that maybe it is time to take a look at it again with a clear mind and that we would be permitted to run the carnival as we knew it years ago. I'm not saying that we are not having any intention of running Las Vegas Nights, we

PUBLIC HEARING - continuedJames Kane continues:

don't have any intention of bringing outside people in to run it for us. We don't have any intention to rent any equipment from them. All we want to do is run it the way it has been in the past when it was legal. To run our wheels and the wheels that we have or so on and so forth, so we could, in other words, that we don't want any outside help or bring in any subversive people that would be detrimental to the community. We just feel that we would like to have this brought up on the ballot and we are definitely in favor of it. Thank you."

Supervisor Janoski: "Thank you. Does anyone else wish to — Mr. Schneider."

Norman Schneider: "Mr. Supervisor, Members of the Town Board, I'm Norman Schneider from Herricks Lane in Jamesport. I'm the Secretary of the Loyal Order of Moose in Riverhead. At the present time, we have some 4,000 members. We are whole heartedly in favor of the Town Board allowing this referendum to go to the public for a vote. We support it, because as you know, our costs keep rising and, unfortunately, the paternal organizations in the State of New York are not as fortunate as New Jersey where they are tax exempt from property taxes and I'm sure you realize that our organization pays a great deal of taxes in this Town and we really need a source of income to help us along. And I thoroughly ask that the Town Board use their judgment in putting this to a referendum so that the public can speak and then we'll find out just who's for it and who's against it. Thank you."

Supervisor Janoski: "Is there anyone else present who wishes — yes."

Leonard McCassidy, Jamesport: "Just to kind of go along with what's been said, I also and am a member of the Jamesport Volunteer Fire Department. And for many years in the past before it was voted down by the people of the Town of Riverhead, Jamesport always had games of chance so to speak. There was never any problems. And election year, I believe was 1977, it was voted down and I believe to this date that the Town of Riverhead is the only Town, I believe in the County of Suffolk where these games of (the tape ended)(the tape began with) the — I believe the Riverhead Fire Department goes strictly on door to door campaigns. They felt it was beyond their capability or what they wanted to do to raise money. We have a lot of hard working people, I, as one, not to give myself any credit, I was on the bazaar committee for the last year and when we were not allowed to have the games of chance, we had to really scrape bottom to make money for us to work on for the other so-called fifty-one weeks out of the year for our association

PUBLIC HEARING - continuedLeonard McCassidy continues:

to use money to help people and for ourself. So I would just like to say right now that I am totally in favor of this and we just kind of like to, you know, do something for ourselves and that's it. Thank you."

Supervisor Janoski: "Is there anyone else that wishes to address the Town Board on the issue? Jessie, you're going to have to wait until I see if anybody else wishes to speak. Did I see your hand up here? Okay, Jessie, I guess it's yours."

Jessie Tomlinson, Wading River: "I certainly have no problem with the Jamesport Firemen's Association or the Moose Lodge being interested in another referendum on this issue. I certainly feel that they would be above board and I'm sure that they had very good intentions. I do think it's rather sad that as a source of revenue they want to encourage gambling which I think is pretty well established can be a sickness. I would suggest that the gentlemen on the Town Board do as I did when I was on the Town Board and that is to visit various areas that have Las Vegas Nights and see what goes on. I know there's a difference supposedly in the pay off now, and that may be. It's a little more difficult to get the so-called gambling element involved, but I think many of the operations are shady at best. And I think that you also ought to take a visit, take a trip to OTB in Riverhead.

Now there is a State sponsored legalized gambling and I think it's — would be wise to just see what goes on in a place like that. The state wanted off-track betting for, I believe, school revenue or whatever the original purpose was. I don't think it's made any difference on school taxes. They've gone up. And I don't think encouraging this form of activity in — for good purposes is really what this Town should be all about. And I didn't know that we were the only Town that didn't permit this, but I'm kind of proud of that then. So if people want the referendum, okay. Let's see what happens and those that are for it, work for it and those that are against it, but I really think that you should pay attention to what gambling is all about in the real world. Not in the Jamesport Firemen's Association or the Moose Lodge."

Supervisor Janoski: "Jessie in all that you said, are you taking a position in favor of or opposed to what we're considering here tonight?"

PUBLIC HEARING - continued

Jessie Tomlinson: "I am not taking a position as opposing the referendum. Because I think that's — if that's what people want and if you gentlemen decide to place it on the ballot, then that's fine. That's what government's all about. But I have taken a position and I did in 1977 and I still do today. I am opposed to this sort of an ordinance in the Town of Riverhead."

Supervisor Janoski: "Thank you. Is there anyone present — else present who wishes to address the Town Board on the issue of games of chance? 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 9:08 P.M.

Supervisor Janoski: "We are going to recess the meeting until twenty after the hour. We're going to take a ten minute break."

Supervisor Janoski recessed the meeting for ten minutes after which the meeting resumed.

Supervisor Janoski: "The meeting will return to order. We will now return to those public hearings which were recessed. The first one is the special permit application of Lilco. I don't recall who wanted to be recognized as we were closing that. Is that Bart? Bart. Bart Morrison."

Supervisor Janoski re-opened the public hearing on LILCO.

Bart Morrison, Wading River; "Just in the short time that this Town Board Meetings been going on, I've been thinking on this Lilco thing. And realizing that Lilco has been very generous with us in Wading River and given us so much, a great cost saving plan over there and also had offered to push a ferry terminal out of there for us to get us off the island, I thought that — I'd be all in favor of the special permit for Lilco here in the Town of Riverhead on that piece of property over there. If they would be willing to put a

PUBLIC HEARING - continuedBart Morrison continues:

covenant in — that would be acceptable to the Town Attorney. Making that piece of property in that camp accessible to all the residents of Riverhead Town as a recreational area and that might take the burden off some of our public beaches — Riverhead beaches, and, for course, if they would assume all costs also, I think it would be a great idea. And I'd be very much in favor of that if we could get them to open up this piece of property for all the residents of Riverhead Town as a recreational facility. Thank you."

