

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, April 4, 1978 at 7:30 P.M.

Present:

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

Also present: David Fishbein, 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.

Supervisor Smith: "Ladies and gentlemen, one matter that has come to our attention in the past few days, and it's because the contractor for the Aquebogue Area Water District Extension has been somewhat diligent, is the possibility of certain people contacting with, hooking up to the West Aquebogue Extension of the Water District. So that that particular situation is clarified, the engineers for the Water District are preparing a cost estimate of exactly what we will call the laterals which are the types of pipes that will fit in that area will cost. This is then compared to the assessed valuations and we will have a hearing similar to that, which we are going to have at 8:00 with reference to Sewer in another location. Because you see pipe going in, you don't necessarily get it coming along in front of your house, that does not mean we have forgotten that particular area."

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

RESOLVED, That the Minutes of the Town Board Meeting held on March 21, 1978, 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 were submitted on Abstracts dated April 4, 1978 as follows:

General Town, 1977 Encumbered	\$ 44.34
General Town	\$16,645.69

BILLS - continued

Debt Service	\$ 102.50
Special Districts	\$ 478.05
Community Development	\$ 21.90
Capital Projects	\$ 379.12
Highway Item #3, Encumbered	\$ 93.50
Highway Item #1	\$ 840.60
Highway Item #3	\$ 1,817.51
Highway Item #4	\$ 7,030.80

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, 1977 Encumbered	\$ 44.34
General Town	\$16,645.69
Debt Service	\$ 102.50
Special Districts	\$ 478.05
Community Development	\$ 21.90
Capital Projects	\$ 379.12
Highway Item #3, Encumbered	\$ 93.50
Highway Item #1	\$ 840.60
Highway Item #3	\$ 1,817.51
Highway Item #4	\$ 7,030.80

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

The resolution was thereupon declared duly adopted.

OPEN BID REPORT - ONE (1) TOW TRUCK FOR POLICE DEPARTMENT

After being duly advertised the following bids on the One (1) Tow Truck for the Riverhead Police Department were opened by the Town Clerk on Monday, April 3, 1978 at 11:00 A.M.

FRED J. GALLO
USED AUTO PARTS INC.
27 Hubbard Avenue
Riverhead, New York 11901

MAKE OF VEHICLE: 1974 GMC Tow Truck

APPROXIMATE DATE OF DELIVERY: 2 Days

COST OF VEHICLE WITH ALL SPECIFICATIONS: \$4,000.00

Filed.

OPEN BID REPORT - ONE (1) TOW TRUCK FOR POLICE DEPT - continued

WELD BUILT BODY CO., INC.
276 Long Island Avenue
Wyandanch, New York 11798

MAKE OF VEHICLE: 1978 Ford F-250 Pick Up - New

APPROXIMATE DATE OF DELIVERY: 8 - 10 Weeks after receipt of order

COST OF VEHICLE WITH ALL SPECIFICATIONS: \$7,727.00

Filed.

Reports

Tax Receivers, dated March 31, 1978. Filed.
Conservation Advisory Council - Annual report for the
year of 1977. Filed.
Supervisor - Annual report for year of 1977. Filed.
Conservation Advisory Council - Minutes of meeting
held 3/15/78 Filed.
Police Department - Report for the month of March, 1978 Filed.

PETITIONS

Requesting Town Board solve "catastrophic occurrence"
at Horton Avenue & surrounding area, signed by 115 residents. Filed.

Application - Special Permit of John Duda - to operate
drive-in restaurant at "Ricky's" site. Filed.
Referred to Planning Board.

COMMUNICATIONS

Peter S. Danowski, Jr., dated 3/27/78 - Notice of Motion
for Summary Judgement, regarding Haugaard VS. Town Board & Super-
intendent of Highways. Filed.

BOCES, dated March, 1978 - advising Town Board of opening
ceremonies of "Life Long Learning Exposition" on April 8, 1978
at 11:00 A.M. at East End Arts Center, 133 East Main Street, River-
head. Filed.

Town Attorney, dated 3/20/78 - copies of letters from
Harvey Arnoff regarding airport. Filed.

Catherine Miller, dated 3/22/78 - advising Town Board she
will apply for a leave of absence this summer. Filed.

COMMUNICATIONS - continued

Riverhead Conservation Advisory Council, dated 3/23/78 - recommending that permit application of James J. Magee be granted. Filed.

Riverhead Conservation Advisory Council, dated 3/23/78 - recommending that permit application of Bette Lederle be granted. Filed.

Riverhead Raceway, dated 3/23/78 - requesting forms & permit for fireworks for July 4th. Filed.

Town Attorney, dated 3/27/78 - copy of Peter Danowski's letter regarding hearing on equalization rate on 3/23/78. Filed.

George Shapiro, Counsel for L.I. Cablevision, Wash. D.C., dated 3/29/78 - copies of communications regarding L.I. Cablevision (Concerning consolidation of separate units) Filed.

Department of Commerce, New York State, dated March 1978 - acknowledging receipt of letter supporting Grumman's. Filed.

UNFINISHED BUSINESS

Special Permit, Joseph Brush - (airport).

Application for renewal of franchise & rate increase - Cablevision.

Zone Change, Doris Palmieri - ("Res. "C" to Bus. "C", Roanoke Avenue).

Special Permits, Joseph Picone - (Commercial soap & Stucco products, Calverton).

Special Permit, Agway, Inc. - (new tank on Marcy Ave.).

Special Permit, Chris Gumbrecht - (variance appeal on Maple Ave.).

Special Permit, Joseph Bartasi - (restaurant at Route 58 & Roanoke Ave.).

Supervisor Smith then stated: "With reference to the application of Mr. Brush, the people from the Department of Transportation should be here on Thursday and we would have their report subsequent.

The application of Cablevision is pending.

The zone change of Palmieri will probably result in a rehearing that deals with the entire area and quite possibly

Supervisor Smith continues:

the establishment of a new zoning use district in the Town of Riverhead for professional offices.

Picone and Agway are pending.

There is a resolution with reference to the application of Gumbrecht for a one-family house in a business area.

And the application of Mr. Bartasi, dealing with certain facilities on Route 58, will be referred to the Planning Board this Thursday.

This moves us on, but I'm going to do something before we continue with that particular one. We have one this evening, the certain Sewer Laterals on Ostrander Avenue and Peninsula Path and I'm not calling for people to jump up and address the Town Board before that hearing hour is called, but I do have an engineering report that relates to this particular application in that there is a definable number of persons who are affected by this particular application. What I would like to do is read off at this time, so that there's time for you to read the report should it interest you, the names of the fifteen people that are affected and we will pass out to those fifteen people, should they choose to read it, a copy of the report. Mr. Fishbein, could you take these and as I call off the names of the people who are present, could you give them a copy.

