

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, September 18, 1979 at 7:30 P.M.

Present: Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Antone J. Regula, Councilman

Also present: Henry S. Saxtein, Town Attorney

Absent: Alex E. Horton, Supt. of Highways

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

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Minutes of the Town Board Meeting held September 4, 1979, be approved as submitted.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

BILLS

Bills submitted on abstract dated September 18, 1979 as follows:

General Town	\$63,821.93
Ambulance	\$ 1,157.92
Special Districts	\$ 1,565.88
Highway Item #1	\$ 8,679.60
Highway Item #3	\$ 672.82
Highway Item #4	\$ 869.81

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

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

General Town	\$63,821.93
Ambulance	\$ 1,157.92

Special Districts	\$ 1,565.88
Highway Item #1	\$ 8,679.60
Highway Item #3	\$ 672.82
Highway Item #4	\$ 869.81

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.
The resolution was thereupon declared duly adopted.

REPORTS

Manorville Fire District - 1980 Budget. Filed.
Police Department - Report on sales of abandoned vehicles: Total of \$3,115 for 23 cars. Filed.
Building Department - Report for the month of August, 1979. Filed.
Wading River Fire District - 1980 Budget. Filed.

OPEN BID REPORT - REMINGTON SHOTGUNS - RIVERHEAD POLICE DEPARTMENT

After being duly advertised the bids for the Remington Shotguns for the Riverhead Police Department were opened by the Town Clerk on Monday, September 17, 1979 at 11:00 A.M.

EDWARDS DISCOUNT CENTER INC.
East Main Street & Route 58
Riverhead, New York 11901

COST OF SHOTGUNS	\$1,690.00
LESS TRADE IN	<u>200.00</u>
TOTAL	\$1,490.00

APPROXIMATE DATE OF DELIVERY: 30 days from receipt of order

FILED.

OPEN BID REPORT - REMINGTON SHOTGUNS - RIVERHEAD POLICE
DEPARTMENT -
 continued

CHARLES GREENBLATT, INC.
 120 Main Street
 Hempstead, New York

COST OF SHOTGUNS	\$2,249.50
LESS TRADE IN	<u>966.50</u>
TOTAL	\$1,283.00

APPROXIMATE DATE OF DELIVERY: 10 days

FILED.

Supervisor Smith: "Chief Palmer, have you examined those bids and do you want those awarded tonight?"

Chief Palmer: "Not tonight, no."

Supervisor Smith: "All right. Thank you."

APPLICATION

Directional Sign - St. John the Evangelist R.C. Church (on Route 58). Filed.

Supervisor Smith: "Under applications we have a directional sign of St. John's on 58. If Mrs. Pendzick, if you'll remind me of that later on, I'll phrase a resolution. We do not have one prepared.

We have hearings. If you are here for any of these, they're scheduled at 8:00, 8:15, and 8:30. We would ask that as those hearings are called that you would testify about them."

COMMUNICATIONS

Preservation & Landmarks Society - inviting members of Town Board to dedication of Millstone on 9/9/79. Filed.

COMMUNICATIONS - continued

Planning Board, 9/7/79 - no action regarding special permit application of John Bushong pending applicant's appearance before Board. Filed.

Planning Board, 9/7/79 - recommending that application of John Franzone be approved. Filed.

Planning Board, 9/7/79 - amendment to rules and regulations of Board scheduling hearings on the 3rd and 1st Thursdays of each month, subject to Town Board's approval. Filed.

Fairhaven Property Owners Assoc., 9/7/79 - copy of letter to Superintendent of Highways regarding drainage problem on south side of Peconic Bay Blvd., Jamesport. Filed.

Alex Horton, 9/13/79 - copy of letter to Ms. Clara Williams advising her that the complaint regarding street signs & repaving will be looked into. Filed.

Suffolk County Dept. of Planning, 9/5/79 re: Brookhaven amended zoning ordinance, if no objections heard by 9/24/79, it will be assumed there are none. Filed.

Environmental Quality Review Board, 9/6/79 - determination that application of Riverhead Building Supply Corp. is a Type II Action. Filed.

Environmental Quality Review Board, 9/6/79 - determination that application of Mr. & Mrs. Carstensen is a Type II Action. Filed.

Environmental Quality Review Board, 9/7/79 - determination that application of Dr. John Franzone is a Type II Action. Filed.

Patrick Perrella, 8/31/79 - speaking on behalf of Riverhead Townscape, thanking Town Board for cooperation and support, and on his own behalf: calling attention to absence of police patrols in Grangebelle Park and suggesting an auxiliary police force to augment Police Department. Filed.

Suffolk County Department of Planning, 9/12/79 - having received no adverse response re: amended zone ordinance, Sec., 108-64 (E) & 78, they will take no further action. Filed.

COMMUNICATIONS - continued

Governor Carey, 9/11/79 - acknowledging receipt of resolution regarding Wading River Scenic Corridor. Filed.

Riverhead Fire District, 9/11/79 - copy of resolution adopted by the Fire Commissioners stating that it is in the public interest to alter the boundaries of Tax Zone #1 of the Fire District. Filed.

Jonathan Sinnreich, 8/22/79 - advising of award of \$1,000 in attorney's fees to the Town of Riverhead and dismissal of action. Filed.

Jamesport Fire Department, 9/17/79 - requesting permission to use parking lot for 1980 Tournament. Filed.

UNFINISHED BUSINESS

Frank Schlegel - special permit application for storage building, Route 25, Calverton.

Dr. John Franzone - special permit application for PB District, Route 25, & Linda Avenue, Aquebogue.

Dr. Bala Pillai - special permit application for PB District, Roanoke Avenue, Riverhead.

John Bushong - special permit application for two family residence.

Broad Cove - special permit application for extension for permit for condominiums.

Riverhead Automotive Delivery - special permit application for garage (West Main Street).

Supervisor Smith: "The matter of Schlegel, Franzone and Pillai are awaiting responses from the County. On the application of Mr. Bushong, we have to have a recommendation from the Planning Board on that and he has not appeared.

The Broad Cove application we would like to send to the Conservation Advisory Council and to the Environmental Quality Review Board to see if either of them wish to report upon that special hearing.

Riverhead Automotive Delivery, if Mr. Saxtein has something ready for us tonight, we can act on that. If not,

Supervisor Smith continues:
it will have to wait until next time.

This brings us to that portion of the agenda where we will listen to anyone choosing to address the Town Board. Again, if you are here to address the Town Board with reference to the lengthening of the permit for our excavation ordinance, or you are here to discuss the purpose for which general revenue sharing can be used, or if you are here to discuss the proposed amendments to the sign ordinance, I ask that you wait until the hearing on those matters is called to order. If you are here for any other purpose and you choose to address the Town board your opportunity to do so is now. Does anybody wish to address the Town Board? Yes Ma'am."

Mrs. Adams, Reeves Park; "I was here last meeting and I have a few questions that I didn't ask last meeting. Since the budget isn't coming till, I guess the end of the year or when does it come? When is it approved?"

Supervisor Smith: "It will be subject to a public hearing probably in the month of October. It is not approved till the first part of November."

Mrs. Adams: "Okay, then in the meantime, we were wondering if roads in Reeves Park would be scraped up until the time that something could be done?"

Councilman Young: "I've met with the engineers and we have picked out the roads that we think we can take over next year, we hope we can take over, which is the north-south road in the back, the entire north-south road and two roads leading into that. Do you understand what I mean? Probably the first road going east and west. The most south road going east and west and the thrid from the end road going east and west."

Mrs. Adams: "What about Overbrook Street?"

Councilman Young: "I'm not sure which one that is."

Mrs. Adams: "That the first road to the left."

Councilman Young: "That's the first one we're going to do. That one we intend to do. I'm to meet with Alex Horton

PERSONAL APPEARANCES - continuedCouncilman Young continues:

tomorrow and find out how much it's going to cost so we'll find out how much money to put in the budget next year. But what we're planning to do Overbrook Street which is the first road to the left as you come in. Then the long one, Eight Bells, the long road that goes north and south and then when we get to the north end of it, we're not going to do the furthest north road because that's very expensive to fix and the second from the end, we're not going to do because that's very expensive, but the third, we intend to do, so that you'll be able, everybody will be able to get to the north-south road, get all the way down to the south and get out.

Then the following year, depending upon budget, inflation, and everything else, we hope to do some of the others, but, of course, this all depends on how much it's going to cost too. And at the budget time, we will put a certain amount of money in for taking over these extra roads and these roads will be on the list."

Mrs. Adams: "Also why is it that we don't have a street light off Park Road and Sound Avenue?"

Councilman Young: "Probably because you didn't ask for one."

Mrs. Adams: "Oh, I see. Well we're asking for one."

Councilman Young: "If you ask for one . . ."

Councilman Lombardi: "Excuse me, Mrs. Admas, that is on the list and I would say in a few weeks you will have one right at the entryway and you should have one right in the Park itself. So you should have that in a few weeks."

Mrs. Adams: "Okay, thanks."

Supervisor Smith: "Anyone else on any topic? Is there anyone else that would choose to address the Town Board on a matter that is not the subject of a public hearing?"

No one else wished to be heard at this time.

RESOLUTIONS#445 TRANSFER OF FUNDS

Councilman Regula 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:

FROM:

1355.410 - - Board of Assessors Contractual \$243.85

TO:

1355.420 - - Board of Assessment Review Fund \$243.85

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#446 AUTHORIZING PUBLICATION OF THE FOLLOWING NOTICE -
LOCAL LAW #2 - 1979

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, that the Town Clerk be and she hereby is authorized to publish and post the following notice of Public Hearing for Local Law #2-1979.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of October, 1979 at 8:00 o'clock P.M. before the Town Board of the Town of Riverhead at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons wishing to be heard with regard to the following proposed Local Law #2-1979, a law authorizing the Town of Riverhead to convert unclaimed, abandoned vehicles to its own use.

BE IT ENACTED, by the Town Board of the Town of Riverhead as follows:

Pursuant to the provisions of section 1224(6)(a) of the Vehicle and Traffic Law and the Rules and Regulations of the Commissioner of Motor Vehicles, the Town of Riverhead is hereby authorized to convert up to one percent of its unclaimed, abandoned vehicles or two such vehicles, whichever is greater, to its own use in any calendar year. This shall be in addition to any vehicles whose title shall vest immediately in the Town of Riverhead pursuant to section 1224(2) of the Vehicle and Traffic Law.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#449 RESOLUTIONS - continued
AUTHORIZES BUILDING INSPECTOR AND BUILDING AND ZONING
ADMINISTRATOR TO ATTEND CONFERENCE AND EXPENSES

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

BE IT RESOLVED, that the Building Inspector and the Building and Zoning Administrator be and are hereby authorized to attend the New York State Building Official Conference on September 26th, 27th and 28th, 1979 at the Fallsview Hotel, Ellenville, New York and that all necessary expensed incurred thereto be paid and also the use of the Town vehicle.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#450 AUTHORIZING PUBLICATION OF THE FOLLOWING NOTICE RE:
MANOR LANE DRAINAGE

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, that the Town Clerk be and she hereby is authorized to publish and post the following notice of NOTICE TO BIDDERS re: Manor Lane drainage (north).

NOTICE TO BIDDERS

Notice is hereby given that SEALED PROPOSALS for the Construction of Storm Drainage Facilities 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., Pre-vailling Time on Thursday, October 11, 1979 at which time and place they will be publicly opened and read aloud for the following contract:

CONSTRUCTION OF STORM DRAINAGE FACILITIES AT MANOR
LANE (NORTH)

Plans and specifications may be obtained at either the Town Clerk's office and/or the offices of the Consulting Engineers, HOLZMACHER, McLENDON & MURRELL, P.C., Room 208, 560 Broad Hollow Road (Route 110), Melville, New York 11747, or 40 West Main Street, Riverhead, New York 11901, upon deposit of Twenty-Five Dollars (\$25.00) for each set furnished.