Supervisor Janoski: "Thank you. Is there anyone else who wishes to address the Town Board on the matter of Lilco's application? That being the case, I declare that hearing closed."

No one else wishing to be heard, and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 9:27 P.M.

Supervisor Janoski: "We will now re-open the hearing on the special permit application of Riverhead Flagg Corporation for condominiums. Mr. McNulty."

John McNulty: "Mr. Supervisor, I have pulled out a couple of maps that I brought with me, which I believe has been submitted to this Board on prior public hearings and which are in the file in the Town Clerk — which could have been reviewed at the public hearing on the environmental impact statement. But if I may, this map which was drawn by Alden Young and Howie Young shows the yield if this property were developed under the present zoning. It shows a yield of 304 or 305 units. I also have a aerial survey of the property as well as the sketch of Holzmacher, McLendon & Murrell showing the location — the approximate location of the units and or the supply. The Board will note that the property runs from Sound Avenue northward to the Long Island Sound and it is proposed to build the condominium units north of the existing club house which is shown at the bottom of this map.

The reason for the change of zone is to place all of this property in the one district and then by covenant, restrict the building on the property to the Sound bluff retaining the balance of the property running south from the crest to Sound Avenue as forever wild or forever open in green belt and as a golf course. I would like to reiterate to the Town Board that the Board of Directors of the Riverhead Flagg Corporation attempted to sell this golf course to the County of Suffolk.

PUBLIC HEARING - continuedJohn McNulty continues:

But they were no takers. We also attempted to sell it to the Town of Riverhead and there was no takers. Everyone was interested in preserving the golf course, and this apparently is the only viable means by which the golf course can be preserved as an asset of the Town. If the Board has any questions, I'll be happy to try and answer them."

Supervisor Janoski: "Thank you."

Unidentified Speaker: "Just one point. I had a number of questions asked of me. The units would probably be two bedroom units. No more than that."

Supervisor Janoski: "Thank you. Hank."

Henry Fioto, 642 Northville Tpke, Riverhead; "You know it's nice to see this — I'm not opposed to the condominiums per se, in a clustered group. You know it's very nice to show we can do this whole thing under the present zoning. Like we have this whip we can give you anyhow. I mean, I would like to ask the Board to ask them how much would the additional cost be by the time they put in roads that have to be approved by the Town, drainage to be approved by the Town, curbing to be approved by the Town and develop all this land. So I mean this part here does not impress me and I don't feel it impresses part of the people. I'm not opposed to the condominiums itself, I think it's a good idea. I'm not opposed to it. I feel that — I just don't understand why in a cluster — the way they have it here. I don't understand why we're opening the door like I said before, it might be part of the other hearing. If they have thirty-five acres, they're going to build on let's zone thirty-five or fifty acres, change the zoning on that, not the overall whole two hundred ten acres."

Richard Ehlers, Town Attorney; "The current zoning, if it's amended to be the recreational use district, the concept of the recreational use district includes the tennis courts, the golf course, the other amenities that they outline in their application by rezoning the whole area as recreational and obtaining the covenants to cover the use of the non-built upon property. We will preserve, hopefully, as best if anything can be preserved legally, the open space, if that's what the Town Board desires to do. By excluding that extra portion of property from the rezoning, it would still be available for the building as shown on the potential yield map. So that you could have the situation where they would build a condominium on the thirty-five

PUBLIC HEARING - continuedRichard Ehlers continues:

acres and a subsequent person could come along and place two hundred homes on the remaining golf course property. By rezoning the entire parcel, we eliminate that possibility, by obtaining the correct covenants.

Now, obviously these covenants as Mr. Pohl indicated, have to be reviewed and we're in the process of reviewing them. We're going to try, if the Board so desires to approve this to tie down the use of the entire property in such a way that it will never be built upon. One good way to add to the covenants is to include that in the rezoning. So it can't be broken out at a later time. So I don't . . ."

Henry Fioto: "All right. I understand what you're talking about. There was a gentleman out here many years ago. They called Mr. L.Y. Robinson. Mr. Robinson took certain areas, what they call a restricted deed. Now, I can see basically the same thing. And there's no way if it went with the Town Board or any other thing from what I see can help zone or down zone any basic piece of property over the period of time. Now, by having it, if they turn around, if they're going to do this and the rest of this property then becomes a restricted deed, it would have to be left in the wild or as it is for the next twenty-five or fifty years. The Town Board, or no Zoning Board or nobody else can change it.

Now, I mean Ostrander Avenue, for arguments sake, was zoned — was made that way. When you bought a house before zoning anything else, from what I — you bought a house, L. Y. Robinson, you couldn't have pigs, you couldn't have any chickens, you couldn't have any ducks, you couldn't do this, you couldn't do that. The house had to be a certain thing. And is what you bought when you went in there. And you were protected for twenty-five years. I mean nobody could do anything on that land the way it was because that's what the deed called for. And to me, I could see zoning. To me it cannot be changed. No future board at some time can change this covenant and say well we're going to grant them another ten acres to build on, more condominiums or something else."

Richard Ehlers: "They would risk a lawsuit by the joining property owners at that point. See there's two questions. The Town Law provides in the zoning section that you can have a zoning ordinance and that you can require the recording of restrictive covenants. So there is a legal basis for the restrictive covenants. That is also built upon the common rule that a neighbor may be able to enforce a restrictive covenant in a deed since you might buy the piece property next door relying on those covenants."

PUBLIC HEARING - continued

Henry Fioto: "Yeah, but by the same token, you're talking about a multi-million dollar deal over here and the guy owns a piece of property probably makes \$20,000 a year. And he's got as much chance to turn around and take a multi-million dollar corporation to court and win as a guy down the street."

Richard Ehlers: "The suit would be . . ."

Henry Fioto: "So you're better off, huh. . ."

Richard Ehlers: "The suit would be against the Town."