Harry Carver, Mr. Dangelmaier, M. Agnes Creighton et al, Bob Roosa, Rose Fioto, Betty Edwards, Paul Sparrow, Harriet Lane, Frank Yertzombek, Harry Schaffer, C. Pellegrino or A White, Max Leventhal, Arlene Rothberg, Mr. Ambrose and his wife have a copy and Albert Erickson.

I will come to this particular hearing in about 15 minutes after you've had the opportunity to examine the report if you have not done so already. I would add that the report covers an additional area known as Robinson Parkway, that is not the subject of a hearing this evening.

We come back to the regular agenda and that portion where we will recognize anyone wishing to address the Town Board on any issue. We ask that you please use the microphone here in front. Would you please also give your name and address to Mrs. Pendzick such that she can write it down before you give your comments and I would point out as we begin this portion of the agenda that when it comes to 8:00, I will be interrupting for the purposes of a hearing."

Bill Celic, Wading River; "Mr. Supervisor, Members of the Board, ladies and gentlemen, "I'd like to bring to your attention what the citizens of Century Farms consider to be quite a serious problem of drainage. The flooding occurs on North Country Road, that's alias Parker Road, about one mile east of Wading River or on the other hand, if you look at it from the west, it's located about a quarter of a mile — if you look at it from the east, it's located about a quarter mile west of the intersection of Sound Avenue and Highway 25A.

In that area, the water drains from north to south.

PERSONAL APPEARANCES - continuedBill Celic continues

The land is owned by the builder of Century Farms on the north side and the south side of Parker Road and as I mentioned then the water drains from north to south through a culvert — it has done for the last 20 years or so through a culvert across Parker Road and empties into a pond between Parker Road and 25A also on property that's owned by the builder.

Just about a year ago, the builder took upon himself, I'm not sure if there's any other reason to block up the culvert, stop up the creek which drained from the culvert to the pond and thirdly built a dike which runs parallel to Parker Road on the south side which means then that all this drainage that runs from north to south is stopped by a dike and there's no place to go but right there. This was done a year ago. In the meantime, there's been one accident where a car hit about a foot of water, sometimes there's two feet after ir rains, about mid-summer, hit a power pole, did considerable damage to the vehicle and caused the power to go out. This fall after the pond on the road froze up, there was another accident when the driver hit the ice and it skidded and they just towed the automobile away. It was a total wreck.

During the summer, also I might add, that the builder has erected or built some little rights-of-ways perpendicular to Parker Road and these are very cleverly done in that on the north side of the road where the drainage, of course, goes from north to south, it's built such that the water runs onto the road. He also builds some of these instances on the north side of the road. These are built up so that similarly the drainage is impeded and on the driveway, itself, the water on the opposite side of the road accumulates there so you've got water running in from both sides of Parker Road in accumulating right there. So what was initially not a problem has developed in a very serious problem of drainage and it's being accentuated with every little road that the builder decides to put in.

Now it would have been a catastrophe this winter, and certainly we would like to acknowledge Mr. Horton's crew in that they broke through the dike when the problem was certainly extremely severe — broke through the dike, the drainage then went on through to seek its own level and it cut another pathway down to the original pond. Now at this moment, we're okay. But one of the builders, one of the residents who is building a house near the pathway of this drainage is not too happy, because it's cut a pathway down his property and judging from past performance, I would think that within the next few weeks that the builder would be inclined to plug the hole in the dike and when that happens, we're in trouble.

PERSONAL APPEARANCES - continuedBill Celic continues

We, citizens of Wading River Century Farms, have thought enough of the life, limb and property that we've written some letters to the Town indicating what the problem is and even have signed a petition suggesting that the drainage problem be solved. And we think, although none of us engineers, we think that the problem shouldn't be too much of a problem to solve because there is a drainage sump located on the north side --- the only problem is that the water refuses to run into it and we think then that with some---this is only about a few hundred yards away from where the problem is and we think that with some careful drainage ditching, but the water could be drained off the road and into the sump where it's supposed to go and we thank you for the attention and hopeful that the Town will be able to solve our problem."

Supervisor Smith: "Dr. Celic, so that you wouldn't go away feeling that we are unresponsive to your prior communications, there have been several conferences between myself, and the attorneys for the developer and in an attempt to iron out the difficulties that exist between Mr. Horton and the developer, that in part precipitates your problem as you have laid it out. One suggestion as the expenditure of Town Funds to create additional drainage, catch basins, and pipings such as that might accommodate that sump on the north.

The other is that we have written to the Long Island Lighting Company, have obtained surveys of their right-of-ways in that particular location and they do, in fact, own the fee title to around there these are now the subject of a request for a title report and it is quite possible that additional drainage facilities of some sort could be created on the southerly side of Parker Road with a lease license, if you will, from the Long Island Lighting Company. These things and the maps have been sitting on my desk. In part, our problem at this time of the year with reference to drainage is that your major undertaking such as the cleansing of the sumps, the deepening, widening, etc., of the same from the sill is not possible in the muddy conditions etc., that we have at the moment. But those are the things and I think we'll discuss it some more later on in the evening that yours will be part of a much larger drainage effort and I'll spell out that later on as we pick up some of the other problems that I think are going to be mentioned in the room tonight."

Bill Celic: "Thank you Mr. Smith."

Supervisor Smith: "Thank you Doctor. We have time for another speaker. Five minutes."

PERSONAL APPEARANCES - continuedJohn Langhorn, Box 171 Horton Avenue, Riverhead;

"I have been living here for 25 years on Horton Avenue and we didn't have this problem before this water. Everytime it rains, we've got to move out and especially in the winter time, and nothing's done about it. Eight years ago, we came down here and you promised us that the water was never going to get down no more. This was the worst disaster that there's ever been — Horton Avenue. It just about ruined everything we had, and the water just comes right down the road from Osborne Avenue and Horton Avenue on both sides of the road and don't even have a water catch basin. Water comes down there like a — so you got to move out. We told them time after time about this water, and we have no place to go in the winter time, you got to get right out or the water's going to drown you."

Supervisor Smith: "Mr. Langhorn, this is similar to what I mentioned with Mr. Celic. I have had some negotiations with reference to the lady who owns the property to the east of Horton Avenue which is the swale where a great deal of the water sits at the moment. The Town Board was down there during the winter when it was frozen. We have discussed a purchase price with that particular lady. We have asked for an examination by Mr. Young whether or not in fact a sump will do any good at that particular location. In part, your problem, at that particular point, a sump does not do any good or purpose, if, in fact, the water table comes up to that level.