Deposits for plans and specifications will be refunded to bidders who return plans and specifications within ten (10) days in good condition; other deposits will either be partially or not refunded if the plans and specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by either a Bid Bond or Certified Check in the amount of five percent (5%) of the total bid, made payable to Allen M. Smith, SUPERIVSOR, TOWN OF RIVERHEAD,

RESOLUTIONS - continued

as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities and to accept the lowest responsible bid which, in the opinion of the Town Board, is in the best interests of the Town.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#451 AUTHORIZES SUPERVISOR TO EXECUTE CONTRACT FOR COMPUTER
Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, the Town has awarded a bid to the Burroughs Corporation in the amount of Forty-six thousand and twenty-nine dollars and forth cents (\$46,029.40) for the purchase of a Burroughs B-800 Computer,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and he hereby is authorized to execute said contract.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#452 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICES
FOR DRAINAGE WORKS

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

WHEREAS, the Town has been receiving bid specifications for drainage works from Holzmacher, McLendon & Murrell, P.C., and Young & Young, engineers,

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk be and she hereby is authorized to publish and post notices for bids as and when they are received from the engineers.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#453 AUTHORIZING PUBLICATION OF THE FOLLOWING NOTICE RE:
MAINTENANCE OF LIGHTING

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

RESOLVED, that the Town Clerk be and she hereby is authorized to publish and post the following Notice to Bidders re: Maintenance of Lighting.

RESOLUTIONS - continuedNOTICE TO BIDDERS

NOTICE is hereby given that SEALED BIDS for Maintenance of Street Lighting will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, at 11:00 A.M., Prevailing Time, on Thursday, October 4, 1979, at which time and place they will be publicly opened and read for the following contract.

"MAINTENANCE OF STREET, PARKING FIELDS AND AREA LIGHTING IN THE TOWN OF RIVERHEAD"

Plans and specifications may be obtained at the Town Hall and the office of the Consulting Engineers, HOLZMACHER, McLENDON AND MURRELL, P.C., 560 Broad Hollow Road, Room 204, Melville, New York 11747, upon deposit of Fifty Dollars (\$50.00) for each set furnished.

Deposits for plans and specifications will be refunded to bidders who return plans and specifications within ten (10) days in good condition; other deposits will either be partially or not refunded if the plans and specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each Proposal must be accompanied by a Certified Check of Bid Bond in the amount of five percent (5%) of the Total bid, made payable to Allen M. Smith, Supervisor, Town of Riverhead, as set forth in the Information to Bidders.

The Town Board reserves the right to reject any or all bids, to waive any informalities and to accept such alternate bids which, in the opinion of the Town Board, will be in the best interests of the Town.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#454

APPOINTS DOG ENUMERATORS FOR 1980 DOG LIST

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

BE IT RESOLVED, that pursuant to Section 108 of the Agriculture and Markets Law, the following be and are hereby appointed Dog Enumerators, effective September 20, 1979, for the purpose of preparing a list for the year 1980, or of persons owning or harboring dogs in the Town of Riverhead, and to be compensated on a fee basis, pursuant to Section 123, Article 7 of the aforesaid Law.

RESOLUTIONS - continued

Mrs. Joan Edwards, 405 Elton Street, Riverhead, New York (727-6067)
 Mrs. Claudia Edwards, RD#2, Box 293, Broad Ave., Riverhead, NY (72204738)
 Mrs. Lynn Mueller, 1112 Roanoke Avenue, Riverhead, N.Y. (727-4738)
 Mrs. Cathy Goodale, 320 New Ton Avenue, Riverhead, N.Y. (369-2635)
 Mrs. Mary Ann Whidden, 1287 West Min Street, Riverhead, N.Y. (727-5799)
 Mr. Edmund Morganstern, 420 B Griffing Ave., Riverhead, N.Y.
 Mrs. Marion Boomer, Timber Drive, Calverton, N.Y. (727-3830)

BE IT FURTHER RESOLVED, that the aforementioned Dog Enumerators be paid mileage allowance of 15¢ per mile by the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#455 GRANTS PERMISSION FOR RIVERHEAD COUNTRY FAIR
 Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, interested citizens of the Town of Riverhead wish to hold a "Riverhead Country Fair" for the purpose of raising monies for the beautification and preservation of Riverhead, and

WHEREAS, this Board encourages civic participation and initiative of the residents of the Township, and

WHEREAS, the Police Department and Fire Department have been advised by letter of the plans of the "Country Fair",

NOW, THEREFORE, be it

RESOLVED, that this Board grants permission that the area known as Public Parking District #1, specifically the area along the Peconic River from Peconic Avenue to McDermott Street, be reserved for the use of a "Country Fair", during the hours of 10:00 A.M. to 7:00 P.M., on Sunday, October 7, 1979 - rain date, October 14, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#456 AWARDS BID FOR SNOW FENCE - HIGHWAY DEPARTMENT
 Councilman Young offered the following resolution which was seconded by Councilman Menendez.

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

WHEREAS, said bids were duly opened by the Town Clerk on August 21, 1979 at 11:00 A.M., it is hereby

RESOLVED, that the bid for 10,000 lineal feet of heavy duty snow fence be and is hereby awarded to the lowest responsible

RESOLUTIONS - continued

bidder, Riverhead Building Supply Corp., 303 Ostrander Avenue, Riverhead, N.Y. 11901 for the delivered bid price of \$3,500.00, to be delivered immediately, and it is

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

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#458 TOWN CLERK AUTHORIZED TO PUBLISH AND POST PUBLIC NOTICE RE: LEASE PROPERTY DRAINAGE

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

WHEREAS, the Town has negotiated a contract with William Nohejl (I.M.S.F. INC.) for the lease of property for the term of five (5) years for drainage purposes,

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk be and she hereby is authorized to publish and post the following notice, and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute said lease.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that pursuant to sections 64(11) (A) and 90, et seq., of the Town Law, the Town Board of the Town of Riverhead by resolution adopted September 18, 1979, authorized the execution of a contract for the lease of real property located on the westerly side of Wading River-Manorville Road, approximately one mile south of State Route 25A in the Town of Riverhead, County of Suffolk and State of New York. The lease is for the term of five (5) years at the sum of \$150.00 per year.

It is proposed that the cost of this lease be paid from current funds of the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#459 AUTHORIZES PURCHASE OF ADDITIONAL INSURANCE FOR COUNTRY FAIR

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

WHEREAS, the Town of Riverhead and Riverhead Country Fair, INC. have scheduled a country fair to be held on October 7, 1979 with a rain date of October 14, 1979 in the municipal

RESOLUTIONS - continued

parking lot south of Main Street, in the Town of Riverhead,
NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the purchase of additional insurance from its broker, Alexander and Alexander, for the Riverhead Country Fair listing the Town of Riverhead, Riverhead Country Fair, Inc., and the County of Suffolk as named insureds.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#460 AUTHORIZING PLANNING BOARD MEETINGS

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

WHEREAS, the Town of Riverhead Planning Board held a public hearing on September 6, 1979 to hear all people interested in its proposal to schedule hearings on the third Thursday of the month, and

WHEREAS, the Town of Riverhead Planning Board adopted a resolution at their regular meeting on September 6, 1979 to schedule hearings on the third Thursday of the month authorizing the scheduling of hearings for the third Thursday of the month,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Riverhead, pursuant to section 272 of Town Law, does hereby approve the amendment to the rules and regulations of the Town of Riverhead Planning Board authorizing the scheduling of hearings on the third Thursday of the month in addition to the first Thursday of the month.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:00 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice that a public hearing will be held at Town Hall on Tuesday, September 18, 1979 at 8:00 P.M. to hear all interested persons concerning the proposed amendments to the Town Code which pertain to Chapter 62, Excavations.

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continued

Supervisor Smith: "Ladies and gentlemen, we in the Town of Riverhead have an ordinance dealing with excavation, the mining of sand, if you will. Also the State of New York has provisions relating to such activities. At the moment, we call for an annual renewal of the permits and the state calls for a three-year permit. It makes a great deal more sense to amend the ordinance as is proposed this evening that both of the permits be for three years. Is there anyone who wishes to speak?"

Charles Raffee, Attorney representing Suffolk Cement Products and William Lohr, the holder of two current excavation permits from the Town of Riverhead: "I'm here to speak in favor of the proposal and the amendments, Mr. Supervisor, I just want the record to show that the state has the option of a one year or three-year permit. The application has the option of paying it for three years at one time, as I understand the amendment which has been published which is the way the Town of Riverhead would have accomplished it. Approximately a year ago, I did speak before, I do believe these same members of the Town Board, following a meeting with the Environmental Quality Review Board of the town of Riverhead who had concurred in my suggestion that we adopt an amendment which would allow for a three-year permit. The reason being that your members of your Board have had to spend a lot of time in reviewing the permits filed by us. My clients have had to go to a great deal of expense none of the current operations in the Town of Riverhead are what one would consider to be ones that would be scarring the face of the earth. In particular, my own clients, two operations are only for their own use, that is the sale of cement products. I feel that there is ample protection under the state law as is under the current Town Ordinance with the provisions as is proposed at this time."

Supervisor Smith: "Thank you Sir. Is there anyone else who would choose to address the Town Board on this particular matter?"

Mrs. Robert Tormey, Member of the Environmental Quality Review Board; "And I speak for myself and Miles Fairley who's also a member. We agree whole-heartedly with what Mr. Raffee said to have two laws that don't work together makes for confusion. Also by the time, as a practical matter, by the time we get all the review done and look at all the sand heap and one thing or another, we're already six months into the year and we might just as well stretch it out a bit."

PUBLIC HEARING - continued

Supervisor Smith: "Okay. Anyone else? There being no one else wishing to address the Town Board any further with reference to excavation ordinance, I will declare that hearing closed. The Town Board will rely upon the matters within its own knowledge and the testimony today in making a decision at a further date."

There being no else wishing to be heard and no communications having been received thereto Supervisor Smith declared the hearing closed at 8: 05 P.M.

RESOLUTIONS

#461 JOHN BAGSHAW AUTHORIZED TO GIVE TWO APPRAISALS OF PROPERTY ON UNION AVENUE OWNED BY HUBERT AND EMMA JENNINGS

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, the Town of Riverhead has planned drainage improvements along Northville Turnpike in the vicinity of Maple and Union Avenues in the Town of Riverhead, and

WHEREAS, the Town has been advised by the County of Suffolk that would be advantageous to purchase additional property on Union Avenue for drainage,

NOW, THEREFORE, be it

RESOLVED, that John Bagshaw is hereby authorized to give an appraisal to the Town of Riverhead for two parcels of property on Union Avenue owned by Hubert and Emma Jennings identified on the Suffolk County Tax Map by the numbers 600-127-1 lots 33 and 34.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted,

#462 SITE PLAN REVIEW OF SARGENT'S RECREATIONAL CENTER
Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Sargent's Recreational Center, Inc., has submitted a sketch to the Town Board for site plan review pursuant to section 108-31.1 of the Town Code, and

WHEREAS, the site plan has been reviewed by the members of the Town Board.

NOW, THEREFORE, be it

RESOLVED, that the aforesaid site plan is approved subject to the condition that the new area be landscaped in accordance with the present landscape plan of Sargent's

RESOLUTIONS - continued

Recreational Center, Inc.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#463 SITE PLAN REVIEW APPROVAL OF SUFFOLK COUNTY NATIONAL BANK

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

WHEREAS, the Suffolk County National Bank has submitted a site plan to the Town Board of the Town of Riverhead for the renovation of the parking area at the Harrow's Shopping Center located at the intersection of County Road 58 and Roanoke Avenue in the Town of Riverhead, and

WHEREAS, a copy of the site plan has been marked and initialled by the Town Supervisor to show changes that are further set forth in this resolution, which site plan will be on record with the Town Clerk.