Henry Fioto: "It's the same thing. You're still fighting to see if anything — the idea you're going against the Town Board. Why can't they restrict — have a restricted deed on the rest of it and there's no way they can change it."

Richard Ehlers: "There is going to be a restrictive deed if the Town Board were to approve the application."

Henry Fioto: "Well that's — that's a . . ."

Richard Ehlers: "There'd be a restrictive deed and there would also be the change of the zone. But the change of the zone re-enforces the restrictions on the deed."

Henry Fioto: "That's what I want to make sure that's part of this thing. I say I'm not opposed to the condominiums per se, I just don't want to see us get into something and then we can't get out of it. Thank you."

Supervisor Janoski: "Thank you Hank. Does anyone else wish to address the Town Board on the matter of the application to construct condominiums? That being the case, I declare that hearing closed."

No one else wishing to be heard and on communications having been received thereto, Supervisor Janoski declared the hearing closed at 9:36 P.M.

Supervisor Janoski: "I will now re-open the public hearing on the request for a zone change for Flagg Country Club condominiums. Does anyone wish to address the Town Board on the matter of the zone change? Yes Sir."

Benno Schoenborn, Baiting Hollow; "I request that the zoning be delayed until all the necessary approvals like sewage approval have been obtained from the various agency and that notices being given to the people in the area of the impact statement which I hear has been submitted which we had no idea was even done. I think this whole hearing was sort of brought up without proper notice to the people in the area of Baiting Hollow."

Supervisor Janoski: "Well Sir, if we do publish notices of public hearings in the official paper of the Town of Riverhead which is the News Review. There have been many articles written about this proposal. I don't know what we could do in addition to what has been done to notify the public of what is happening here."

Benno Schoenborn: "Isn't it customary to post notices in the area where zoning is required, a zoning change?"

Richard Ehlers: "No. The environmental impact statement was the subject to a thirty-day waiting period. There was a publication when it was additionally proposed. There was an additional publication when it was accepted. It's on file in the Town Clerk's Office and you can have a copy of it. You can come by tomorrow and get one if you'd like one. The posting of notice is for a building permit not for a change of zone."

Benno Schoenborn: "Okay, thank you."

Supervisor Janoski: "Thank you. Does anyone else present wish to address the Town Board on the issue of the zone change for the Flagg proposal? That being the case I declare that hearing closed."

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 9:38 P.M.

Supervisor Janoski: "Now we will resume the resolutions."

#641 RESOLUTIONS
 TRANSFER OF FUNDS
 Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.
 RESOLVED, that the Supervisor be, and hereby is, authorized to transfer the following General Town Accounts:

		<u>FROM</u>	<u>TO</u>
A1620.200	Shared Services Equip.	\$5,500.00	
A1330.205	Tax Receiver-Office Furniture	200.00	
A3120.416	Police Traffic Tickets	500.00	
A7620.405	Recreation Rentals	200.00	
A1010.450	Town Board Surveys & House Numbers		\$5,500.00
A1330.204	Tax Receiver-Office Equipment		200.00
A7620.402	Radio Maintenance		500.00
A7620.402	Recreation Buses		200.00

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

#642 AUTHORIZED PUBLICATION FOR BIDS RE: KAY ROAD RECHARGE BASIN
 Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.
 RESOLVED, that the Town Clerk be and hereby is authorized to publish and post the following notice for bids:

NOTICE TO BIDDERS

Sealed proposals for KAY ROAD RECHARGE BASIN 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 November 4, 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.

RESOLUTIONS - continued

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

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

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

The resolution was thereupon declared duly adopted.

#643

TRANSFER OF FUNDS

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

RESOLVED, that the Supervisor be and hereby is, authorized to transfer the following for Highway - Item #4:

		<u>FROM</u>	<u>TO</u>
DS0599	Fund Balance	\$20,000.00	
DS5140.460	Trees	\$ 2,000.00	
DS5142.110	Employee Overtime		\$12,000.00
DS5142.120	Temporary Employees		\$ 8,000.00
DS5140.470	Uniforms		\$ 2,000.00

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

The resolution was thereupon declared duly adopted.

#644

CHANGE OF ZONE FROM INDUSTRIAL A TO AGRICULTURE A,
SOUND AVENUE

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

WHEREAS, this Town Board did conduct a public hearing on the 5th day of October, 1982, wherein all those persons wishing to be heard were heard, and

WHEREAS, this Town Board has given this matter due consideration,

NOW, THEREFORE, be it

RESOLVED, that this Town Board does hereby change the zoning on Sound Avenue from Industrial A to Agriculture A, which portion includes that property abutting Sound Avenue extending 500 feet to the north and 500 feet to the south, being bounded on the easterly portion 800 feet east from the intersection of Church Lane and Sound Avenue and on the westerly boundary 800 feet each of the intersection of Penny's Road and Sound Avenue, and be it

RESOLUTIONS - continued

FURTHER RESOLVED, that the Town Clerk shall publish and post this resolution as follows:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, New York, at a regular meeting thereof, held at the Town Hall, 200 Howell Avenue, Riverhead, New York, on the 19th day of October, 1982, duly adopted a resolution as follows:

and be it

FURTHER RESOLVED, that the Town Clerk is authorized to amend the official zoning map maintained in her office to reflect this change.

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

The resolution was thereupon declared duly adopted.