The other problem that I tried to address in the newspaper article, some days ago was a great deal of the water comes your way, is not occasioned by road water as such. It is water off the fields. We are going to have to address the fact, quite frankly, because of a great deal of flooding or whether or not we can voluntarily obtain from the farmers, generally, it isn't just the Horton Avenue area. The sum means either cover cropping or limiting the flow of water onto the public highways if it cannot be done voluntarily, it will have to be done with an ordinance and or a re-grading of the roads such that the water cannot run off the fields onto the public highways.

The other thing that I would mention, Mr. Langhorn, any of these lawsuits that may arise with reference to the water damage, if it is in an area where the water damage was occasioned by water coming off of farm fields. We, quite honestly, intend to join the farmer in the lawsuit who allowed the water to run onto the public highways. These are some of the things we are trying to do.

I do hope that those of you that were eligible did file for the disaster load, the S.B.A. Loan that we set up a few Sundays ago. I know some people did show up and further

PERSONAL APPEARANCES - continuedSupervisor Smith continues:

there is the housing program which we're going to mention more this evening for subsidized loans, home improvement loans, and if you haven't, would you please check into those. Those loans can go for ten years and they're at 3%, so it would enable some people to repair some of the damage that's occasioned etc., and you don't have to borrow the money at 12% and 13% from the bank. You can borrow it through this special program that's been established by the Town Board at 3%. So if anybody needs more information on that, we'll get it for you later on in the evening."

John Langhorn: "We would like to get some action."Supervisor Smith: "Okay. I'll see if I can deliver on that. Is there anyone else wishing to be heard?"James Carter, Horton Avenue: "What I would like to ask is — now you say Horton Avenue — no water — I mean the water is coming down from the farm fields, right?"Supervisor Smith: "Yes Sir."James Carter: "You got the privilege of three acres or more to buy, right?"Supervisor Smith: "Yes Sir."James Carter: "You say you don't have the money, I believe — the Town says they don't have the money to buy."Supervisor Smith: "I'm not saying that at this point Sir. What the Town Board proposes to do with reference to your drainage problem and to Dr. Celic's and some others, a lot of others, we've been into discussion with the engineering firm that represents us in other matters, specifically water and sewer. We intend to spend a large sum of money in having your problem, Dr. Celic's problem and these other problems examined by these engineers. What will then happen, will be a hearing very similar to what has just happened with reference to sewers where we will give the people in the area the opportunity to address the Town Board and say whether or nor they want their taxes raised to pay for a number of drainage projects. Additionally, with reference to the Horton Avenue Area and specifically with reference to fresh water, which I do hope to get some further answers for you this evening. We are examining certain federal funds that may help provide that."James Carter: "You're talking about the tax we're paying. We're paying enough — the profits — they're adding

PERSONAL APPEARANCES - continued
to the profits, there's no harm in that."

Supervisor Smith: "As I said, we have talked to the lady about purchasing that particular property and quite possibly we will do so."

James Carter: "I hope you will. Thank you very much."

Supervisor Smith: "Thank you Sir. Anybody else?"

Porter Trent, 85 Horton Avenue; "Mr. Supervisor, Officers, you were speaking about the tax on Horton Avenue because this is where we are living. I talked with many people that don't live on Horton Avenue. They are in a better area than we live, and don't pay the tax I pay. No way. I don't see no house on Horton Avenue should go too much over \$1,000. They're not worth it. You can't get too much for a house on Horton Avenue. Half the people can't even live on Horton Avenue Area when the water's there."

Supervisor Smith: "Mr. Trent we talk about having the hearing for drainage. The tax that we are talking about when, as, and if that occurs will be a general town wide tax if there is to be a drainage project in the Horton Avenue Area and, I living in Aquebogue, will help pay for it. It will not be a special improvement of the tax that will be limited to one area."

Supervisor Smith recessed the meeting until 8:30 after which the meeting resumed.

Supervisor Smith: "Ladies and gentlemen, Mr. Lombardi, Mr. Regula and I have some pamphlets here. This particular Town Board, unlike the Town Boards in Brookhaven, Southold and some of the other places have tried to take a studied and intelligent approach to what John Randolph in Brookhaven really apparently doesn't understand with reference to Community Development. We are actively involved in subsidized housing programs and we have here for some of you, who have been hurt by flooding and things of this particular nature, just one of those programs and I'd just like to explain to you a little bit about it.

You will see inside this little booklet who is eligible. In other words, you can obtain this kind of home improvement loan if you are family of four and you are not making more than \$17,050 per annum. If you have difficulty understanding what is in these documents, you should call this Town Hall and ask for the Community Development people and they will help you determine whether you are eligible, and if you are eligible

PERSONAL APPEARANCES - continuedSupervisor Smith continues

how to process your loans. As I say, it results in you obtaining home improvement loans at 3% which is a lot less than you can get it at any bank and it can be up to ten years to pay back these particular loans.

Anybody that's interested in this, would you please stick up your hand and we'll pass these out."

At this time, Supervisor Smith, Councilman Lombardi and Councilman Regula passed out Suffolk County Home Improvement Program Pamphlets to the requesting people.

Supervisor Smith: "Now if I may, I would interject that these very same standards that you see in the left hand side of this fold out-brochure are the standards for low and moderate income rentals. And if you were to fall into that category, and the Town Board would proceed as it is about to proceed this evening to obtain a program of subsidized rental units, you could occupy a home and not pay any more than one quarter of your income for your living expenses. It is a renters program similar to an F.H.A. Mortgage. What the F.H.A. Mortgage was to the homeowner, the Section 8 Rent Subsidy is to the renter. We see it quite frankly as a program that can prevent this particular program, the home improvement program to keep some of the homes from going into disrepair and we see the rental program as avoiding some of the ills of social welfare driving up the costs of rent, especially for the elderly to a point where the landlord is faced with the real potential of having to social welfare eligible people because he can get a much higher rental. This gives that particular person an option that if you qualify under this particular program, the rental can go up, but the subsidy comes in and makes sure the elderly especially are not pushed out on the street.

We are going to come back again to Horton Avenue, as soon as Mr. Scheiner appears. I went down and grabbed his records, and I can't find what I'm looking for. He was scheduled for 9:00 and he will be here. Is there anybody else wishing to address the Town Board on any new matter?"

Walter Flanagan, 222 Fishel Avenue, Riverhead: "Mr. Supervisor, Members of the Board, on the 22nd of April, we're going into this Town clean-up day again and one of the difficulties we're having with this is very often in the morning when I walk the dog. I usually go down through Fishel and Corwin Street and areas like that. Now over the past weekend, the A & P Supermarket delivered circulars to the different homes. Now whoever distributed, has dumped somewhere in the neighborhood of about 100 down along the railroad tracks there. Are they personally responsible for the distribution and the clean-up on this, Mr. Smith?"