NOW, THEREFORE, be it

RESOLVED, that the aforesaid site plan is approved subject to the following modifications:

1) That there shall be erected a screen chain link fence along the southerly and westerly perimeter of the new parking area.

2) That there shall be an eight-foot-wide buffer zone along the southerly and westerly perimeter of the new parking area which shall be landscaped at the direction and approval of the Building and Zoning Administrator.

3) This site plan shall remain subject to the jurisdiction of the Town Board, and upon request, the applicant shall make such changes that are required by the Town Board occasioned by a change in circumstances.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#464 AUTHORIZES PRINTING OF BROCHURE

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, the Town of Riverhead has created a Community Development Office which has been very successful in its applications for funds through grants, and in the administration of various developments within the Township, and in

RESOLUTIONS - continued

aiding the citizens of Riverhead through incentive programs, and

WHEREAS, the Community Development Office of the Town of Riverhead has produced a brochure which will capsilize the merits and attractions of the Township to further promote the Town,

NOW, THEREFORE, be it

RESOVLED, that this Town Board does hereby authorize the publication and printing costs of said brochure, not to exceed the amount of \$2,000, and

BE IT FURTHER RESOLVED, that said costs be charged to Publicity Account: A6410.400.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#465 APPROVES OFF-PREMISES DIRECTIONAL SIGN - ST. JOHN'S
EVANGELIST CHURCH

Councilman Menendez offered the following resolution which was seconded by Councilman Regula.

WHEREAS, St. John's Evangelist Church has applied for permission of the Town Board to maintain an off-premises directional sign as the same currently exists in front of Zamber's on County Road 58, and

WHEREAS, said sign complies with the dimensions of and requirements of Chapter 108,

NOW, THEREFORE, be it

RESOLVED, that this Town Board does grant to St. John's Evangelist Church permission to maintain the current off-premises directional sign of said Church on County Road 58, in front of the establishment known as Zamber's Plumbing.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#466 AUTHORIZES CLERK/TYPIST APPOINTMENT FROM PERMANENT
PART-TIME TO FULL-TIME EMPLOYMENT IN RECREATION
DEPARTMENT

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

RESOLVED, that Anne M. Riberio currently employed as a Permanent Part-time Clerk/Typist in the Recreation Department is hereby appointed to Full-Time employment in the Recreation Department at an annual salary of \$8,584.97) Group 2, Step 5 of the salary schedule, effective, September 24, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:15 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice that a public hearing will be held at Town Hall on Tuesday, September 18, 1979 at 8:15 P.M. to hear all interested persons wishing to propose or suggest uses of funds to which the Town of Riverhead may become entitled in the fiscal year of 1979.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Ladies and gentlemen, the federal government under this program and other programs that we take advantage of in the Town of Riverhead, it calls for a two-part hearing with reference to the allocation of revenue sharing funds. The first hearing which we are on tonight, anybody can stand up and suggest any purpose that they might wish the funding, if any, that we become entitled to, in the fiscal year 1980 to be spent on. After listening to you tonight, between now and the next Town Board Meeting which will be the first one in October, the Town Board will formulate a proposed use of the federal revenue sharing funds that may become available to the Town in the year 1980. If you wish to testify either to this first part or the second part your moment will come just shortly. In the past, this past year, for instance, funds from the general federal revenue sharing account have been used to finance the salaries of numbers of our police officers in the Town of Riverhead. In prior years, the funds have been used for the purposes of acceptance of private roads. They have otherwise been used to in years much prior to that to building — buy and build this particular building in which we sit tonight. Is there is anyone here who wishes to address the Town Board in a general sense as to suggest uses of the general federal revenue sharing funds for the fiscal year 1980, it is your opportunity to do so now?"

Bill Nohejl, Wading River; "As I mentioned at the last Board Meeting, I think it's appropriate that the Town look into a site for the Riverhead fair grounds for all types of events instead of having them on the streets, it could be all centralized and I think it would bring in a lot of revenue to the Town of Riverhead. We could have concerts, different types of shows, antique shows, farmers displays, anything of

PUBLIC HEARING - continuedBill Nohejl continues:

that type. I think it's something that the Town needs. Thank you."

Supervisor Smith: "Thank you Sir."

Dick Benedict, Fanning Blvd; "Since I talked with Alex Horton this morning and he tells me the monies that were appropriated from revenue sharing prior to this, is all used up on what we call private roads --- maintaining private roads. I would like to suggest that the monies be taken to bring these roads into the Town of Riverhead so that this doesn't become an annual thing. There are several roads that have been turned over to Riverhead with all the proper documentation, but they have not been claimed by the Town. I would like to ask that they take thses as priorities and bring these into the Town and maintain them at least as secondary roads with some of this money so that we don't have to come back every year and ask that some money be put into the kitty for private roads."

Supervisor Smith: "Yes Sir, thank you. Anyone else with reference to suggestions for the general federal revenue sharing 1980? These suggestions together with the knowledge of the Town Board will be taken into consideration between now and the first meeting in the month of October. A plan will be formulated. It will be available at the Town Board Meeting the first meeting in October. Any of you who wish to testify for or against that plan which will be presented, are invited to come back next meeting."

No one else wishing to be heard, and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:22 P.M.

Supervisor Smith recessed the meeting for a few minutes, after which a public hearing was called.

PUBLIC HEARING - 8:30 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice of a public hearing what will be held at Town Hall on Tuesday, September 18, 1979 at 8:30 P.M. to hear all interested persons concerning the proposed amendments to the Town Code which pertain to Chapter 108-56,

PUBLIC HEARING - continued

Signs.

The affidavits were ordered to be placed on file.

COMMUNICATIONS

Jacob Harding, 9/12/79 - stating he wished to make a presentation to the Town Board and would be obliged to be permitted to be heard soon after the hearing opened. Filed.

Riverhead Chamber of Commerce, 9/5/79 - stating support for a resolution for the formation of a Town Sign Review Board, that such a Board was needed for continuous liaison between government and business with reference to signs. Filed.

Supervisor Smith: "The various amendments that have been offered for this evenings hearing are proposed somewhat in the alternative. Anybody wishing to speak this evening can address themselves to any or all of the public notices that have been put into the paper, or if you have other thoughts or you just wish to address the sign ordinance, or local law in general, please give us your statements to that affect. If these are not comments that pertain exactly to the proposals that are before the Board tonight, we can again publish still further notices and hold still further hearings on what is proposed. Mr. Harding, you have requested to go first."

Jacob Harding, 120 Roanoke Avenue, Riverhead; "I'm not appearing here today as a member of a political action committee. I'm not appearing as a democrat, or as a republican, nor am I addressing you on any political basis what-so-ever. I am here as a resident and a tax payer, and I am talking to you as members of the Riverhead Town Board. As Town Attorney at the time, I drew the original zoning ordinance. It has since been greatly changed and the Town sign ordinance has been included in it and it is now called the Town Zoning Code. I also set up the first Zoning Board of Appeals.

In my discussions with you, let us being at square one. What are the reasons, aims, and intentions behind zoning and planning? I found and I still find that the guiding section of paragraph No. 263 of the Town Law and I'm going to take the trouble to read it. I really won't be so long maybe ten or twelve minutes.

'Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide addquate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the

PUBLIC HEARING - continuedJacob Harding continues:

adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.'

This is the historical and main background.

When I drew the original ordinance, I put the following paragraph into the ordinance. It is now Article XIII.

Non-conforming buildings and uses.

'Any building, structure or uses existing on the effective date of this chapter, or any amendment thereto, maybe continued and then it goes on.'

This was the only fair way to protect a mans property rights, that he had already invested in, but what did you, the Board, do when you came to making a sign ordinance. You tried to make illegal a sign that was legally constructed. In your sign ordinance you said after setting out the ordinance and all the details:

'Anything to the contrary in this chapter notwithstanding, any non-conforming billboard of flashing or moving sign other than a time and temperature display permitted by the Town Board of the Town of Riverhead in accordance with the further provisions of this chapter, wherever located, shall become an unlawful structure on January 20, 1979, and shall thereupon be removed.'

Here is where you created a monster and this is what I call a can of worms and the whole can of worms was turned over to the Zoning Board of Appeals after notices by the Building Inspectors went out to the property owners as to violations. When you have and you did have a great number an overflow of requests for exceptions, then something must be wrong with your ordinance.

If I had been chairman of the three Board of Appeals, I would have passed this matter, this can of worms right back into your lap. However, Mrs. Tormey, the Chairman of the Zoning Board of Appeals is a much nicer person than I am. She is a lady. She accepted the task and determined to try and do the best she could. However, her cry was heard, not by your Board, not by this Board, but only in the wilderness. This is what she said, Patricia Tormey, Chairperson of the Zoning Board of Appeals, who must fact distraught businessmen, said her agency attempted to be flexible, but if the Board of Appeals grants variances repeatedly that is in effect legislative. You bet it is. The Town Board has just imposed a sign ordinance, she continued, if we grant too many variances they wasted their effort. What good is an ordinance out of necessity requires 'defecto' legislation by a Zoning Board

PUBLIC HEARING - continuedJacob Harding - continues:

constantly and continuously. Certainly at least pre-existing signs should have been excluded.

So I attended a session of the Zoning Board of Appeals to see how it worked. And now my stomach really began to turn. Let me just take one example, I'm going to take the Riverhead Travel Agency. The sign was legally constructed many years ago. A nice young gentleman appeared here before the Zoning Board of Appeals, he's trying to carry on the business that Rueben Arnold carried on many years ago. He was asked a question. Why can't you move the sign back fifteen or twenty feet from the street line? His answer, because it would end up in my livingroom, in my office, he replied. The sign is imbedded in concrete and permanent cables are there for the lighting. What an expense. Why? The expense, the ruination of a business identification. There was a last question that day, by a member of the Board and this was really something. On that permanent concrete sign there was a little tag maybe three inches by ten inches and the question was asked, can't you at least take that little tag sign off that's hanging? It's hanging. It is enough to turn your stomach.

The Town Board thought of a plan called amortization. They thought it would work. Originally, they were going to handle that. The Town Board was going to handle that. But then on the 20th day of March, an amendment turned that too, over to the Zoning Board of Appeals and I read:

'Any owner of any such non-conforming sign who alleges that the period herein provided for amortization of such sign is unreasonable as to a particular sign may apply to the Zoning Board of Appeals for an extension of time for amortization of such sign'

Well that was nice to get off your hands and I don't blame you. But poor Mrs. Tormey.

Gentlemen, you haven't done it right. I say throw the whole thing out and start again. You are dealing with businesses and businessmen whose signs are actually a part of their buildings and their businesses. You're harming that business and if you don't throw it out, they'll be plenty of lawsuits.

At a meeting about a year ago, a person addressed this Board, standing where I am. I'm just going to say a person did. I'm not going to mention the sex of the person. This person said in regard to a business sign on a certain place everyone knows where that store is. Really it's not important to have much of a sign. This kind of thinking can be very ruinous. In order not to bring in someone else's name or business I'd refer to my own business. 'Hardings' has been in business for over sixty years. It really makes me feel old to say that. And at least sixty times a year, I wish it were more, we get the following call. Where are you located? Most of the time it's someone on the south side.

PUBLIC HEARING - continuedJacob Harding continues:

My answer is as follows. As you come into Riverhead up Peconic Avenue, there is a beautiful marble bank on your left. There turn right and then quickly turn left. You'll see our sign "S. Harding & Sons Furniture". That sign is much a part of the business as our own building is. They are part of each other, legally constructed. There are many other businesses in Town in the same predicament. I am not the only one and I'm sure I'm speaking in their behalf.

Esthetics, let's talk about esthetics. That's been behind this whole thing. There was a recent chase in Westchester County where members of the Councilman, Councilman on the Village Board refused to grant a man a building permit because he was going to put it up, his house was solar panels. A Councilman on that Board convinced the others that it was not esthetic. The court said in no uncertain terms when the home owner went to court to get his permit, they said the Village Board was arbitrary and capricious. There are many boards that can be arbitrary and capricious.