#645

DETERMINES HEARING EXEMPTION REQUIREMENTS MET
REGARDING SCAVENGER WASTE LAND ACQUISITION

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

WHEREAS, the Town of Riverhead in conjunction with the Town of Southampton has determined to construct a scavenger waste treatment facility adjoining to the Riverhead Sewage Treatment Plant located on Riverside Drive, Riverhead, New York, and

WHEREAS, the scavenger waste treatment plant construction requires the acquisition of the real property adjoining the Riverhead Sewage Treatment Plant to the west as more particularly described in the attached survey prepared by Holzmacher, McLendon, and Murrell, P.C., and

WHEREAS, section 206 of the Eminent Domain Procedure Law provides an exemption from the public hearing requirements under certain enumerated conditions,

NOW, THEREFORE, be it

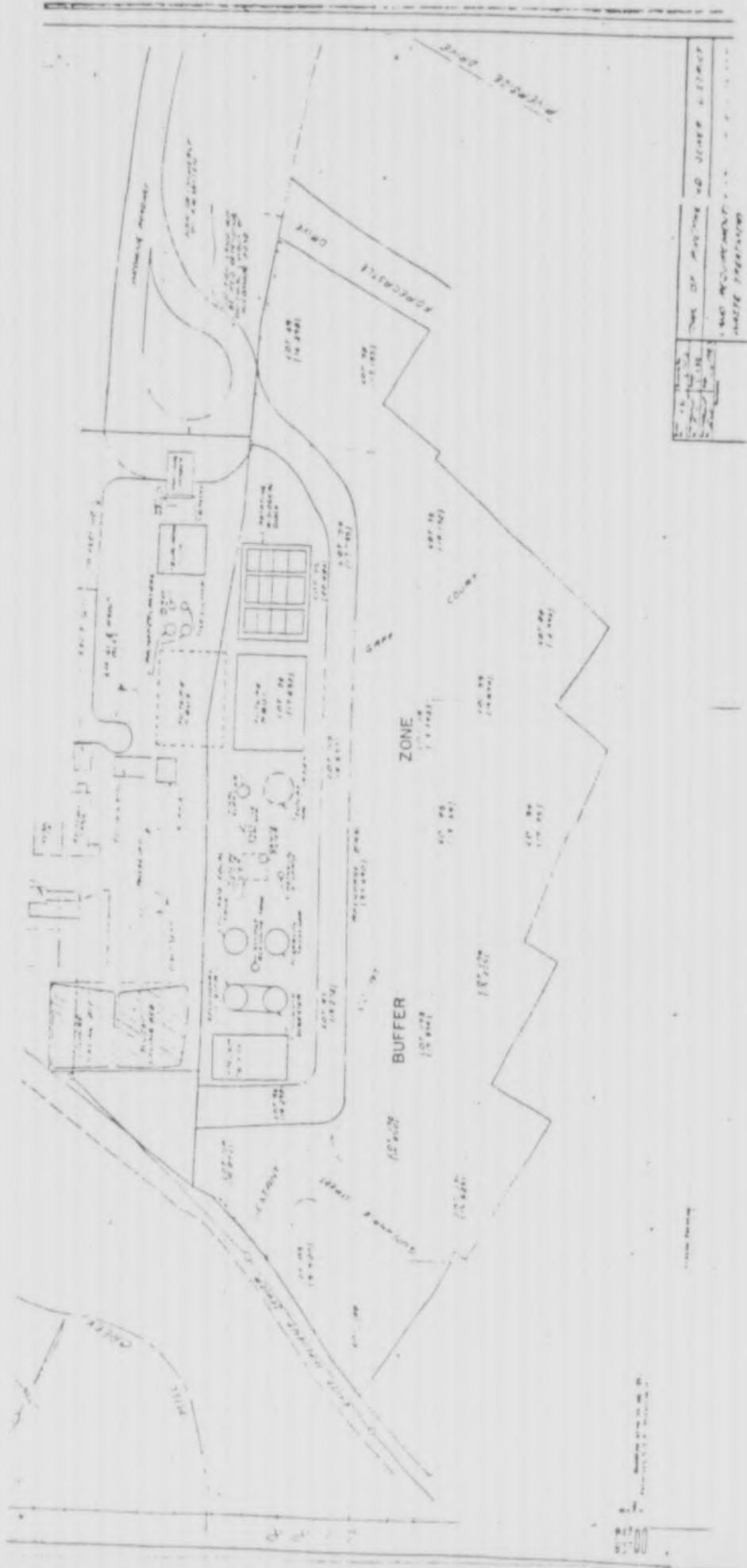
RESOLVED, that based upon the prior public hearings held regarding the creation of the scavenger waste improvement district, the authorization of the bonded indebtedness for the scavenger waste treatment facility, and the application process for State and Federal funding, it is determined:

THAT the construction of the scavenger waste treatment facility will serve a public purpose;

THAT that location as shown on the attached survey has been approved by the Environmental Protection Administration and the New York State Department of Environmental Control as the best location based on its proximity to the Riverhead Sewage Treatment Plant;

THAT the New York State Department of Environmental Control has determined that the construction of the scavenger waste treatment plant will have a positive effect on the environment which determination is similar to that made by the Federal government, and be it

RESOLUTIONS - continued



RESOLUTIONS -continued

FURTHER RESOLVED, that the exemption from public hearings prior to construction as provided by section 206 of the Eminent Domain Procedure Law of the State of New York has been met so that no further public hearings are required, and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute such documents as are necessary to cause the acquisition of the property shown in the attached survey.

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

The resolution was thereupon declared duly adopted.

#646

OPPOSES COUNTY TAKE-OVER OF ASSESSING FUNCTIONS

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

WHEREAS, the rights of the individual property owners in the Town of Riverhead to have their property assessed by a resident of the Town in the form of a duly elected assessor has been the tradition of this County since its founding, and

WHEREAS, the election of three assessors from the population of the Town of Riverhead to assess property was affirmed by this Town Board in its adoption of Local Law 1-1981, and

WHEREAS, a proposal has been made that Suffolk County remove from the people of Riverhead their right to choose a local assessor by creating a sole assessing district encompassing all of Suffolk County which assessment would be determined by civil service appointees, and

WHEREAS, a feasibility study prepared by J. J. Finkle, Legislative Analyst, recommends to the County Legislature that they remove from the citizens of Riverhead their right to elect their assessors which study is based on guess-work and assumptions, and

WHEREAS, such County assessors would be far less equitable and most importantly, more frustrating to the citizens of Riverhead who would be forced to go to the County with a grievance,

NOW, THEREFORE, be it

RESOLVED, that this Town Board supports the right of the citizens of Riverhead to have their real property assessed by a member of the community and opposes any move toward County takeover of assessing functions.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#647

APPOINTS 90-DAY TEMPORARY EMPLOYEES IN THE HIGHWAY DEPARTMENT

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

WHEREAS, on July 20, 1982, George Gayda and Carnal Hobson were hired as temporary 90-day employees for the purpose of performing sidewalk work in the Highway Department, and

WHEREAS, such 90-day period has expired and it is now necessary that snow fence be erected in addition to concluding sidewalk work,

NOW, THEREFORE, be it

RESOLVED, that George Gayda and Carnal Hobson be and are hereby appointed for an additional 90-day temporary period, effective October 21, 1982, to be compensated at an hourly rate of \$5.12.