PERSONAL APPEARANCES - continued

Supervisor Smith: "Mr. Flanagan, I mentioned this particular problem in my radio program on Sunday morning. I am suggesting to the representatives of Suffolk Life, the A & P, the Pennysaver, and the multitude of these handbill types of distributors that they should be much more sensitive to our area, and if they are not comments such as yours, will probably result in some sort of registration to license or regulate the distribution of these handbills."

Walter Flanagan: "Okay."

Supervisor Smith: "I would hope that it can be handled voluntarily, as I hope that the farmers will voluntarily cover crop and dike their field adjacent to public highways."

Bill Nohejl, Wading River; "Mr. Smith what happens when the water runs off the highway onto the parkway?"

Supervisor Smith: "You point them out and I'll make it a part of the drainage situation."

Bill Nohejl: "I've been hearing you say about the farm lands. How can you keep water coming off the farm land when it's frozen two foot deep?"

Supervisor Smith: "All I'm telling you, Bill, is that the Town, for instance, on Sound Avenue in several particular locations is getting notices of claim with reference to water. In those particular locations the water has come off of farm land, and the other taxpayers of the Town of Riverhead are getting sued.

Now we are prepared as the Town Board to take the responsibility for water that accumulates off of the Town Highways. But in some of these situations, it does come off of farm land. There's no doubt about that. I would hope that those situations do not dictate the passage of ordinance or actions on behalf of the Town Board that will be detrimental to the farming community and I would like to see it done voluntarily rather than some other way and I put it in my column and I say it again tonight. The situation in Jamesport on Manor Road, a great deal of that water is not water that is associated with the Town Highway."

Bill Nohejl: "You say Horton Avenue. I'm quite familiar with Horton Avenue. The only farm land on Horton Avenue is up on Middle Road. Now the problem that these people are having on Horton Avenue, I don't believe is derived from farm land, as you stated."

Supervisor Smith: "That water, I think, comes all the way from Talmadges."

PERSONAL APPEARANCES - continued

Bill Nohejl: "How does it come there?"

Supervisor Smith: "Through the fields."

Bill Nohejl: "It doesn't come down the road?"

Supervisor Smith: "There was a large dike created some years ago on what used to be Yousik's farm and Reeves Avenue that was some help at that particular time."

Bill Nohejl: "What happens, say for instance, I have a piece of land and the water is coming down and I try to stop it from going onto the road, and it backs up onto another persons property, how will I come out? I will be sued by the other person."

Supervisor Smith: "That's true."

Bill Nohejl: "So what is it going to be lawsuit on top of lawsuit on top of lawsuit?"

Supervisor Smith: "Apparently yes."

Bill Nohejl: "Well you know right now the Department of Conservation is having a program initiated in the 80's, the early 80's with the farmers designated on water run-offs. And we hope to correct some of that by that measure. But as far as you keep saying it's all coming off the farm land. It's not true."

Supervisor Smith: "I didn't say all. I said where it does, let's try to deal with it."

Bill Nohejl: "You keep giving the needle on the farm land. You're not saying anything about another person who has property which is high. It could be a private person. It could be a speculator who has woods."

Supervisor Smith: "True. I think I picked fairly on the guy to the north of Dr. Celic that isn't farm land, that's a subdivision, Century Farms and I'm trying to iron out the problems there."

Bill Nohejl: "I know the situation out in that area quite well where Mr. Celic is and before that dike was put up, that water used to go right across 25A into 25A and 25A was flooded. So now it's a backup and it's backing up into the homes, so you keep backing it up and backing it up."

Supervisor Smith: "There's no easy answer for this. That's why I'd like to do it voluntarily rather than deal with legislation, etc."

PERSONAL APPEARANCES - continued

Bill Nohejl: "But everytime I hear you talking, it's coming off the farm. You should say all properties."

Supervisor Smith: "All properties. Anyone else?"

Ronald Eck, 984 East Main Street, Riverhead; "I just wanted to clear this up a little bit Allen, that's that Suffolk County Home Improvement Loan. Now I rent and the landlord who owns my house, who has been very sick, his daughter who has been taking care of it and managing it, lives way out in East Marion and I've been trying to make improvements on the house using some of my money when I have a little bit left over which is actually nill, but my dog had chewed up the shingles. So I promised here I would replace them, which I intend to do. But with the condition I have, which most of you people know, can I get a loan through this?"

Supervisor Smith: "No. This particular program that you have before you is for the owner to apply. Now I would suggest to you that you take one of the pamphlets and you forward it to this particular person and see if they are interested. When, as, and if we qualify for one of the rent programs, which we are currently competing for and which we have a resolution later on in the agenda, then I will announce publicly, as I do in these meetings, that that program is in place and you should speak to us about it again at that time."

Ronald Eck: "Now one other thing I understand that the Town is having a clean up pretty soon. Well I just put the plates on my trailer yesterday, I have a little utility trailer, I feel that anyone who is willing to clean up their yard. I am a committee man on a conservative party for Suffolk County and for the Town of Riverhead and if someone wants me to go by and pick up their rubbish or take it to do the dump, I am willing to do this for them free of charge."

Supervisor Smith: "Mr. Eck, if you would please read the newspaper, there will be some instructions on who to get in touch with to participate on the 22nd and I hope that you and everybody else does so."

Ronald Eck: "Thank you."

Supervisor Smith: "Thank you Sir. Anyone else?"

Mike Esposito, 152 Merritts Pond Road; "I spoke once before on this application of this Mr. Bartasi to build two fast food restaurants on Route 58 and Roanoke Avenue. Since then, I've looked into the matter a little bit. I've found that 7,000 cars a day go up Roanoke Avenue, 15,000 cars a day

PERSONAL APPEARANCES - continued

Mike Esposito continues:

cross that circle going east. The problem that this man will create for the entire Town is almost incalculable. The hospital which is our main concern in this community is going to cut off almost 75% of the people when in need of it, they will not be able to get to it. The Fire Department which will have to go up and down Roanoke Avenue to answer an emergency, won't be able to get there. The Police Department on any kind of Police emergency will be hamstrung. They will not get a truck up there or a car up there. People who live in this Town who normally would use Roanoke Avenue as a normal access to shopping, hospital or almost any facility on 58, won't go up that way. They'll take the alternate routes. The alternate routes are Osborne Avenue and Ostrander Avenue and Harrison Avenue.