Let us consider Route 58. We call it gasoline alley. We call it auto dealers road, Shopping Center Lane. You have been inconsistent in your attempts to be esthetic and now all of a sudden you want to cure everything that's happened in the past which is legally installed and also cure everything in the future. You're being overcome by blind zealous.

Getting on with esthetics. Since when is small beautiful and large ugly. The location, repair and upkeep are just as important as the size of the signs. On Route 58, are you trying to tell me that small signs advertise as well as large viewable signs? And why the group of elite telling us what we did legally before, is illegal now and must be torn down. You will find that the constitutions doesn't quite agree with that.

I'll now proceed to recall a boo-boo in esthetics, and I hope my calling it to your attention doesn't make you suffer too much. Leo Sternlicht, I am proud to say is a friend of mine. I visited with him recently. He has a beautiful dealership. He said to me, Jack stand with me in my showroom and let's look across the street. That's Route 58 to the north and we did so. Across the street, this Board created, established a real junk yard. That's where you are collecting the abandoned cars. How is that for esthetics. I could produce photos, color pictures. I don't want to dramatize it too much, but here is a man, Leo, who has expended hundreds of thousands of dollars, I repeat hundreds of thousands of dollars on a business and while your Mr. DeLuca of the Building Departments eats Mr. Sternlicht's heart out about the dimensions of a sign six inches or eight inches, or twelve inches, you create a junk yard right across the street. How

PUBLIC HEARING - continuedJacob Harding continues:

about the property values adjoining the junk yard. Who in this Town is qualified to talk about esthetics, and why not treat Route 58 differently from Main Street.

I make the plea that you throw out, discard the present sign ordinance and start again. At least protect the man in business by protecting pre-existing signs.

I'll come to the final matter at hand on the subject of creating a Sign Review Board. Like the Legislature of the State of New York, the Attorney Generals Office, the Comptrollers Office, I have always been opposed to the creation of extra board and committees. Years ago, this was discouraged on the attempt, on the part of local boards to pass responsibility.

The first proposal calls for an architect, a businessman, another businessman, a member of the Townscape Committee, and a Member of the Town Board. In regard to that first proposal, I feel sorry for that Town Board Member. If you ever create a Board, of course, where there's a salary, you won't be able to serve because he cannot have another contract. The Town Board Member can only be paid once. So why should they work and not get paid. But I feel sorry for that Town Board Member.

In regard to proposition "B", one professional person, one farmer, one business person from the Riverhead hamlet, one business person in the Township, another business person with a degree in marketing and business administration, I don't know whether you mean from Harvard or Suffolk Community College. I think you're kidding. Somebody's kidding. It requires an awful lot more attention. It requires an awful lot more tonight.

My final — my recommendation, pass a fair and reasonable ordinance eliminating the non-conforming pre-existing use. You call it a grandfather clause, well put the grandfather in, I guess. But eliminate any changes in regard to a man who has his business depending on the sign and let the Zoning Board of Appeals take it from there. They are capable if you are reasonable. They are capable. Differentiate between Main Street and Roanoke Avenue, between Main Street and Route 58. You have different areas and different territories. But my recommendation is, throw it out gentlemen and start again. Thank you very much."

Supervisor Smith: "Thank you Mr. Harding. Who would be seconded? Mrs. Tormey."

Mrs. Robert Tormey, Chairman of the Zoning Board of Appeals; "I would like to first thank Mr. Harding for his kind remarks about me and the Board. I would also like to point out, just to keep the record straight that the appeal of Riverhead Travel was granted,

PUBLIC HEARING - continuedMrs. Robert Tormey continues:

However, what I came to say really was that the Zoning Board of Appeals, as you know, is a judicial body. We are circumscribed by the enabling legislation and by the court cases, by many decisions made on signs before we came along. We find that we are unable to grant the kind of relief that the businessmen in the Town of Riverhead want. We have to be able to create a record to find something that will hold up before a judge. We frequently are unable to and, therefore, have to deny the appeal.

I want to call this to the Town Boards attention. We certainly don't want to legislate in your place, and that's what we'd be doing if we granted all these, but there is a serious problem as far as we're concerned. We cannot do what the business community would like to have done. We have tried. It can't be done and still act properly. I think you should know this so that you can take it into your deliberations for whatever you decide to do as a result of tonight's hearing."

Supervisor Smith: "Thank you Mrs. Tormey. Who would be next? Yes Sir."

Joe Parezzi, Little Joe's Restaurant; "I would just like to ask the Board a question as to where and how these dimensions were created and for what reasons? The Zoning Board has to adhere right down to the inch? If you gentlemen could give me a reasonable answer that by my moving my particular sign, an additional seven feet to the north, that there being one person in the hamlet of Aquebogue that would benefit by it, then I'll move it tomorrow."

Supervisor Smith: "Mr. Parezzi, with reference to your first question of how the dimensions have been arrived at over a period of time, again the sign ordinance began in early 1975. That was prior to most of us sitting on this particular Town Board. At that particular time, there were a series of hearings attended by some of the people who are in the room tonight and since that time, there have been many hearings on signs in the years 1976, '77, '78 and up until today. The particular setbacks, whether in your case it's fifteen feet or whatever it is, what as I say, discussed on those particular occasions, I would suggest in the format as I suggested in the beginning of the evening. I guess what you're recommending to us on Route 25 the setback be ten feet or five feet of some other dimension. Do you have a recommendation?"

PUBLIC HEARING - continued

Joe Parezzi: "I'm really not concerned about that. I think your dimensions were derived simply for billboard signs."

Supervisor Smith: "Well if you're specifically referring to the 4 x 8 . . ."

Joe Parezzi: "No I'm not talking about the 4 x 8. But it's obvious that the fifteen feet and the twenty-five feet would apply strictly to a billboard."

Supervisor Smith: "All right Mr. Parezzi, if I might give you an example with reference to your restaurant let's take it to the extreme and say that were to say two feet from the lot line, that might cause, for instance, difficulty for your patrons leaving Little Joe's and looking to the east. So somewhere between the fifteen feet and the two feet, there comes a point where it is both reasonable in terms of traffic and reasonable in terms of your business. Are you suggesting then with reference to the business zone that the setback rather than being fifteen feet be ten feet?"

Joe Parezzi: "Well I'm suggesting that the — on the premises signs, that the — actually the way I surmise it is that the fifteen feet would apply more to a billboard not the habit right up to the road like some of them are that they be set back and that they won't interfere with somebody else's property and move it away from the property line another twenty-five feet."

Supervisor Smith: "With reference to your particular operation or operations such as yours, Sir, what do you suggest to us would be a safe distance for the patrons leaving your particular establishment pulling into the highway such that the sign would not obscure their view of traffic?"

Joe Parezzi: "Well I would say the way it is now, you have — I have seven feet from the property line which is right where it was established fifteen years ago and there was a sign before I put up my sign. I would suggest that looking up and down 25 there isn't a sign — on the premises sign that's anywhere near the fifteen foot line. And I think in most cases that if they went to the fifteen foot line that there is no advertising from that sign really accomplished."

PUBLIC HEARING - continued

Supervisor Smith: "You're suggesting Sir that seven feet . . ."

Joe Parezzi: "I would say seven feet. I could even go to five feet. In some particular cases, oh let me take a for instance. Homeside Florist, if he went back fifteen feet people coming from the West will never know what Homeside Florist is before they roll in. If I move my sign to the fifteen feet, you'll have to be exactly on the west side of my property line before you see my sign. I submitted some photographs to the Zoning Board in hoping that I get another hearing. I started from Church Lane and every fifty feet taking a photograph. I put up a white 'T' in order to show them where the location of the center of the new sign. I just want to see the center of the new sign and I can't see that until I get practically to my property line.

I could say to you, do me a favor. Pull down those trees obscuring the sign and then you can see from anywhere. I'll move it to the fifteen feet, but I couldn't ask the State to do that."

Supervisor Smith: "Mr. Parezzi, your problem also would be solved if we made pre-existing signs legal?"

Joe Parezzi: "It would. Not only benefit me, it will benefit practically anybody. That's practically asking for the ordinance to be revised in some way or another."

Supervisor Smith: "Thank you Sir,"

Joe Parezzi: "Thank you."

Supervisor Smith: "Next please. Yes Sir."

Ahram Siegal, 21 Reynolds Road, Glen Cove; Mr. Supervisor, Town Board Members, I own some business property in Riverhead. I'm a substantial tax payer and I just want to make several observations. I find it hard to believe that a sign of one size could possibly be consistent in good keeping for all people. It would seem to me that if one man had a twenty acre shopping center with many, thirty or forty, or fifty, how ever many tenants, that accommodates it, could be exactly equitable with man who happened to have for whatever reason a small delicatessen store. I mean I don't find

PUBLIC HEARING - continuedAhram Siegal continues:

that consistent. Another observation I've made, I find it hard to believe that if I made an appeal to a judicial body who was both executive, legislative, and I made an appeal to get justice to that same body who'd impose or invoke the law without ever asking me how I felt about it. So I find that a difficult thing to live with.

I believe that Mr. Harding put it well when he said that in one instance where he pointed out where the Town was very concerned about the esthetics and I assume that's what this is all about the esthetics about the signs and I realize there has to be a limitation to everything where the Town closed its eyes to its own misuse of property that was exposed certainly as much as Mr. Sternlicht's sign and I know this is very true because my property has been abused by the Town and I really don't want to discuss it at this point, but I just point out that the concern here is for the signs. The very people who have this concern who are legislators invariably are professional people, very often in very many Towns, lawyers, professional men who I've noticed in this time in all of history the first time that lawyers, doctors, accountants, advertise publicly, television, bigger signs.

I remember when I was a young fellow, a lawyer's sign had a limitation. I see that they're all going out. Well maybe it's realistic. The only way that a retailer can identify himself, we don't live on the same kind of reputations, is when a person goes down a road in today's society he travels on a road that the government allows 55, most Towns, Counties, allow at 50 miles an hour. A Town imposes setbacks on buildings today. They didn't years ago. So at the one time, you're saying we don't want you up front, we want your building back 100 feet, 200 feet. We want parking up front. And at the same moment, they say we don't want you to be identified out there, but we want you to pay the taxes. I find this an inconsistency. I don't control the setback and I don't control the parking, and I don't control the signs. I just pay the bills. Thank you gentlemen."

Supervisor Smith: "Mr. Siegal, with reference to your particular shopping center, we did approve, however, your site plan earlier as was requested by your tenant and with reference to the ordinance as it currently exists, your mention of a forty acre shopping center there would be multiple signs that would be permitted of multiple sizes because of the road frontage."

Ahram Siegal: "Then I'll pick a different size next time. I guess I picked the wrong size."

Supervisor Smith: "If you were here earlier, you would

PUBLIC HEARING - continued

Supervisor Smith continues:

have gotten your permit. Next, Mr. Ryan."

Reuben Ryan: "I operate the Wading River Motel on Route 25. I have been in business in that area, most of you know for some twenty-five years, and I am particularly interested in that business in directional signs. Now there are not many businesses in this Town that fall in that category. But a motel every where does depend very heavily on the directional sign as well as the on-premises sign. The ordinance as has been mentioned many times over simply makes no real provision for that special circumstances, for example, the existing ordinance, one sign, directional, possibly two, on approval of the appeals board or by the Town Board.

The recent interest of the Town apparently has turned to tourism. You are agreeable to spending money. I see now, I heard tonight you're putting money into a brochure. I assume, the brochure is not just for us local folks who know where everything is, but obviously you wish to attract a tourist. It's no secret to any of you that the tourist brings in a lot of good money to a community and they go away and leave very little trouble and mess. Consequently, areas that are heavy in tourism thrive very well. However, you must accommodate some of the situations that might be a little bit inconvenient to say old-timers living here. Now I don't think any of you folks around here, have to be told where there is a motel or where there is a garage. However, you must be patient with the fact that, for example, in the motel business we deal, perhaps 90% with total strangers.