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

The resolution was thereupon declared duly adopted.

#648

APPROVES AMENDED SITE PLAN OF THOMAS YASSO

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

WHEREAS, on September 13, 1982, this Town Board approved the site plan of Thomas Yasso for the renovation of an existing building located on Route 58, Riverhead, New York, and

WHEREAS, a revised site plan dated October 5, 1982, has been submitted which alters the parking configuration as shown on the above mentioned approved site plan,

NOW, THEREFORE, be it

RESOLVED, that the revision to the site plan of Thomas Yasso as revised on October 5, 1982, is approved to the extent that it alters the configuration of parking and be it

FURTHER RESOLVED, that the renovation of the garage as shown on the October 5, 1982, site plan is not approved subject to applicant's further proposal, and be it

FURTHER RESOLVED, that the resolution dated September 13, 1982, remain in full force and effect.

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

The resolution was thereupon declared duly adopted.

#649

APPOINTS ELIZABETH MCKAY TO THE ACCOUNTING DEPARTMENT

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

WHEREAS, Elizabeth McKay has satisfactorily completed her six months probation,

NOW, THEREFORE, be it

RESOLUTIONS - continued

RESOLVED, that Elizabeth McKay 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 October 26, 1982.

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

The resolution was thereupon declared duly adopted.

#650

AUTHORIZES SPECIFICATIONS FOR CURBS & GUTTERS

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

RESOLVED, that the firm of Young & Young be, and hereby is, retained for the purpose of performing certain engineering specifications and estimates for the purpose of installation of curbs & gutters at the direction of Councilman Lombardi & Highway Deputy Superintendent Steven Punda, and be it

RESOLVED, that the firm of Young & Young be paid a reasonable fee for its services upon submission of vouchers, and

WHEREAS, the following applications for the construction of curbs and gutters have been received by the Town Board and reviewed by the Highway Committee, it is recommended that curbs and gutters be constructed at the cost to the applicant for the sum of \$3.00 per foot as listed hereinafter:

APPLICANTS

Jack Foster, Griffings Path, Riverhead

David Lee Fulton, 538 Washington Avenue, Riverhead

Dixon & Deborah Palmer, 534 Washington Avenue, Riverhead

Antone Kulesa, Brook Street, Riverhead

NOW, THEREFORE, be it

RESOLVED, that the above stated applicants be approved and that curbs and gutters be constructed pursuant to a contract with the aforementioned applicants, and

FURTHER RESOLVED, that the Supervisor be authorized to sign the said contracts in behalf of the Town when the moneys to be paid by above said applicants are turned over and the contracts have been signed by them, and be it

FURTHER RESOLVED, that upon the execution of the contract the Deputy Highway Superintendent be directed to perform the work.

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

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "I would open the meeting, once again to comment on any subject. Mr. Nohejl."

Bill Nohejl, Wading River; "Every resolution is made for a reason, right? 644 didn't state a reason."

Supervisor Janoski: "A change of zone from Industrial A to Agriculture A, Sound Avenue."

Bill Nohejl: "It didn't state a reason."

Supervisor Janoski: "It didn't have that across the top of it?"

Bill Nohejl: "It didn't state in his reading, a reason why it was changed. The resolution is not complete as is."

Supervisor Janoski: "Go on Mr. Town Attorney."

Richard Ehlers, Town Attorney; "It was written that way."

Bill Nohejl: "Why."

Richard Ehlers: "Because I felt that that was the best way to write it."

Bill Nohejl: "It's not what was discussed."

Richard Ehlers: "You and I can debate that later on."

Bill Nohejl: "At the original hearing that was not the reason that's in there. It was not discussed. It was not put into this here resolution, what was discussed at the public hearing. It's twisted around."

Richard Ehlers: "In which respect?"

PERSONAL APPEARANCES - continuedBill Nohejl: "Huh?"Richard Ehlers: "In which respect?"

Bill Nohejl: "In which respect? It was changed because the industrial area did not co-exist with the historic corridor of Sound Avenue. It's not in there. That was at the public hearing. Why isn't it in there? I say it's not right. It should be changed, rescinded. It's true. Every resolution has a reason."

Supervisor Janoski: "Why don't you do now, Dick, what you always advise me to do."

Bill Nohejl: "Rescind it."Councilman Prusinowski: "Where does it say Bill . . ."

Richard Ehlers: "The resolution is based upon the public hearing. It's based upon the study of the hired consultants, Weber, Pine, Parish, and Weiner. Indeed it's based upon the entire Town Clerk's record. Whether or not that record is correct will not be corrected by a mere recitation of the resolution. The record which has been established in the Town Clerk's file is true for any change of zone which preceeding has to be completed. It was my thought that in this case where there was so much material that it was not necessary to go back over all of that material.

Therefore, it is my opinion that the resolution is not incorrect as you state. And that would my advice as the attorney to the Town Board. If you're making a request then that because you for a particular reason would like to hear the words historic corridor reiterated in that resolution, then that is a request that they may honor, but it is not, in my opinion, a legally required request."

Bill Nohejl: "Well that was one of the reasons stated at the public hearing, why it was changed."

Richard Ehlers: "There were many reasons."

PERSONAL APPEARANCES - continued

Bill Nohejl: "What were the other reasons besides that? I don't recall them."

Richard Ehlers: "Well the Weber, Pine, Parish and Weinger report. . ."