Harrison has three schools on it. If you increase the traffic on a school street, how soon before one of the people will kill a kid? How much is it worth to the Town to let this man build this fast food restaurant? Another alternate route is Ostrander Avenue which is a residential street, already overly-traveled. How long before a kid who lives on that street is going to get killed. We have to do something as a community to stop these people from coming in and doing this.

I understand the County has approved it. I know that we, as a Town, have a special use permit because of the drive-in window. I would say, as a matter of public safety, it's your responsibility to all of us as well as yourself and your own family to stop this from happening on that particular corner. Move them east, move them west, move them anywhere, but don't block us off from the hospital. Whatever means, legal or otherwise we have to use to stop this person from doing this, I say help us and help yourselves at the same time.

I'm trying to organize the Fire Department, the Police Department, the ambulance calling, the hospital and every private citizen in the Town, the Lions Club, the Kiwanis, the Rotary, whatever we have to do as a community to help ourselves in this situation because this one individual will cause such a catastrophe on that corner, it's almost unimaginable.

They're going to attract kids. They're going to attract hot rodders. They're going to attract motorcycle people. They're going to be open late into the evening and you're talking about within 500 feet of people who are dying and seriously ill, and I can't imagine us being that stupid as to let these people come in and do this to us. And I say whatever must be done as a community, you as our officials helps us and protect us. And anyone in this room who will help in this matter, please call me and contact me. I have petitions printed up at my own expense. I'm talking to almost anybody and everybody. Because I feel this is my Town as well as anybody else's and I want to do whatever I can to help us and to protect us. Thank you."

PERSONAL APPEARANCES - continued

Supervisor Smith: "Thank you Mr. Esposito. Does anyone else wish to participate in this public portion of the agenda?"

Richard Spanburg, Union Avenue, Aquebogue: "At the last meeting of the Town Board addressing myself to the problem that Mr. Esposito brought to our attention about certain areas in this Town, you told him they were pre-ordained for certain uses such as these fast-food chains and you also brought up some property on Middle Road that if somebody wanted to put up a pig sty there, they could because there was no proper zoning in effect at that particular time as I understood."

Supervisor Smith: "Poultry slaughter house I think is what I said."

Richard Spanburg: "Well whatever it may be, but something of an obnoxious nature anyway. I think maybe what you're going to say to Mr. Esposito in the end run is that the Town's hands are tied in so far as getting a fast-food chain not allowing them in there. I think they can take it to court and probably win the case if that's what the use is for and so they can put it in."

But you raise an interesting thought. I thought for future development of the Town, namely what it's going to happen to the other business property in this Town, time after time after time are we the residents of this Town going to watch these obnoxious business enterprises come into Town and we the residents of the Town find our hands tied and not being able to do anything to prevent it. I'm talking in particular since we've already developed so much of 58. I'm talking about that property that's east of like Cross River Drive, that's zoned business, I think, on the Master Plan and it's undeveloped right now. What is it one by one by one. They're going to fall and we're going to have a stretch of properties. If we don't say something now, will it be too late later?"

Supervisor Smith: "I invite you Sir. I encourage you to attend if you would the next Joint Board Meeting as we call it. It meets the third Thursday of every month. You can check with Marge O'Hara, who is my secretary and we deal with exactly this kind of problem over and over again, month after month in response to the concerns of the Wading River citizens, who, in part, turned out at the last Joint Board Meeting and addressed among other things, the newspapers. The strip zoning affect that exists today on 25A from the traffic light east is the subject of a public hearing that we'll call this evening to eliminate that strip zoning in that particular area as a commercial use."

PERSONAL APPEARANCES - continuedSupervisor Smith continues:

I like that. I encourage it. It was the point of what I said at the last time. It seems that the people on Middle Road and I don't mean to pick on them. I can think of other examples that came out specifically with reference to the race track, and I said to them, do you want a poultry slaughtering establishment, hell no.

As soon as the race track went away, they went away. And it seems that we deal with zoning on a crisis basis, that when Kentucky Fried Chicken came onto East Main Street, everybody woke up to the fact that my god fast food is upon us. And the decision was made at that particular time that if you're going to have drive-in restaurants, they should be on 58. And there are people in this room at the moment that remember that particular debate. Now if that philosophy has changed, then we deal with it in advance, which is, I think is proper planning and we use our best efforts to predict where we want certain things in the future. I think rather than reacting, I'll not use Mr. Esposito's example, but the one of the barn that was on the east of Kentucky Fried Chicken. Nobody pays any attention to the barn until the guy shows up with the bulldozer. I don't think that's proper planning. I think the businessman has the right to know what's going to happen to his property, if it's zoned for a particular use, what he can reasonably anticipate. And that if we are performing our function properly and there is something inconsistent with the zoning or historic preservation or whatever it is, then we should deal with it in advance, not when the man shows up with the bulldozer."

Richard Spanburg: "But as far as you know, the property that is east of Cross River Drive, can someone come in and open up almost any conforming use business, they so desire? Are we going to see . . ."

Supervisor Smith: "You have in that particular area, I can't deal with it off the top of my head."

Richard Spanburg: "I don't expect you to."

Supervisor Smith: "But you have a business zone. I forget which type of business zone. It begins approximately at Union Avenue and runs easterly down towards the Church. That is a business zone. It is stripped zoned. If you don't want that, and you want to deal with some of the other techniques, such as clustering, etc., and the Joint Board is very informal. We don't wear jackets and ties. We sit down there. We invite everybody to come up. We'll listen to anybody who wants to talk about anything."

PERSONAL APPEARANCES - continued

Richard Spanburg: "Well I know that three years ago we formulated a Master Plan for this Town, and the first test for this Master Plan was it didn't call for an animal hospital. And so I, as a concerned citizen, and a resident of that area, the Aquebogue Veterinarian Hospital stated my opposition to changing the Master Plan. On the first test of the Master Plan, the Town Board then in existence went ahead, disregarded what the Master Plan called for and established use of the Veterinarian Hospital."

Supervisor Smith: "Rich, there's been some changes on the Board since then. Why don't you give us a try. The third Thursday of the month."

Richard Spanburg: "Third Thursday of the month. Then we can stop these obnoxious businesses as Mr. Esposito makes?"

Supervisor Smith: "I'm not saying that we are going to stop anybody or create anybody or anything else. We, as citizens, will engage in a dialogue to see where this Town goes in the future."

Richard Spanburg: "And then there will be ways to change the zoning in those areas to a . . ."

Supervisor Smith: "I tell you that there are people that are sitting right here in the room that were here last Thursday because we adjourned it because of snow or weather or something and what they had to say resulted in a zone change, map change that is on the agenda tonight and will be the subject of a hearing."

Richard Spanburg: "Thank you very much."