Now some of you have not been bashful about reminding me that I've been an aggressive sign guy. I had some signs where they probably weren't necessary. And they are gone. You people in the area carried them away and I didn't bother replacing them. But there are people who come in this area and they do have no idea what-so-ever where they will stay. I don't have to ask you the question when you go out of Town where you stay unless you know if you're a real meticulous planner and you know you're going to the XYZ Motel in some city. As you drive along leisurely and I think most of us tend to do that now, we don't like rigid schedules. You say well there's a sign, it reads well, seems like an acceptable place, it meets some of your requirements, you follow the sign and the business stays in that community. Now if its asking those who oppose the sign in general, to be very considerate on those things. I have said before and I know you don't mind me telling, I know you'll understand, it's no more for me to put up a sign than it is for you to look at a sign that reminds you of something that you know so well and I don't know if there's anybody in this room that I can say is a customer of mine and I know you're not depending on my signs, but you must be patient with it because

PUBLIC HEARING - continuedReuben Ryan continues:

it's a good business for the community and I hope the Town Board will see it that way.

Now when this ordinance first came out, I was assured by all but one member of the Town Board, possibly all but two, that existing sign, of course, no question about it. I think Jake had the right answer there. It would be put in any normal proper considerate zoning ordinance.

I think it was the intention of the law over the years that any building, structure, or what have you, pre-existing prior to an enactment of a law forbidding it, or restricting it, should be free from such law and don't be frightened by that because signs tend to die out. I have lost signs. We had a man here at one of the numerous meetings we've had who said he had quite a number of signs in the past, an influential local businessman and they all took the natural course of I need that parcel please take your sign away.

The Town did a very bad turn to some of my signs by notifying some of the owners that you will get another summons if you don't get that sign off your property and the fellow said gee Ryan, get that sign out of there. I don't want to argue with your Blankety Blank Town Board. Now I had hoped the Town Board had put a stop to that.

As to regular sizes of signs and shapes, I'm not so sure, I'm not entirely sold on the advantage of symmetry and the uniformity and the droll quaintness of everything being so damned the same that it must be boring. If you take a look at three or four stores, you say I will have seen that community. Lots of buildings, lots of businesses, lots of signs have a little bit of character to them, some of them, of course, subject to regulation I go along with that, I don't think we need a whole lot of blinding bright lights in the faces of automobile drivers. I don't think we need a whole lot of on and off spending time square stuff. I was never for that. I'm a bit of a country hick myself. I'm not ashamed of that. I try to be on a conservative level even in the business and in my sign.

However, I notice the Town, itself, has a good example in size of signs, however with one exception. The Town has taken the liberty to place signs around and this is okay, welcome people into Riverhead Village, tell this is Riverhead, name the Supervisor, if he so chooses and then they put the sign, not set back fifteen, twenty, five, two feet, not even off the street. They put the sign right into the highway, which everybody knows is a very dangerous thing to do and it might get the Town into some liability suit, but we do not have that privilege and I do not think it's necessary. I think the Town should go under the same hardship we have trying to get permission to place a sign, put it back far enough so it's safe and falls on nobody and that it does not obstruct traffic and that therefore, it will be large enough to be read and I think if they do that and put a sign where they expect us to do so, they'll find out the proper size of a neater sign and the speed allowed on that street.

PUBLIC HEARING - continuedReuben Ryan continues:

Now I do hope that the Town, however, will come to this conclusion now that this final meeting that they will eliminate this clause that requires up-dating of pre-existing signs and that they will install flexibility here and take the owners off that poor appeals board who have no jurisdictional power and I have also gone to their meetings to listen and watch people get guillotined. I hope now the Board will please work with them, work with us. We want to work with the Town.

I'm as anxious as anybody to see this Town thrive and if there's anything I can do at any time, I had put this proposition to the Supervisor when he first, when it — I will do anything to make the Town look a little better, except, of course, removing my directional signs, which we all need. Thank you."

Supervisor Smith: "Who would be next? Anyone else wishing to address the Board? Mr. Janowski."

Joe Janowski, Wading River; "Mr. Supervisor, Members of the Board, I'd like to ask your indulgence to read into the record a letter to the editor, dated August 21, 1979:

'The present administration is under the misconception that by waving a magic wand they can make problems disappear.

The magic wand in this case is supposed to be recently enacted sign ordinance which the administration promises will achieve overnight the disappearance of problems which have arisen over a long period of years.

The truth is that no law, regulation, or ordinance has the power to bring about change unless there is a spirit of cooperation among those people implementing the law and those affected by any new statute.

We are all concerned with the beautification of the Riverhead area but the reality is that this will not evolve automatically through the imposition of an onerous sign ordinance. We are in a situation of economic decline and should be looking at ways to expand, develop and encourage business.

It is true that we must set up standards that would enhance our Town. It is also imperative that we be able to attract new businesses and assure them that there is a future for them in Riverhead.

Other areas have confronted these same problems but in a manner of mutual cooperation for the good of everyone concerned. This is the approach we must use in Riverhead. We must remove the pressure and ill will created by the issuing of summonses and declare a moratorium on the enforcement of this ordinance.

At that point we can set down and develop a sign ordinance that will be acceptable to the businessmen, who are a vital link to our economic well being as well as to the

PUBLIC HEARING - continuedJoe Janowski continues:

community as a whole. The key is what is best for Riverhead and I cannot believe the interest of business and the interest of the community are not closely aligned.

It is election time and so the present administration has decided to take another look at this issue. However, their record stands and promises of a new approach are only thrown in to muddy the water.

My position is clear, a moratorium on the current ordinance that will give us the time to work with the input received from all sides.

Ultimately we will be able to come up with a proposal which will reflect the interest of the business people and local residents - both of whom are dependent on the other.

There is a reasonable rational solution to the sign problem. I believe at this point, that a grandfather clause must be part of it. However, I cannot in good conscience support the burden which has been foisted upon all of us.' (Filed.)"

Supervisor Smith: "Who would be next? Mr. Garsten."

Irwin Garsten, Garsten Motors, Riverhead; "I've appeared before the Board and I've attended numerous meetings as you all know with reference to signs and it's fairly obvious to me that a great deal of the problem is caused by --- not interpreting the law with reference to Main Street business and business outside the Town. Now I'll address myself to that for a second if you will allow me by first telling you that I sell 50% of my vehicles out of the Town of Riverhead. Now, obviously, somebody must be traveling into this Town looking for Garsten Motors. As you all know, Garsten Motors advertise extensively, but the people still have to travel on the Main Roads to find me and when they find me I have to have a proper identification for the people to be able to see where the place is. So yes everybody in this Town knows where the place is. They might pass it once a day or twice a day or five times a week or three times a week, but people do travel from both the south fork and the north fork and also from the west to find Garsten Motors. So you have to think in terms if you're going to have a sign ordinance you must think in terms of identifying the areas out of Main Street being different.

I would like to say as different from Mr. Harding and I applaude everything he did say that I come here tonight and I usually come here tonight and I ususally come in a preference to say I'm wearing two hats. Tonight I'm going to go through the hat trick and I'm representing three groups. I'm the director of the Riverhead Chamber of Commerce, and the Chamber wishes to reiterate what's written in a letter and that is the Town does not create a moratorium or do away with the sign

PUBLIC HEARING - continuedIrwin Garsten continues:

ordinance entirely, that they strongly consider a Sign Review Board composed of businessmen. Now I don't know if this is going to really solve the problem, because it may be transference problems from the Zoning Board of Appeals to a Sign Zoning Review Board. However, I personally felt that it would at least give the business community an opportunity to have some input as to the decisions made with reference to signs.

Now I do think that the Board also should take into consideration the economic climate at this particular time. I do not think that things are best for the local merchant. I think that things might be even worse this coming winter and this coming spring. The forecast are for a slowdown in the economy and I think that an awful lot of businessmen are being given an excessive burden. Now Main Street appears to be looking better and I guess it is. There's no question about it. With the same types of sign that exist for the merchant, there is not the same type of sign that will exist for 25A in Wading River, Main Road in Aquebogue, Route 58 in Riverhead, and the Vision Report that was used by the Town expended a great deal of money for this — did say that there is such a thing as highway zoning ordinances that are different from Main Street ordinances. You're trying to create a picture downtown and I do not disapprove of what you're trying to do. The type of rules that you have right now are really not applicable for a road that has a speed limit of 55 miles per hour. It's absurd. You cannot see a thirty-two foot sign and to be perfectly honest. I know there's a proposal here to increase the size based on the front footage where maybe you'd be able to have a 100 square foot sign if you had a few hundred feet and that might be better. But surely thirty-two square feet is really absurd to properly show the particular product.

Also you have the problem where a person may be identifying more than one type of goods such as some of the automobile dealers selling more than one line. Now how do you do that on thirty-two square feet with somebody going 55 miles per hour and there is a distinct safety factor here and please keep that in mind that is so and your Vision Report, if you will take the time to read it, will tell you that. And also I'm sure any New York State Department of Highway Officials will tell you the same.

I think I've come to the end of my discussion. Did I use all hats? I'll just close by saying that please look into this. It's a serious thing. I've attended a lot of these meetings. It's obvious that the business community that pays a lot of the taxes in this Town is being neglected, their feelings are being neglected, I know it's not being done deliberately so nobody's trying to hurt the businessmen, but the businessmen is not trying to hurt the Town either. The businessmen wants to have the ability to represent the goods, he's selling, make a profit, prosper and pay all his taxes. Thank you very much."

PUBLIC HEARING - continued

Supervisor Smith: "Thank you Mr. Garsten. Can we have the next speaker please?"

Gordon Danby, Wading River; "I hesitate to speak. I wanted to speak towards the Board to be reasonably firm on this issue. I'm basically reacting to newspaper reports and while I sympathize with the concerns and the pains of the individuals involved, I see it a tendency to become a political tug of war and I don't think that's in the best interest of the Town. To put the positive first, I think Riverhead is a reasonably pleasant place. I think definitely been improving, thanks to the efforts of Business people, many civic activities and it's only fair to say also in a major way to the Town Government in recent years and I think it definitely has been off beat in my own instance, living in Wading River, we choose to do the bulk of our shopping in Riverhead, in central Riverhead and since that's a twelve mile trip we have other options. And we do it partly out of commitment to the Town and in part because it's relatively pleasant. For example, if you travel west on 25A you see things which I would hate to see particularly in Wading River and or anywhere else for that matter and nor do I mean this to be anti-business. It's surely not beyond the intelligence of men to arrange where you have a highway, not to put strip zoning and the signs only one small but inevitable end of this all along, and ruin it when you could just as well go one hundred yards off the road. So I think that on the whole, signs are a necessary constructive part of the regulation of business, although, obviously a very complicated one to administer in detail.

And I'd like to, one thing, read a letter from the — I was asked by the President of the Wading River Civic Association to read and submit a letter at a meeting recently with sixty people present. It was very strong and my support for the sign ordinance I think if I'm interjecting again because of a feeling that it's been under extreme pressure and it says:

'Dear Members of the Board:

The Wading River Civic Association supports the present sign ordinance and we have strong reservations about modifying it.

The Association also opposed the creation of another sign review board now or at any time in the future.' (FILED)

Now again that may seem extreme to many people perhaps it is, but I think again it reflects the feeling one reads that you people or anyone that would choose to run against you are being put under extreme pressure on this issue and I personally think that sort of thing is not in the long run to the Towns advantage. And I personally, just listening to this discussion, having thought about it to any knowledge, I have I see nothing wrong with the grandfather clause.

PUBLIC HEARING - continuedGordon Danby continues:

I think setting up in addition to the Planning Board and the Zoning Board of Appeals, a Sign Board is a mistake because it seems to be a reaction to all the dialogue which is good as was expressed earlier perhaps isn't the best reaction. I see nothing wrong with ad hoc input of a wide variety of people into what it makes up the best ordinance. You know this has been discussed for years. And a certain one has to do something and if people want to come up with constructing alternatives, I would say fine. But I definitely think that it is in the best interest of all of the Town including businesses to have a sensible sign ordinance. Thank you."