Bill Nohejl: "But they didn't — they didn't state it there. It was not brought to the public. If they suggested it, it was not brought — divulged."

Richard Ehlers: "There's more to a resolution than what's given at the public hearing. There's the entire Clerk — Town Clerk's file which is a public record and is available for inspection. Much as in the case of the Flagg Country Club you have the environmental impact statement. We don't bring 1,000 copies of that before a public hearing. It's noticed that it's available in the Town Clerk's file."

Bill Nohejl: "But it's very, very obvious on this one that every other resolution is given for a reason and this here one changing from Industrial to Agriculture A does not state a reason. It's just changing it. You know I'm here every meeting and I noticed that . . ."

Richard Ehlers: "I can tell you since I wrote the resolution, that you're imputing more thought into the absence that I have given it."

Bill Nohejl: "Right."

Richard Ehlers: "And I now, I now am registering your opinion and that's up to the Board if they want to add that language to it. They're certainly free to do so. But as far as the legal requirement, whether or not the zone has been effectively changed, pending the ten day period or the amendment of the ordinance, that will be changed legally. If you'd like to suggest to them that they add that, then that's an appropriate request on your part."

Bill Nohejl: "I request that they add it."

Richard Ehlers: "And that's something they should take under advisement and we'll discuss it."

PERSONAL APPEARANCES - continued

Bill Nohejl: (his words were incomprehensible)

Richard Ehlers: "I didn't say that."

Bill Nohejl: "That's just about what'll be. Just take whatever anybody says and take it under advisement. Get lost Bill."

Supervisor Janoski: "But you grow good radishes Bill."

Bill Nohejl from the audience was inaudible.

Supervisor Janoski: "We'll talk about it later. I know that you must have some motivation for that. Hank."

Henry Fioto, 642 Northville Turnpike, Riverhead; "The last resolution you passed over here in regards to curbs and gutters, this has been a practice in Town for a long time of doing this situation. I was always — of being under the impression that it was more or less for the private homeowners and the individuals in the Town of Riverhead to make the Town a better place to live. Recently I noticed some curbs going in on a piece of property that's zoned business and there's also some construction over there. I think that this . . ."

Supervisor Janoski: "Where is this taking place Hank?"

Henry Fioto: "On, what is it, Middle Road there, the trailer park. All right. Let's call it the way it is. To me I think there's a loop hole in this whole thing and I feel that it should be changed if there is a loop hole that it should be \$3.00 a foot — the Town is not making any money and I feel that it should be changed. It's for the benefit of the individual home owner's and so forth, not the people in business. If somebody else was to come along in this Town and wants to put up a business or anything else, he has to pay for his curbs and gutters at the going rate of which is about 9, 10, or \$12 an hour. I don't feel that taxpayers of the Town of Riverhead should subsidize somebody who wants, decides they want to put in curbs and gutters and we're going to put it in for \$3.00 a hour. So if there is such a loop hole and it's already gone through and it's already too late before it gets any further, I think that this Town Board with all the resolutions and all the changes they made, I think

PERSONAL APPEARANCES - continuedHenry Fioto continues:

this is one they should really look into."

Councilman Lombardi: "Henry we have spoken about that with businesses."

Henry Fioto: "Well I want — right now an official record that the public knows about what's going on. There's a loop hole here — there's quite a few . . ."

Councilman Lombardi: "Well this has been going on for years and it has been brought to my attention. When Frank was alive we spoken about it and we were going to change it that businesses would have to put in their own curbs and gutters."

Henry Fioto: "But like I said, you discussed it. I think the people should know what's happening and what the loop hole is. Now the people know what the loop hole is. And I think the loop hole should be closed and it shouldn't be discussed too much longer. It should be changed. Thank you."

Supervisor Janoski: "Does anyone else wish to — I'm losing my voice. Does anyone else wish to address the Town Board? Mr. Pike. We'll save you for last Bill."

Robert Pike: "Thank you Mr. Supervisor. Following Hank and Bill is hard enough. All three would have been a real job. Robert Pike, I'm an attorney with offices in Riverhead. I wanted to speak tonight, more as an individual than as an attorney and concerning the County Farmland Preservation Program and the extent to which there has been some effort to tie that into the move to save the courts. I understand that recently the Town has taken the position that farmland — the farmland program is over and that in the future no money should go to farmers — farm owners in the Town of Riverhead who wish to preserve their land in agricultural production for ever, really. And this somehow designed to force the County to keep the Courts in Riverhead. When I first heard the idea, I have to admit it seemed a little bit silly. The County Legislators will find and have found that if you don't want the money for the farmland program, fine, you won't get it. It's not going to move our votes on the question of the courts. In particular the County Executive himself, he said it won't change a thing with the Courts and would effectively cut off Riverhead farm owners from the program. It doesn't seem like it would accomplish something. But in perspective, it might have a very

PERSONAL APPEARANCES - continuedRobert Pike continues:

negative impact which I would just like to discuss with you.

First of all, over 60% of our land in Town is in active agricultural production. Literally, scores Riverhead businesses are related to farmland and depend on their income from farm related industry. In other words, agriculture, in Riverhead, is the number one industry. Has been for a long time and, hopefully, it'll stay so. The program itself has aided numerous local farmers. It has eased their cash flow. It has allowed additional investment in land which because of the program carries a reduced price and equipment which is clearly one of the largest expenses of modern farm production. Stopping the program now would cut off an extremely important business option. For farm owners in this Town who clearly have not been having one of the best years of their careers.

Now some of you might say that continuing the farmland preservation program will reduce our tax base. Well if that were true, it certainly would have shown up in the last couple of years. It has been around for a while so the question is, has it reduced our tax base? According to our much honored and highly experienced ex-assessor Charlie Crump to overwhelming majority of our farmland is already assessed at a reduced rate because of existing state law over which you have no control. And that the transfer of that land into the County Farmland Preservation Program doesn't effect the tax base one bit.