Supervisor Smith: "Yes Sir."

Victor Prusinowski, South Jamesport, "Allen in response to the newspaper commentary, I talked to the, as a representative of the Suffolk Life Newspaper, I do want to inform you that tomorrow in the newspaper you'll see an ad requesting people who have problems with their tubes or locks or whatever to call our circulation manager, I talked to Bill about it. As you know, there is Suffolk Life Newspaper, the Pennysaver, the Circulation Management. There's approximately four circulation management delivery mediums out here.

We contend that our delivery is quite accurate and remember when you're dealing with 1400 delivery boys, you're going to have some problems after the winter, but I talked to Bill and he said he's going to take care of any problems. And if there are any problems, please call Suffolk Life and we'll quickly get down there and take care of it right away."

PERSONAL APPEARANCES - continued
Supervisor Smith: "Thank you Vic."

At this point, Supervisor Smith asked Mr. Robert Scheiner to approach the Town Board.

Supervisor Smith: "Is there anyone else that chooses to address the Town Board on any new issue. We're working on Horton Avenue and I want to tell you some of the things we're doing and Mr. Scheiner's going to get that letter for me."

No one else wished to be heard at this time.

RESOLUTIONS

#159 AWARDS BID FOR PURCHASE OF POLICE UNIFORMS FOR RIVERHEAD POLICE DEPARTMENT

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

BE IT RESOLVED, That the Bid for Police Uniforms for the Riverhead Police Department be and is hereby awarded to the lowest bidder, MANNO UNIFORM AND SECURITY CORP., 3931 Merrick Road, Seaford, New York 11783, at the total cost of \$4,895.75, and

FURTHER RESOLVED, That the acceptance of this Bid is subject to the Bid Specifications filed in the Office of the Town Clerk.

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

The resolution was thereupon declared duly adopted.

#160 AWARDS BID FOR POLICE CARS

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

RESOLVED, That the bid for Three (3) Police Cars for the Police Department, Town of Riverhead, be and is hereby, awarded to:

J.J. HART'S
 Riverhead Ford
 Route 58 & Osborne Avenue
 Riverhead, New York 11901

at a total cost of sixteen thousand three hundred ninety eight dollars and no cents (\$16,398.00), and be it

FURTHER RESOLVED, That the acceptance of said bid is subject to the bid and specification form submitted by Thomas P. Hart on behalf of J.J. Hart, Inc., and filed in the Office of the Town Clerk, and be it

RESOLUTIONS - continued

FURTHER RESOLVED, That the items and services specified shall be purchased as directed by the Town Board 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.

#161 AWARDS BID FOR ROCK SALT - HIGHWAY DEPARTMENT
Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Bids for Rock Salt requirements for use of the Town of Riverhead Highway Department were duly requested pursuant to advertisement for bids dated March 2, 1978, and

WHEREAS, In response to such advertisement, a bid for Rock Salt in accordance with specifications therefore, was duly received by the Town Clerk on Wednesday, March 15, 1978 at 11:45 A.M. as follows:

CARGILL, INC. 191 Portland Point Road, South Lansing,
N.Y. 14882

PRICE PER TON OF TREATED ROCK SALT DELIVERED: \$34.40

PRICE PER GALLON OF TREATMENT FOR OUTSIDE STORAGE: NO BID

NOW, THEREFORE, BE IT RESOLVED, That this Town Board awards the Bid for Rock Salt for use of the Town of Riverhead Highway Department, to CARGILL, INC., at the cost of \$34.40 per ton for Treated Rock Salt, delivered, and

FURTHER RESOLVED, That the acceptance of said bid is subject to the bid and specification form submitted by CARGILL, INC., and filed in the Office of the Town Clerk.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith: "Ladies and gentlemen we're back to what I've been trying to explain to you with reference to Horton Avenue. We are a participant with other communities in a program, a multi-million dollar program known as Community Development.

There is a portion of the Community Development Program that deals with housing and housing related activities. And what is happening, is that certain communities such as Smithtown, because they do not wish to participate in this kind of a program or subsidized rental housing are, in fact, turning money back and we write a letter dated March 22, 1978 to the County Representative who handles the money and we say

Supervisor Smith continues:

in the event that the consortium is able to retain surrendered funds from non-compliance communities, (i.e. Smithtown) the Town of Riverhead would like to go on record and recommend the additional projects to be funded within the Town. There are a number and then it says Horton Avenue, Osborne Avenue Neighborhood Redevelopment Area. This area in the Town has certain problems beside sub-standard housing problems. There are major drainage problems in the whole area. When we get substantial rain, this area is completely flooded. During the last bad rain storm that week, this area was completely under water affecting more than 50 homes. A major rehabilitation, road construction, demolition fund should be considered - minimum \$250,000.

We have other pressing needs, etc., in the Town. These are the kinds of things that we are attempting to do. Again it is similar to the Ostrander Avenue Sewer thing where we try to maximize the federal dollars that we all pay in our federal taxes and try to get some of it back. We'll keep you posted in it and hopefully, like we did with the Ostrander Avenue Sewer, we'll be able to get some of that money into that particular area."

At this point, an unidentified woman in the audience asked when something would happen.

Supervisor Smith: "I would suggest to you Ma'am, that your group select, I'm not volunteering you, maybe you or maybe someone else who has the time, to meet with the group that we call concerned citizens. If you will give this lovely lady, whose name is Margret O'Hara, she is my secretary. Give her a call and you will give her the name of whoever you select. She will send you a set of minutes of a group that meets on a regular basis and deals with housing problems with these funds and funds similar in nature and we invite you to, not on the third Thursday, sometimes on the second Tuesday of the month, meet with us and be informed about what's going on. The Churches meet with us. Mr. Mayo, who is in the back of the room, that some of you may know, meets with us and we invite you to come and even if you can't come, we take a rather detailed set of minutes and we'll make sure they're sent to you. Okay. Thank you very much."

RESOLUTIONS

#162 AUTHORIZES TOWN CLERK TO PUBLISH ANNUAL REPORT FOR 1977
Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, Section 29 of the Town Law, pertaining to

RESOLUTIONS - continued

the publishing of the Annual Financial Report has been amended to provide an alternative method of preparing and publishing the report, and

WHEREAS, It is the intention of the Town Board of the Town of Riverhead to obtain the financial advantage permitted thereunder, now, therefore, be it

RESOLVED, That publication of the annual financial report be and the same is hereby authorized in summary form pursuant to Section 29, Paragraph 10-A.

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

The resolution was thereupon declared duly adopted.