Supervisor Smith: "Thank you Mr. Danby."

Supervisor Smith recessed the hearing for five minutes after which the hearing resumed.

Supervisor Smith: "As I broke, there was somebody with his or her hand up, I believe. Yes Mr. Rothberg."

Martin Rothberg, Peninsula Path, Riverhead: "I've tried to keep quiet for a change. But since the last gentlemen spoke, I feel I must speak. I've heard a lot of previous speakers refer to you gentlemen as the Town. I think I have to make a clarification there. You are not the Town. You are the duly democratically elected representatives of the Town. The Town are the people who live in it and the people who work in it. Now as duly democratic elected representatives it is your job to enact laws which the majority want and which will help most people and do the least harm. Now if the majority of the people in this Town really want to create so much havoc, so much harm, and financial harm to the business of this Town, they must be a very very silent majority because I have never heard their voices except for the gentleman that spoke before.

Now everybody I have ever spoken to is against hurting the businessmen. They're all for beautification, not to do harm. Not to do financial harm. The law as it exists now there's a great deal of financial harm in a time when money is tight, business is bad, things are going into a recession and I have to just reiterate once more that I think that financial relief is needed in the form of a grandfather clause, in the form of something which won't hurt the established businesses and this will not go against the majority opinion. At least the majority opinion I've heard and the voices I've heard and you gentlemen have heard some other voice as well

PUBLIC HEARING - continuedMartin Rothberg continues:

and maybe we're living in two different towns. Thank you."

Supervisor Smith: "Thank you Mr. Rothberg. Mr. Sinnreich?"

Jonathan Sinnreich, 251 Howell Avenue; "Members of the Town Board, I hadn't planned on speaking tonight. I wouldn't have had to run home during my break and get out of my dungarees. I think I can bring a somewhat different perspective to the issue before the Board because as I think the Board Members know I'm a very new resident of Riverhead and a brand new businessman in Riverhead. I came here in June from New York City and opened up my business at that time. I'd like to really speak on two issues. One, the general issue of the sign ordinance and what it's effect on Riverhead's business and secondly on the non-conforming use of a grandfather clause aspect.

Now with regard to the first, although I'm a new resident of Riverhead, I'm not a stranger. I've been coming here for over five years in connection with business that I did have in the Town. So when I decided to move here in June, I made a decision that most people that were born and raised here didn't have to make. I selected this Town to be the Town that I wanted to live in, out of a lot of Towns that I visited and I selected this Town as a Town that I wanted to begin my own business in and hopefully make it grow. And I can tell you that one of the principle things that effected my decision to come here was a change that I had seen over the Town since I began coming here, not just as a result of sign ordinance, but various environmentally and esthetically directed things like the Townscape Program. And I was influenced by that and I think other people who were considering opening up businesses here from out of the Town would be influenced by that. I have heard testimony tonight and I believe previously about what is good and not good for business and I wouldn't proprot to tell experienced Riverhead businessmen what is good for their business. I'm novice and I suppose they have experience over me.

I can tell you this, that I know economics of Towns don't grow strictly from the inside. They have to attract new businesses and new people to go to those businesses from the outside and I believe that the steps that the Town Board has taken to improve Main Street and to otherwise contribute to the esthetic quality of the Town is an important attraction to new residents and new businesses.

Secondly, just on the grandfather clause, in particular, I'd just like to say although I'm not in a business that advertises

PUBLIC HEARING - continuedJonathan Sinnreich continues:

heavily by way of street signs, I can empathize with new businessmen to some effect of any grandfather clause is to give the people who got in first somewhat of an advantage over anybody that's trying to get in. And to have a grandfather clause which permits the size and the type of signs which we now have all over Riverhead, whereas, new businessmen coming in would have to abide by much more astringent kinds of sign ordinances would be a tremendous advantage to the present businessmen and I think would deter new businesses coming in which is exactly the sort of thing this Town needs if it's going to grow and prosper. Thank you."

Supervisor Smith: "Thank you Mr. Sinnreich. Yes sir."

Herb Kunitz, Snowflake Ice Cream, Riverhead: "I hadn't prepared to speak either, but Mr. Sinnreich kind of made me get up. It's not the idea of having an existing business and having unfair advantage — competitive advantage by having a sign. Mr. Sinnreich doesn't realize that we've already expended great deals of money for our signs. And any amount of amortization or depreciation or whatever you want to call it does not help us to have to repay for new signs. And this to me does not make sense.

Now, we're the people that have been here. We're not trying to have an unfair advantage over other people. But there is no reason why I should have to come in and spend money for a new sign when I've already spent it once. This gentleman that just spoke, he's just coming into Town. Now Riverhead is not a honky-tonk Town yet. I can see a sign ordinance. If I were to move into Town at this moment, and say okay this is the sign ordinance, either I agree with it or move some place else, but I don't see what advantage I would have over someone new coming into Town because there's more and more new business moving into Town. And they'll all have to abide by a new sign ordinance.

As I had once stated that if my signs came down because of a hurricane or an act of God, I'd have to re-invest in signs, I could see having to spend the money. But I can't see having to spend the money on perfectly good signs that are doing the job for me and there's various locations, I'm way out of Town, I feel I do need my cone which I've been turned down for. I do need bigger signs than 10%, I believe it's 25% now, but all these things taken into account everyone has different considerations here. My Ryan is quite correct in stating that you need highway signs — in his particular business. I don't need them in mine. But we each have different points of view. When I go traveling, I look for a motel by the highway signs and that's

PUBLIC HEARING - continuedHerb Kunitz continues:

about all I've got to say except I don't believe — I don't mean to reiterate, but to keep on having someone coming into Town new and me being old, is not taking unfair advantage of. Thank you."

Supervisor Rmith: "Thank you sir. Stan,"

Stanley Hagler, Richard York Shoes, 37 East Main Street; "We are all, people in our family and people in our business, are interested in Riverhead. A lot of new things have been happening. I'm probably one of the only people that are going to stand up here today and say business is good in Riverhead, or it has been good through the efforts of the Town Board and many civic organizations such as Townscape. There's been a lot of beautification done. Since 1968 we've remodeled our store, doubled the size. In 1979, our 40th anniversary year in accordance with Townscape, we were the first old building to modernize or up-date within the scope of Townscape a consumers rear entrance for the consumers convenience which we hope will have the parking lot up behind there. The building was remodeled under the guidance of townscape. We've just completed that, However, Richard York sign which has been used as examples on Townscape Programs as being in — a sign to look up to let's say is not with the legal definition.

Now no one has mentioned tonight that 90% of the signs of business people in Main Street from the Hotel Henry Perkins to the Town Hall are in violation of the ordinance and I can name them from one to the other.

I took the liberty of privately inspecting, spending my time, on Sunday and it's true, gentlemen, 90% of the signs are in violation. We have put money back into the community. We hope through our efforts in thriving in our business, we're helping the Community, as the community is helping us, I don't think that it has been the aim of this ordinance as others have mentioned to hurt the business community.

I am in favor of a grandfather clause. And from that initiation, then I think that more insite should be put into revising of a sign ordinance. Mr. Garsten mentioned many things for Route 58. There are many things also need to be done for Main Street, Roanoke Avenue, Wading River, or where ever it may be. But the ordinance as it now stands is going to hurt too many businesses and I don't think that's the intention of the Town Board. Thank you."

Supervisor Smith: "Thank you Mr. Hagler. Mr. Wandolowski."

PUBLIC HEARING - continued

Matt Wandolowski, Riverside Homes, West Main Street, Riverhead, "Old Town Realty, West Main Street, Riverhead; " "Unfortunately in July of this year, I went for a variance for my sign which has been there for many many years and my sign variance was denied. My business is approximately thirty years old. My father had it before me. And in 1976, I believe Hurricane Belle came along and knocked my sign down. I put my sign back up and I put an application in before the variance board. It requested a ten year amortization period, I believe that's what it was, and I was turned down. I feel I was unfairly turned down. I had two companies operating out of the same premises and how are people to recognize that I am there if I don't have signs. According to the variance that was decreed by the variance board, and to take down everything except one 4 x 8 sign which would definitely not recognize my business or several businesses that I have within that area. May I ask this Board what they intend to do, if any, for people such as I that had their variances denied? If they contemplate doing anything at all?"

Supervisor Smith: "Well I think that we're following the process Mr. Wandolowski of withholding any action with reference to any of those things during the pendency of not only these hearings, but the completion of any work that may be done or has been done by the Zoning Board of Appeals or may be done in the future."

Matt Wandolowski: "I want to you recognize one other thing that I was one of the first to receive notices of violation in the Township of Riverhead. There are some people on Riverhead that have not even received notices of violation or yet to receive notices of violation. And they're sitting back waiting. Well I have already received my notice of violation, put my request in for my variance, had my variance heard and it was turned down."

Suprrvisor Smith: "I understand that Mr. Wandolowski. We'll listen to you tonight, we'll listen to any further sug-gestiong that may be made and then depending upon the action of the Town Board, for instance, if it were to enact, as you call a grandfather clause for the existing signs, then your appli-cation, your problem would be rendered moved. Similarly, anybody that would similarly be effected to the east of you. The notices were sent out to essentially the west to east."

Matt Wandowloski: "One other question I have. In addition to the recommendation you propose in the paper, are there any other recommendations that you feel that you might

PUBLIC HEARING - continued

Matt Wandolowski continues:

be able to propose to amend that sign variance, sign amendment code."

Supervisor Smith: "You tell what you might like put in and we'll hold a hearing on it."

Watt Wandolowski: "I could stand here all night and probably the balance of our audience can too, but I think that you fellows should sit back and try to realize yourself in good conscience."

Supervisor Smith: "Mr. Wandolowski, if you wish to write anything up and submit it to us, we'll be more than happy to put it up for a public hearing."

Matt Wandolowski: "Okay, thank you."

Supervisor Smith: "Yes Sir. Anybody else. I think you all for coming out this evening. There appears to be no one else — Emma?"

Emma Karch: "I'd like to just ask a question."

Supervisor Smith: "Yes Ma'am."

Emma Karch: "I've been to so many meetings, I've been at public hearings. Now I think I was to the meeting the night you had public hearings when that sign ordinance was given to the people with their comments on it."

Supervisor Smith: "Yes Ma'am."

Emma Karch: "Off your head, can you tell me how many people were here that night."

Supervisor Smith: "No Ma'am. We've had Mrs. Karch probably eight hearings on signs within the last four years. Some are attended well, some are not attended well. We've had half a dozen meetings of the Joint Board. Some are

PUBLIC HEARING - continued

Supervisor Smith continues:
attended well, some are not intended well."

Emma Karch: "But this year — I mean is it due to handing our violations. We go back to the time I came to Riverhead and the only time I see people coming up here when it concerns them personally. I wish they would take this — Riverhead as a whole Town, right?"

Supervisor Smith: "All right. Yes Ma'am. That's the civic lesson for tonight ladies and gentlemen."

No one else wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed at 9:55 p.m.

Supervisor Smith: "Mr. Danby you have something else from Wading River?"

Gordon Danby: "I was asked to read, again from the President of the Wading River Civic Association the following letter.

'Dear Board Members:

The Wading River Civic Association sends its thanks to you for the resolution adopted by the Riverhead Town Board requesting the cooperation of State Officials for passage in legislature of the Wading River Historic Corridors.'

Supervisor Smith: "Thank you Sir, Anyone else not on a matter relating to signs?"

No one else wished to be heard at this time,

There being no further business no motion and vote, the meeting adjourned.