Now I have a number of clients who are farmers. This has been an extremely hard year for farmers. I'm concerned that this program is going to be damaging, that your resolution is damaging to them, that it cuts off their options. It really is a rifle aimed right at the heart of Riverhead's number one established business. I don't think it will accomplish anything. I, therefore, think it's mistaken. And I know you've already pulled the trigger, but if you work really fast and really hard, I think you can stop the bullet before it hits somebody and I would ask you to re-consider on it."

Supervisor Janoski: "Mr. Pike, when I took office, the Town of Riverhead was out of the Farmland Preservation Program. We had accepted 70% of Phase I. My urging and the Town Board concurred, we went into the surveys and the pricing and whole thing, and we went into Phase II, reversed what the previous administration had done. We are now taking some 900 acres in Phase II. Our point is simply this, and I think you will understand it. You want to preserve the east end, well then don't take away our one non-polluting industry which one of our major industries I wouldn't venture to say, which one is number one government or the agricultural sphere.

The second thing, you're right. A lot of our farmland is in the state ag district. That's for eight years. This in perpetuity. It does reduce the assessed value of the land. And it will, in the future have that effect.

PERSONAL APPEARANCES - continuedSupervisor Janoski continues:

Now, certainly, the Town of Riverhead has very little clout at its disposal to protect itself. And this is one of the options we choose to, I think, draw attention to what is at issue here. And what is at issue here is we have been adopted by the western towns which say it is their right to develop economically and to grow and to support their people with tax revenues to provide jobs. But we on the east end are asked not to and the leadership of the west wants to preserve the open space. Mr. Koppelman — everything that we would like to do out here is usually in opposition to it. Fine, I think that the east end should be preserved. But we've got to live and we've got to pay the bills and through programs such as this a tax burden is transferred to the home owner. Now or in the future it will happen, Sir.

Now whether this program continued in the Town of Riverhead into Phase III was a matter of question anyhow. The Town Board had not taken a position on Phase III. But I think we had an opportunity to draw attention here. And to point out, as I said very clearly, that the government of Suffolk County is the industry which supports by and large the people of the Town of Riverhead in its commercial enterprises. And that you, by taking away this government operation, are taking away our non-polluting industry. So that we cannot further absorb your proposal with regard to the farmland preservation program. Mr. Prusinowski."

Councilman Prusinowski: "Okay, another thing, Rob, too, is that which I tried to make clear at the last hearing, we are 70% of the program now. The Town Board has authorized another thousand acres in Phase II. We will honor that commitment. Every single applicant that I have in my office from the Town of Riverhead only equals 990 acres. Everybody, in fact, I'll tell you the problem we had at the last meeting why I thought this was an effective tactic. Everybody on the south shore has rejected the County's bid. There's over 6.6 million in rejections. We had to actively solicit, by mail, I sent out letters about three weeks ago asking farmers to enter this program. It's a voluntary program. I got six responses and I sent out over one hundred requests. Now if you have somebody — we still have five hundred acres to go in Riverhead in Phase II.

What we're talking about is the additional money that it — could be spent which is the 6.6 million. And why it concerns the County Executive point blank is because he went around and lobbied votes to get that authorization strength passed by the Legislature and he is, quite frankly, put on that spot. Now since this has happened, I have talked to Mr. Koppelman and to the County Executive and they clearly have gotten our message. They are very, very concerned that we are raising holy hell on this issue. And as I responded to Mr. Zeh, the

PERSONAL APPEARANCES - continuedCouncilman Prusinowski continues:

President of the Long Island Farm Bureau, as the Farm Bureau was concerned that the Shorham Nuclear Power Plant would destroy the economy and the lives of the people on the east end of Long Island. Taking the courts of Riverhead would ruin this Town.

Robert Pike: "Jamesport?"

Councilman Prusinowski: "I'm talking about Shoreham and Jamesport because if I remembered the Farm — the Farm Bureaus pro — initial concerns over Shoreham, too, is that the Nuclear Power Plant, if there was an accident there or if they would just contaminate the product — the potatoes, and our potatoes wouldn't be able to be sold anywhere in the Country because they'd have a bad reputation. So as I said to them this is something that we should all be working together. As far as penalizing the farmers now, we are taking another 1,000 acres and everybody who has requested to be in the program is going to be in Phase II, so far that I know of."

Supervisor Janoski: "I'd also like to add that one of the problems that we have with the Farmland Preservation Program is that it has developed into a bureaucracy which government has a way of creating. It was a proposal which was quite simple in its intent to preserve the open space in the form of farmland to allow agriculture to exist as an industry by taking away the best use of the property and, therefore, reducing its assessment. That was the purpose to reduce its assessment and thereby reduce the tax payments that are made.

Now if the farmer wants to put up a fence, he's got to go to a committee to get permission. And we have had threats by the County to pull those blinds in this Town and other things. Now that is another offense that we find that the government of Suffolk, when you give them something, they make more of it than you originally intended."

Robert Pike: "All right. Well three things. First of all, as you know the Farm Bureau has opposed the move that you have made. Secondly, they, too, think that there is a bureaucratic burden and they're working creatively, I think, to solve that. And that is in the works."

Councilman Prusinowski: "Agreed."

PERSONAL APPEARANCES - continued

Robert Pike: "Okay. To the extent that you are not cutting off any funding that presently is permitted, you are accomplishing or threatening nothing. I mean — that it changes nothing. So what's the threat? I mean, it's not stopping anything."

Supervisor Janoski: "We're working with Phase III. I thought I made that clear."

Robert Pike: "That's what I mean. There is no Phase III."

Councilman Prusinowski: "Yes there is. There is a second Phase of Phase II, which is, as of today, there are six — no wait a minute, Rob, you're laughing. I'm on the committee. I know my facts. As of this minute, there are 6.6 million dollars of which have been rejected from Phase II. We are having, bluntly a very difficult time to convince farmers to participate in this program.