#163 AUTHORIZES OVERTIME COMPENSATION - SANITATION DEPARTMENT

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

RESOLVED, That subject to the Town Accountant's approval, that the following employees of the Sanitation Department be compensated at time and one-half for overtime worked as listed below:

Edward Gadzinski					
3/03/78	2 hours	@ \$10.06	\$ 20.12	Snow Emergency	
3/04/78	8 hours	@ \$10.06	\$ 80.48	Snow Emergency	
			<u>\$100.60</u>		
Frank Columbus					
3/24/78	10½ hours	@ \$ 9.30	\$ 97.65	Good Friday	
Bernard Hettrick					
3/24/78	10½ hours	@ \$ 8.22	\$ 86.31	Good Friday	
		TOTALS	\$284.56		

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

The resolution was thereupon declared duly adopted.

#165 APPOINTS CUSTODIAL WORKER TO PERMANENT POSITION

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

WHEREAS, Charlie Brown has completed six months of a probationary period as custodial worker for the Town of Riverhead,

THEREFORE, BE IT RESOLVED, That Charles Brown be hereby confirmed in the permanent position of Custodial Worker at the annual salary of \$9,808.37.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#166 PERMITS POLISH TOWN CIVIC ASSOCIATION TO HOLD ANNUAL FAIR
Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The members of the Polish Town Civic Association wish to hold a fourth annual "Street Fair" in the area of Pulaski Street, and

WHEREAS, This Town Board encourages civic participation of the residents of the Township, and

WHEREAS, The Police Department and Fire Department have been advised by letter of the plans and arrangements of the "Street Fair" and "Dance Festival", and

WHEREAS, Obstructions will not be permitted in the street for the passage of emergency vehicles, if necessary

NOW THEREFORE, BE IT RESOLVED, That this Town Board grant permission that Pulaski Street be closed to vehicular traffic from Marcy Avenue to Osborne Avenue; and also the lengths of:

Hamilton Avenue from the firehouse south to Lincoln Street; Sweezy Avenue from St. Isidore's parking lot south to Lincoln Street; and Lincoln Street from Sweezy Avenue to Osborne Avenue;

during the hours of 10:00 A.M. to 8:00 P.M. for the purpose of a Community "Street Fair" on August 19, 1978, and

WHEREAS, The members of the Polish Town Civic Association wish to extend the Annual Fair this year to include a Polish Dance Festival to be held at the Riverhead Raceway, Route 58, Riverhead, on August 20, 1978, during the hours of 12:00 to 8:00 P.M.,

BE IT ALSO RESOLVED, That the Polish Town Civic Association be permitted to hold said Dance Festival on August 20th, at the Riverhead Raceway during the hours of 12:00 to 8:00 P.M.

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

The resolution was thereupon declared duly adopted.

#167 ZONE CHANGE RE: JAMESPORT SCHOOL
Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, A resolution was passed by the Town Board on November 15, 1977, calling for a Public Hearing on a proposed change of Zoning Use District known as Business "B" District to Residence "C" District by including within the Residence "C" District property of the Town of Riverhead formerly described as the Jamesport School, and

WHEREAS, Said Public Hearing was held on December 6, 1977, at 8:15 P.M., at which time no one wished to be heard and no communications relevant thereto had been received, it is hereby

RESOLUTIONS - continued

RESOLVED, That the Zoning Use District known as Business "B" District be amended to Residence "C" District, by including within the Residence "C" District property of the Town of Riverhead formerly described as the Jamesport School, and more particularly described as follows:

BEGINNING at a point in the southerly line of Main Road (N.Y.S. Route 25) and the easterly line of South Jamesport Avenue formerly of Emily Frederick; and thence along said land of Emily Frederick, in a southerly direction, 254.1 feet; thence easterly still along said lands, 56.2; thence southerly along the lands now or formerly of H.R. Ireland, about 93 feet to a corner; thence eastwardly along the southerly line of the lands of Ireland, 53.50 feet; and continuing on the same course eastwardly, along the southerly line of the lands now or formerly of Rolle, 92.46 feet to the lands now or formerly of Densieski; thence southerly along said lands of Densieski about 82.58 feet to an angle; thence easterly along said lands of Densieski 100 feet to the lands now or formerly of Sieminski; thence southerly along said lands of Sieminski 160.84 feet; thence westwardly along said lands of Sieminski and lands now or formerly of Kolenik and Kostyra 321.6 feet; thence in a northerly direction along the easterly line of the lands now or formerly of Kolenik 101.7 feet; thence westerly along the northerly line of said lands of Kolenik 198.9 feet to South Jamesport Avenue; thence northerly along South Jamesport Avenue 456.9 feet to the point or place of beginning.

A map of said description is deemed and filed in the Office of the Riverhead Town Clerk.

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

The resolution was thereupon declared duly adopted.

#168 AUTHORIZES COURT AND/OR RECALL PAY FOR DETECTIVES
Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That subject to the Town Accountant's approval that the following Detectives be paid Court and/or Recall pay from March 1, 1978 to and including March 31, 1978, as per P.B.A. Contract.

1.	H. Boden	3-28-78	7½ hrs.	\$111.30	
		3-31-78	4 hrs.	<u>59.36</u>	\$170.66
2.	W. Palmer	3-9-78	4 hrs.		<u>60.00</u>
				TOTAL	\$230.66

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#169 AUTHORIZES OVERTIME PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That subject to the Town Accountant's approval, that the following Police Officers be paid overtime from March 1, 1978 to and including March 31, 1978 as per P.B.A. Contract at time and one-half their regular salary.

1.	F. Foote	3-01-78	20 min.		\$ 4.50
2.	V. Gianni	3-15-78	2½ hrs.		30.38
3.	B. Keller	3-20-78	4 hrs.		54.00
4.	J. Psaltis	3-29-78	25 min.		5.63
5.	F. Rodgers	3-05-78	20 min.	\$4.50	
		3-31-78	15 min.	<u>3.38</u>	7.88
6.	J. Zaleski	3-29-78	40 min.	\$9.00	
		3-02-78	39 min.	<u>8.78</u>	<u>17.78</u>
				TOTAL	\$120.17

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

The resolution was thereupon declared duly adopted.

#170 AUTHORIZES COURT AND/OR RECALL PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That subject to the Town Accountant's approval, that the following Police Officers be paid Court and/or Recall time from March 1, 1978 to and including March 31, 1978, as per P.B.A. Contract.

1.	F. Alexander	3-20-78	4 hrs.	\$54.00
2.	V. Michalski	3-20-78	4 hrs.	54.00
3.	R. Quinn	3-16-78	4 hrs.	56.68
4.	D. Yakaboski	3-16-78	4 hrs.	<u>54.00</u>
			TOTAL	\$218.68

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

Before Resolutions #171 and #172 were offered, Supervisor Smith made the following statement: "Numbers 171 and 172 are the things that I was talking to Mr. Spanburg about before. The #171 resolution deals with a number of changes in our zoning ordinance, one of which deals with the harboring of horses in residential zones. That is beginning to create a problem and I'm sorry Dr. Celic couldn't stay long enough to hear this because it's up in his area that one of the problems exist.