Irene J. Pendzick

Irene J. Pendzick, Town Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

----- x

PUBLIC HEARING PURSUANT To :
Section 35.917 of the United :
States Environmental Protection :
Agency Regulations for purpose of :
presenting the "Engineering Report :
and Study on Scavenger Waste in :
Riverhead and Southampton." :

----- x

Riverhead Town Hall
200 Howell Avenue
Riverhead, New York

September 20, 1979
7:30 P.M.

BEFORE: ALLEN M. SMITH, Supervisor, RIVERHEAD TOWN
GEORGE YOUNG, Councilman
FRANCIS MENENDEZ, Councilman
JOHN LOMBARDI, Councilman
ANTONE REGULA, Councilman

MARTIN LANG, Supervisor, Southampton Town
THOMAS HALSEY, Trustee
THEODORE ALPERT, Trustee
HAROLD ROBERTSON, Trustee

IRENE J. PENDZICK
Town Clerk
Town of Riverhead

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S :

SMITH, FINKELSTEIN,
LUNDBERG, YAKABOSKI, ESQS.
456 Griffing Avenue
Riverhead, New York
BY: PIERRE G. LUNDBERG, ESQ.
Special Counsel for Town
of Riverhead

DAVID J. GILMARTIN, ESQ.
Town Attorney
Southampton, New York

HOLEMACHER, McLENDON &
MURRELL
Consulting Engineers
560 Broad Hollow Road
Melville, New York
BY: HAROLD A. DOMBECK, P.E.
SAMUEL McLENDON

WILLIAM K. COYLE, RPR
Official Supreme Court Reporter

1
2 The Board Meeting Convened at 7:30
3 P.M., Supervisor Smith presiding.

4 MR. SMITH: Ladies and
5 Gentlemen, there are certain formalities that should
6 be observed with the commencement of this hearing
7 this evening, and there are certain introductory rules
8 or statements that I would like to make before we
9 begin the public comment part of this proceeding.
10 The first thing that we should do is to have the
11 Town Clerk read the notice of this hearing.

12 MRS. PENDZICK: Mr. Supervisor,
13 I have affidavits of publishing and posting of a
14 public hearing to be held at the Town Hall of the
15 Town of Riverhead on Thursday, September 20, 1979 at
16 7:30 P.M. for the purpose of presenting the
17 "Engineering Report and Study on Scavenger Waste in
18 Riverhead and Southampton." I also have returned
19 receipts for certified notices to two local radio
20 stations, WRIV and WRCN.

21 MR. SMITH: Thank you, Mrs.
22 Pendzick.

23 For those of you who are not regular
24 attendees at our town board meetings, to my far right
25 is Councilman Regula, nearer me is Councilman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Lombardi, to my left is Councilman Menendez and Councilman Young at the far end. These two gentlemen to our far left are Mr. Samuel McLendon and Mr. Harold Dombeck of the consulting firm that has prepared the report which is the subject of this hearing.

Also present with us tonight is our special counsel for sewer district and sewer related matters, Mr. Pierre Lundberg, representing the firm of Smith, Finkelstein, Et al.

To our right is the Town Board of the Town of Southampton, Mr. Thomas Halsey, Mr. Theodore Alpert, Mr. Harold Robertson, and Supervisor Martin Lang. With them is their Town Attorney, David J. Gilmartin.

I would like to lay out a certain formality, if I may, for tonight's hearing. This is a hearing that is required under the acts, certain Federal acts, among them the Federal Water Pollution Control Act. The purpose of the hearing is to hear your comments as they relate to the study prepared by the engineers relative to the potential or eventual construction of a joint scavenger waste treatment facility between the towns of Riverhead and Southampton.

2 The Town of Riverhead is the contract
3 agency with the EPA. We have had our 201 study under
4 way for a longer period of time than any of the
5 jurisdictions in the east end. As the difficulties
6 arose in Southampton, the scavenger waste problem was
7 split out of our 201 study concern joined with similar
8 concern in the Township of Southampton and we are here
9 this evening. There are a couple of items that appear
10 to be of interest and we can anticipate some of the
11 questions.

12 There is a time table that like all
13 time tables, especially those involving State and
14 Federal funding, evolves around this particular study.
15 We will deal with those that are now germane:
16 completion of necessary applications for Step II
17 work by September 30, 1979; completion of plans and
18 specifications for the proposed work March 1, 1980;
19 approval of plans and specifications by the towns.
20 USEPA and New York State DEC, May, 1980; bidding
21 of project by July of '80; commencement of work,
22 September of '80; completion of project by May 31 of
23 1981.

24 Now I have said publicly before here,
25 and I don't know that it has been reported to those

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of you who live in Southampton, that the particular project that we have undertaken is one of the most complex that I have ever been involved with in my eleven-plus years of practice in municipal law. There are ways that this particular time table could accelerate and there are also ways that it could slow down. Many of these timetables or changes in timetable could be effected by agencies over which neither the Town Board of Southampton Town nor the Town Board of Riverhead have any control whatsoever. One of the ones that Mr. Lundberg is very familiar with and we deal with regularly in the Town of Riverhead is the State Comptroller's Office. Whatever structure we form as a consequence of these hearings and what we do down the road in terms of bonding and financing of this particular project, will of course be subject to the State Comptroller's approval. Sometimes the State Comptroller gives his approval quickly and sometimes the State Comptroller does not. So these are assumed dates and they are subject to certain changes.

The other item that is of interest to you, and I will not read you each and every item therein, but the total capital cost for the project

2 is projected out at \$2,500,000.00, seventy five
3 percent thereof by USEPA aid, twelve and a half by
4 the state, local share \$300,000-plus. Again with
5 these figures, these are estimated figures. The only
6 time that such things will firm up is at the time
7 that they are put out to bid and we see where the bid
8 proceeds come in.

9 I propose the following format for
10 this evening's meeting. We will have a presentation
11 by our engineering firm of the report that is the
12 subject of the meeting. I will then call for public
13 comments. In the Town of Riverhead, where the
14 following rules are observed with respect to public
15 comments, we will call upon you one at a time. We
16 ask you to come forward and speak from this podium,
17 please. One of the most important people in the
18 room is this gentleman to my left. I ask that you
19 give your name and address distinctly and clearly
20 to this gentleman so that he may get it down in the
21 minutes of this meeting. If you are going to refer
22 to specific pages in the report, please do so. If
23 you, however, have comments in general, they are
24 germane, we will listen to all of them and attempt to
25 where necessary, get you the answers to the questions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you may have. Please direct all your questions to me and if we are not able to answer your questions off the top of our head, at such time as we take breaks I will obtain the answers from our engineers or attorneys and give them to you when we've reconvened. If we cannot answer them in either off the top of the head or otherwise, we will reply to your questions in writing. Now we take breaks at approximately every hour.

I guess that pretty much outlines what we are going to do this evening. Mr. Dombeck or Mr. McLendon, would you kindly give the presentation of the report.

MR. DOMBECK: Thank you, Mr. Supervisor. Members of the Town Boards of Riverhead and Southampton, I'd just like to take a few minutes and briefly describe the report and some of the things that we looked at and principally address the major impetus behind this report, which is the present methodology that's employed for the disposal of scavenger wastes here in the towns of Riverhead and Southampton.

At present there are three locations for the disposal of scavenger wastes at existing

2 landfill sites in the towns. There is a display
3 board on my left which shows the study area; the
4 Town of Riverhead on the top, and the Town of
5 Southampton and designated on that board are the
6 three landfills, North Sea landfill in the eastern
7 portion of the Town of Southampton, which serves
8 approximately 15,000 gallons a day averaged over the
9 course of a year, the Westhampton landfill, again in
10 the Town of Southampton in the western portion,
11 which serves about 11,000 gallons per day, and the
12 Riverhead landfill which serves approximately 7,000
13 gallons a day.

14 Scavenger waste basically is the
15 pumpings of septic tanks and cesspools after they have
16 failed, no longer will provide for the liquid to
17 leech into the soil. It's extremely strong and a
18 potent waste and some of the figures that I will use
19 here probably will have no real value to you so by
20 basis of comparison I'll also compare them to normal
21 sewage.

22 The organic content, which is called
23 the BOD, averages about 4,700 milligrams per liter.
24 This is about twenty three times stronger than
25 sanitary sewage. And the only other thing that I'll

1
2 throw out is the two different components of nitrogen,
3 which is ammonia which is about 105 milligrams per
4 liter at an average, and it can vary as high as 340,
5 and this is about four times more than the average
6 found in normal sewage, and another product called
7 total keldul nitrogen, which is a measure of the
8 organic nitrogen and other forms of nitrogen, which
9 averages about 350 milligrams per liter, which is
10 about seven times stronger than one would expect
11 normal sanitary sewage. The waste is extremely
12 strong in its solid content and is very obnoxious in
13 terms of its odor.

14 Some of the impacts of what we call
15 the No Action Plan, and that is basically doing
16 nothing, and I wish to point out that we cannot do
17 nothing because we are mandated by permit, the two
18 towns, to either construct forthwith a scavenger
19 waste treatment plant without any aid or to construct
20 such a plant through the proceeds of the USEPA 201
21 Program or the New York State Department, with the
22 New York State Department of Environmental
23 Conservation, Environmental Bonding.

24 Some of the impacts of the No Action
25 Plan are a vector problem. Flies and rodents being

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

exposed to the waste which is dumped into these landfills can spread disease, which has a possibility of entering into the food chain. There's a distinct odor problem and of course the most significant one which everybody is aware of is the contamination of the ground water, the addition of nutrients to the water table.

We looked at seven different alternatives for the liquid stream and the term liquid stream is the scavenger wastes coming into the plant and the liquid product which comes out of the plant, and these were a chemical oxidation process utilizing chlorine, three different alternatives of biological streams using rotating biological discs, a treatment process of rotating biological discs but located at Hampton Bays, which is again shown on this display board to my left, and an anaerobic/aerobic treatment process. Now the biological disc project, the chlorine oxidation process and this anaerobic/aerobic process were looked at in context of building a plant adjacent to the existing Riverhead Sewer District plant.

The last alternative that was looked at was transporting this waste into Western Suffolk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to the Southwestern Sewer District. This was looked at inasmuch as there is an existing facility there. We keep being told that it will be turned on at some point in the future but that is a viable option and we looked at it in terms of the completion.

We looked at six different alternatives in terms of the solid stream, which is once we removed the solids, the treatment of them, we looked at the drawing of these solids on sand beds, a process called vacuum filtration, which by a process of lowering the atmospheric pressure you withdraw the water from the sludge solids, and three methods of final disposal. The first method going to the existing landfill, the second composting it and reutilizing the sludge, and the third, incineration to an inert ash.

We did an environmental assessment of these seven waste streams and six different solid waste streams and some of the factors that we looked at were the social environment, which included public health, employment, land use, aesthetics and odor, quality of life, energy resources, historical and archeological resources, public service, the physical environment including the soils, climate, air quality,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the impacts of ground water quality and quantity, and the surface water quality and quantity.

In biological environment we assess the terrestry to equal streams of wildlife, vegetation, and the equalitic ecosystems of marine and fresh water ecosystems.

These were given various weights and the impacts, both long term and short term of each alternative and each different type of applicable sludge treatment methodology was put together. The ranking of this, which is a, again their weighted impact analysis, found that the plan that had the least, that was most favorable in terms of long term and short term impacts, was the chlorine oxidation plan. The plan that ranked the least was the No Action Plan, which is basically doing nothing. The plan that ranks second was the transportation of the waste to the Southwest Sewer District.

Coupled with the environmental assessment was a cost analysis and the plan that was least expensive on both the capital and operation basis was the construction of a chlorination oxidation system adjacent to the Riverhead Sewer District. Now this plant will have the waste delivered to it, to

1
2 this facility which will be adjacent to the Sewer
3 District, and the access to it will be only by across
4 River Drive onto a very short stretch of Riverside
5 Drive into the treatment plant. There will be no
6 access permitted via Riverside Drive.