Now I'll make it even clearer. We have — are having an extremely difficult time to get people to participate in this program because they are not satisfied with the appraisals coming back from the County. In fact, the guys in the south shore where one guy was offered for one hundred fifty acres in Easthampton, he was offered 2.9 million cash and laughed in Sid Mitchell's face. A guy in Southampton was offered about a million and a half for fifty acres. He was — laughed. He says hey, I can wait and — so on the south shore they have different situations. On the north fork we did take the Hargrave — Mr. Hargrave's operation, which we're very pleased to acquire. In Riverhead we will have another thousand acres in the program which raises our totals over 3700 acres, which will be close to over 80% of the program.

And I, just reviewing my records today, and we — everybody that's applied is going to be appraised. So there — so what I'm saying is that what we're trying to do is send a message to the County that we want to cooperate with Suffolk County, but they have to cooperate with us too."

Robert Pike: "All right."

Councilman Prusinowski: "Those are the facts of the program."

PERSONAL APPEARANCES - continued

Robert Pike: "A couple of comments to wrap up what I want basically understood. First of all, on the tax issue, if you are talking about any increase in taxes because of converting farmland to industrial or other uses which would have a higher tax basis, that is something that I don't think we should do. Farmland is an essential resource. It is a non-reversible asset once depleted. And if you do that and you are planning to do that, it is my position, basically, that that is bad planning, that we need the farms for food. And that we have an enormous number of farmers who are breaking their guts to make food, to make agricultural products and to make a living at the same time. And this program helps. If you are cutting off one dollar to one guy who wants to get in the program and buy a new tractor, I think it's a mistake. If you're not cutting anything off, then you're threatening nothing.

And I wish it were clear what it exactly is you're trying to accomplish with the Farmland Preservation Program, because I think if you're cutting away a farmer's options to get new money for land, to get new equipment, you're making a mistake and that's my point."

Supervisor Janoski: "Thank you. Any — let me see. Mr. Kasperovich, do you have any fight left in you."

William Kasperovich from the audience: "Oh, yes."

Supervisor Janoski: "Well let's have five minutes worth."

William Kasperovich, 15th Street, Wading River; "The question is are you gentlemen awake enough to listen to my . . ."

Supervisor Janoski: "Well, you're five are running and you've got until according to my watch, 10:16."

William Kasperovich: "In the proceeding this evening, it was brought out very pointedly the legal position of an adjacent property owner. If you gentlemen will recall, now for quite a number of years, five or six, I've been trying to get this Township to advise people directly around the perimeter of a piece of land that's involved in something. I started out with the Variance Board. When there is an application for a variance, the adjacent property owners are the

PERSONAL APPEARANCES - continuedWilliam Kasperovich continues:

people across the road, know nothing about it. So it happens that the sign is posted on the opposite road, people don't travel around the other side of the street continually and many times for weeks or months. You don't go on the other side of the street from where you live. And, consequently, you come here and you're told you're supposed to read the fine print in our beloved newspaper, News Review. And I say that the Town should inform, directly, the people of the adjacent properties, whether it's for variance, or for zoning or for what have you.

Maybe this is the effect of being burned badly, as an absentee landlord. I got seriously burned by this, but then I washed it down to these people down in Alabama that don't love us and won't as long as they live. But here, as I see a man comes from Baiting Hollow and he hasn't been informed and I assume there are other people adjacent property owners, property owners that are directly concerned. And I feel that one of the necessities of having to — when you live in Riverhead, you're obliged to read the fine print of the newspaper every week. I think that's horse and buggy days. That's long gone that the adjacent property owners should be informed directly, and then you can sit back and say well we told the people that this was going on. But to expect them to read the find print every week in the newspaper, I think, it's got to phase out. And I thought a good example of this was presented."

Supervisor Janoski: "Thank you Bill."

William Kasperovich: "And I will postpone all my other comments to a later date, with your permission, of course."

Supervisor Janoski: "Absolutely — posilutely."

William Kasperovich: "Thank you."

Supervisor Janoski: "I would just like to add one little comment. You know one could get the impression tonight that this proposal of Flagg Country Club has been a big secret. It's been on the front page of the papers, it's been written about over and over again. I know that in the radio shows that I did just last week, which were broadcast this week, I informed as many people who were listening, that there were public hearings on the matter. It does go on to the News Review which is the legal requirement, so that people who are interested in particlar proposals can find out about it. There has been no effort not to inform people, but I don't know to what extent the Town

PERSONAL APPEARANCES - continuedSupervisor Janoski continues:

Government has to go, but you do have a good point there and we will certainly explore. Because certainly what often happens is that actions are taken by government and then after it's done, the effected want to have a re-hearing so to speak. But we will certainly look at what you're talking about, but let me just assure you that there has been no attempt whatsoever to keep this secret, because we've talked about because we're . . ."

William Kasperovich: "No, no. I'm not saying that. Please bear in mind that people do have life styles that this, what you speak of doesn't reach. I, myself, when I get into a project which I have to make an income like everybody else, I get involved in and my newspapers stack up, letters and bills accumulate and I'm working at what I'm doing. And at — especially at the west end of the Township, if you don't — radio program, I listen to it just for music. I don't get any news over the radio. The News Review, I only read by necessity."

Supervisor Janoski: "Oh, he left. Thank you very much."

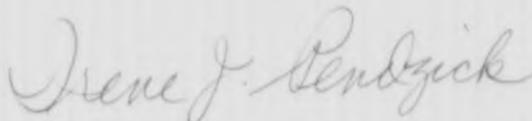
William Kasperovich: "And so there is a time in life when your life style draws a period where you cannot focus in and pay attention. . ."

Supervisor Janoski: "Headline, Traveler Watchman. Bill, thank you much for your concern. Let's go find out who's winning in the World Series. I have something in a pool. I don't know what, maybe I shouldn't say that after a hearing."

William Kasperovich: "No gambling, please."

Supervisor Janoski: "Without objection."

There being no further business on motion and vote, the meeting adjourned at 10:18 P.M.



Irene J. Pendzick, Town Clerk

IJP/vlv