7 The process will consist of pre-
8 treatment, the removal of the sand and rocks, storage
9 and mixing and then finally the chlorine oxidation
10 process in which the organic content and the nitrogen
11 content are reduced. The liquid solid matter is then
12 put onto drying beds which are lined and the solid
13 matter which is basically inert at that point is then
14 transported to landfill for disposition and the
15 liquid matter which then is collected from underneath
16 the drying beds is then placed for further treatment
17 into the Riverhead Sewer District treatment plant.
18 This plant will be designed to treat 120,000 gallons
19 per day for the Year 2000, which is the designed
20 period of the plant, about twenty years.

21 The costs were given by the Supervisor.
22 We estimate a cost of 2.5 million dollars, approximately
23 eighty seven and a half percent aid from the Federal
24 Government and State Government, and the local share
25 being about \$313,000. The annual operation and

2 maintenance costs of the plant is \$98,000.00 and
3 these costs will be borne by a charge to the users
4 of this facility, and this charge is presently
5 projected at a penny a gallon for -- or another way
6 of putting it is \$10.00 per thousand gallons of
7 truck capacity. I won't reiterate the schedule,
8 which is in the report and again Supervisor Smith
9 did review that.

10 The last aspect which I will touch
11 on is that we are providing for the formation of a
12 septic management district and this is a management
13 district whose purposes are not only the operation
14 of the plant but to provide for the environmental
15 protection and proper maintenance and operation of
16 septic systems.

17 I think that completes my
18 presentation, Supervisor Smith.

19 MR. SMITH: Yes, sir. We
20 come to that portion of the hearing where we will
21 listen to your questions, your suggestions, et cetera.
22 Who would be first?

23 (No response).

24 MR. SMITH: Nobody wants to
25 speak?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VOICE: May I approach
the dock there?

MR. SMITH: Yes, please.

VOICE: My name is
Richard Sellentin, and the question that I would like
to pose for those of us who are here from the Town
of Southampton, would be the matter of control of
this particular plant. It's obvious that since this
plant would be on Riverhead owned or Riverhead
Township owned land, that the proprietor of the plant,
so to speak, would be the Township of Riverhead. Now
since we in the Township of Southampton would be
contributing to this both monetarily and with our
portion of the waste, the question, number one, how
long would we be able to contribute under the present
contractual scheme that you have? Is there any
renewal clause in that particular scheme so that we
know that we would be able to use the plant for a
reasonable amount of time for a reasonable amount of
money? And the question possibly irrelevant at this
hearing, and possibly not, and we might pose that for
our good engineers, the present plant is to satisfy
a need for the western geographical portion of the
Town of Southampton, and is there an eventuality for

1
2 the eastern portion of Southampton that's for the
3 Shinnecock Canal east, and if so, will we have to
4 contribute to another plant or will we be cut off
5 from the use of this plant premature from that?
6 What sort of guarantees that we will have a place for
7 our sewage, because presently we do have a rather
8 nasty problem near the North Sea landfill, and B,
9 what is it going to cost us? Are we going to have to
10 go through another joint building program down the
11 road? And being from the east end of Southampton
12 these are the important questions in my mind.

13 MR. SMITH: Thank you. I
14 will be as definite as I can in this stage of planning.
15 As I said earlier, there are various ways to structure
16 what we do. It is anticipated that the particular
17 point, at this particular point in time, that a
18 contract will be executed between the Township of
19 Southampton, and which every entity will accept the
20 waste, whether it be the Sewer District or a special
21 district created in the Township of Riverhead, for a
22 period of thirty years. This would be the use for
23 life of the plant. At that particular point in time
24 down the road when you complete your studies with the
25 Township of East Hampton you may of course have an

2 additional facility for a portion of the Town of
3 Southampton yet to be defined. The equity of the
4 thing is handled in this sense, that the Town of
5 Southampton is not obligating itself for the
6 construction or operation of the plant, but those
7 people who need to use the facility by reason of the
8 cesspool waste will be the ones paying for it.

9 The scheme, as currently envisioned,
10 would have a user fee. Whether it is from Riverhead
11 or Southampton, it is calculated on an annual basis,
12 depending upon the costs of operation debt service,
13 -- and another item that just stuck out of my head.
14 The anticipated number of gallons for usage that
15 particular year would be divided into those
16 operational and maintenance expenses and you would
17 come up with a cost per gallon. So it is essentially
18 a user fee for the operation over the years.
19 Obviously if there is another facility that is
20 available to those of you in Southampton, let us say
21 hypothetically east of the canal, you will not be
22 paying a user fee because you will not be using the
23 facility.

24 Are there other questions that I
25 might try to answer?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(No response).

MR. SMITH: No other

questions? Statements? There must be one of you
in the audience out there that wants us to build this
thing; true? Not true? Is there some of you out
there that don't want us to build this?

Yes, sir?

VOICE: Yes, --

MR. SMITH: Sir, as I said

earlier, the most important guy in the room is this
fellow here, and he didn't get a word. Your name,
and the spelling.

VOICE: Robert A.

Krucklin.

MR. SMITH: And your address?

MR. KRUCKLIN: 1 Hedda Cove Road,

Hampton Bays. My comments on this particular thing
are the \$2,000,000 cost seems very low. I just
have been in construction too long to realize you can
get a sewage treatment plant for \$2,000,000. I
just can't see it.

The other thing is I'd like to
explore the possibility of why did we concentrate on
Riverhead and Southampton? What happened to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Brookhaven? That's a fairly large populated area. Why wasn't it included? Maybe that's a possibility. We are now talking about Jamesport Nuclear Plant. Does this take into account that, and what occurs there? Does it go as far as the other nuclear plant to the west of us? What happens if a bridge comes across? In other words, are we talking a twenty year life that is really unrealistic? A sewage plant is usually built for fifty years, not twenty years, not thirty years, fifty years.

MR. SMITH: You are beginning to pile questions on top of questions, so if I can start taking a few of them. Okay. And I am beginning to lose track. All right, if I may. When the Town of Riverhead began its 201 study, and we began it somewhat earlier than anybody else, we invited the Township of Brookhaven, a portion of which is in our study area, which I pointed out to Supervisor Randolph and his ideas of building test facilities at Brookhaven, which is within our study area, to come in with us on the particular study and they, and this would have been 1975 I believe, or early '76, and they declined to come in with us.

Your question as to the potential

1
2 location of the Jamesport powerhouse, that is within
3 the Town of Riverhead and is within the area of
4 study. With reference to the Shoreham powerhouse,
5 it is beyond, it is within the study area but beyond
6 the jurisdiction of the Town of Riverhead.

7 Your first question as to an estimate
8 of construction costs, you are more than correct. If
9 we were building an entire sewage treatment facility
10 this is a way low figure. Okay. That is not our
11 particular case. We have a sewage treatment facility.
12 What you are talking about here, and it may be low
13 again -- as I said we don't know until the bids go
14 out -- is a pre-treatment facility that the effluent
15 will eventually be treated with the ordinary water
16 flow of the sewers that already exist.

17 I think that's three answers and you
18 had four questions. What was the other one?

19 MR. KRUCKLIN: I forget the
20 other one. But let us get back to the acceptance
21 of the chlorified effluent from this particular plant
22 into the present Riverhead plant. Do you have a
23 capacity to handle that now for the next thirty
24 years, or would there become now a corollary
25 expansion of that plant that has to be borne within

1
2 this plant?

3 MR. SMITH: There's a two
4 part answer to that. Yes, we have the capacity to
5 today, and B, one of the purposes of our conducting
6 the 201 study that is not the split off that results
7 in this particular report is an upgrading of the
8 existing sewer system in the Town of Riverhead. The
9 question not asked but probably in your mind is that
10 our permits do allow rather larger volume of
11 discharge than we currently have.

12 MR. KRUCKLIN: Let me go back
13 just a bit. You stated that you've had a study in
14 Riverhead. I distinctly remember that at one time
15 there was a study for a plant in Hampton Bays and
16 it went down the road to defeat because of public,
17 either apathy or whatever you want to call it, but
18 be that as it may, I think the point of the previous
19 gentleman was well taken. This only takes care of a
20 relatively small area and I'm surprised that with the
21 haulage distance that we are talking about that it
22 doesn't take into a larger area. My comment as
23 far as it is still valid. I think Brookhaven is part
24 of this particular area and I think the east part of
25 Southampton is going to be part of this area. I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

think we are narrowing it down to too small an area.

MR. SMITH: Okay. That's a valid comment.

MR. KRUCKLIN: So that maybe, maybe we are narrowing it down too far that it's become too small.

MR. SMITH: Again, we can differ on that.

MR. KRUCKLIN: And as far as I noticed the report says, I think it said "suggested" or it doesn't say mandated, the gentleman used mandated where the report doesn't say that. What we have to do is mandate it.

MR. SMITH: Hang on for just a moment. Okay.

MR. KRUCKLIN: Which is the brief of the report? The yellow doesn't say that we are mandated to do anything.

MR. SMITH: Our problem, sir, is that the current method of disposal at the sanitary landfills of both jurisdictions are not in compliance with our permits for the operation of the sanitary landfills and the permits for the operations of the sanitary landfills will not be renewed with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

this type, with the current method of disposal area.

MR. KRUCKLIN: Supposing we go right to the day that the permit runs out and we have done nothing. What are they going to do? The same way they haven't cleaned up the Hudson. In other words, you are saying that all hell is going to break loose if we don't do anything, because the day the permit ends get it extended.

MR. SMITH: There is also beyond the fact of a permit deadline, there is a certain logic and rationale so that quite possibly in this instance the people that are issuing the permit are right and this is not a correct way to handle this type of waste and we are polluting our water table and we should do something about it, whether or not it is mandated by permit.

MR. KRUCKLIN: Just one final comment. I haven't had a chance to read the report. I have been busy on a job in Korea and would like to suggest that there be another meeting, which I hope this will be after maybe I get a chance to read the report and some other people get the chance to read it.

MR. SMITH: We will welcome

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

your comments. After the meeting you should speak with Mr. Dombeck who will make a copy of the report available. If you will please give us your comments. I don't think that you are asking us to delay proceeding with this matter. So if you would kindly get your comments in if you are going to get them in.

MR. KRUCKLIN: The basis for my remarks are the fact that I took over the Hempstead Recycling Plant when it was in deep trouble and budgeted at \$51,000,000. It now is \$110,000,000 and I am awfully leery of projects. It's horrendous what goes on, and I would like to get a chance to study the report.

MR. SMITH: We will give you that opportunity.

MR. KRUCKLIN: Thank you.

MR. SMITH: Next speaker please. We have rather extensive work that is reflected not only in the report but work that the Town Board is doing, for instance, on sanitary landfills. We have knowledge of those things. We have other reports and studies with reference to fresh water in the Town of Riverhead and we will rely upon those reports, general knowledge of the

1
2 area in making our decision to go with the report
3 that is here.

4 If there is no one else who is about
5 to speak on this matter, I will close the hearing
6 and make our decisions based as I have just outlined.

7 Yes, sir?

8 MR. SELLENTIN: One more
9 question, if I may?

10 MR. SMITH: Yes, Mr.
11 Sellentin.

12 MR. SELLENTIN: At the present
13 point in time is your board or rather your Township
14 of Riverhead and our Township of Southampton locked
15 in a contractual agreement at this present state or
16 time?

17 MR. SMITH: Mr. Sellentin
18 asked whether or not the Town of Riverhead -- so the
19 tape gets it, you don't have to take it -- is locked
20 into a contractual arrangement. Maybe I can express
21 it this way. The Town of Riverhead is paying big bucks
22 to these guys on my left and if Lang doesn't forward
23 the money when I ask for it for his share, he will be
24 in a lawsuit.

25 MR. SELLENTIN: Am I to conclude

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that we are in a contractual agreement?

MR. SMITH: You bet ya, and
if put to it I'll prove it.

MR. SELLENTIN: Thank you.

MR. SMITH: Anything else?

(No response).

MR. SMITH: I thank you all
for coming out this evening. I bid you good night.

* * *