There are several other changes and in particular, there is this change of use strip zoning and there is an elimination of some of the lower density residential uses along the Sound Cliffs in certain areas. These are two resolutions, one dealing with the ordinance, the other dealing with the map numbers. They are calling for public hearings. If you wish the details, it will be in the paper shortly."

#171 TOWN BOARD AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE AMENDMENTS TO ZONING USE DISTRICTS IN THE TOWN OF RIVERHEAD

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

RESOLVED, That the Town Clerk be, and hereby is authorized to publish and post the following notice of Public Hearing regarding the following proposed Amendments to the "Zoning Map, Town of Riverhead, Suffolk County, New York," as adopted by the Code of the Town of Riverhead, Chapter 108, Zoning:

PLEASE TAKE NOTICE That a Public Hearing will be held on April 18, 1978, at 8:45 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons with regard to the following proposed Amendments to the "Zoning Map, Town of Riverhead, Suffolk County, New York," as adopted by the Code of the Town of Riverhead, Chapter 108, Zoning:

1. Amending from Business "B" Zoning Use District to Residence "B" Zoning Use District of areas adjacent to Hulse Avenue (New York State, Route 25A), Sound Avenue and Parker Road at Wading River, Town of Riverhead, Suffolk County, New York. Said area is more particularly described in a map entitled, "Map of Proposed Changes in Zoning Use Districts at Wading River, Town of Riverhead, Suffolk County, New York, dated March 30, 1978, which is hereby deemed to be a part of this notice as is if fully described herein. Said

RESOLUTIONS - continued

map is available for public inspection during normal business hours in the Town Clerk's Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York.

2. Amending from Residence "C" Zoning Use District to Residence "B" Zoning Use District of the area bounded westerly by the easterly line of land now or formerly of Margaret Meyer, also being the westerly line of a realty subdivision shown on a certain map entitled "Oak Hills", filed in the Office of the Clerk of Suffolk County, northerly by the Long Island Sound, easterly by the westerly line of the land formerly of Austin H. Warner, southerly by a line 1,000 feet northerly of Sound Avenue and by Sound Avenue. Said area is more particularly described in a map entitled, "Map of Proposed Changes in Zoning Use Districts at Baiting Hollow, Town of Riverhead, Suffolk County, New York," dated March 30, 1978, which is hereby deemed to be a part of this notice as if fully described herein. Said map is available for public inspection during normal business hours in the Town Clerk's Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York.

3. Amending from Residence "C" Zoning Use District to Residence "B" Zoning Use District of the following areas adjacent to Penny's Road and Sound Shore Road bounded westerly by the easterly line of land formerly of Charles Hallock, northerly by the Long Island Sound, easterly by land of Northville Industries, Corp. and by and formerly of Edson Young, southerly by Sound Shore Road and by a line 1,000 feet northerly of Sound Avenue. Said area is more particularly described in a map entitled, "Map of Proposed Changes in Zoning Use Districts at Sound Avenue, Town of Riverhead, Suffolk County, New York," dated March 30, 1978, which is hereby deemed to be a part of this notice as if fully described herein. Said map is available for public inspection during normal business hours in the Town Clerk's Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York.

4. Amending from Residence "C" Zoning Use District to Residence "B" Zoning Use District of the areas adjacent to Pier Avenue and Sound Shore Road bounded westerly by land of Northville Industries Corp. and others, and by a line 500 feet westerly of Pier Avenue, northerly by the Long Island Sound, easterly by a line 500 feet easterly of Pier Avenue, southerly by a line 500 feet northerly of Sound Avenue and by a line 500 feet southerly of Sound Shore Road. Said area is more particularly described in the aforementioned map entitled, "Map of Proposed Changes in Zoning Use Districts at Sound Avenue, Town of Riverhead, Suffolk County, New York," Dated March 30, 1978, which is hereby deemed to be a part of this notice as if fully described herein. Said map is available for public inspection during normal business hours in the Town Clerk's Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York.

RESOLUTIONS - continued

5. Amending from Business "A" Zoning Use District to Agricultural "A" Zoning Use District the area bounded westerly by a line being 500 feet easterly of Pier Avenue, northerly by the Long Island Sound, easterly by the existing Industrial "B" Zoning Use District line, and southerly by a line 500 feet northerly of Sound Avenue. Said area is more particularly described in the aforementioned map entitled, "Map of Proposed Changes in Zoning Use Districts at Sound Avenue, Town of Riverhead, Suffolk County, New York," dated March 30, 1978, which is hereby deemed to be a part of this notice as if fully described herein. Said map is available for public inspection during normal business hours in the Town Clerk's Office, Riverhead, Town Hall, 200 Howell Avenue, Riverhead, New York.

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

The resolution was thereupon declared duly adopted.

#172 TOWN BOARD AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE AMENDMENTS AND ADDITIONS TO THE CODE OF THE TOWN OF RIVERHEAD

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

RESOLVED, That the Town Clerk be, and hereby is, authorized to publish and post the following notice of Public Hearing regarding the following proposed amendments and additions to the Code of the Town of Riverhead.

PLEASE TAKE NOTICE That a Public Hearing will be held on April 18, 1978, at 8:15 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the following proposed amendments and additions to the Code of the Town of Riverhead:

NEW RESERVED SECTIONS TO BE ADDED TO
CHAPTER 108

- §108-99. (Reserved)
- §108-100. (Reserved)
- §108-101. (Reserved)
- §108-102. (Reserved)
- §108-103. (Reserved)
- §108-104. (Reserved)
- §108-105. (Reserved)

RESOLUTIONS - continued

§108-106. (Reserved)

§108-107. (Reserved)

§108-108. (Reserved)

§108-109. (Reserved)

NEW SECTION TO BE ADDED TO CHAPTER 103

§108-110. Animals.

No horse or other domestic animal, except dogs or cats, shall be kept, possessed, housed or maintained in any Residence District or on any lot, plot, or parcel of land designated as Residential in the Agriculture, Business or Industrial Districts except in accordance with the following provisions:

A. The plot of land upon which any such animal is regularly kept shall be not less than one (1) acre in size. One additional acre shall be provided for each additional animal;

B. Such animal and any corral or stable appurtenant thereto shall be used exclusively by the owner of the premises and his guests;

C. A corral shall be maintained for the use of any such animals. The fence of the corral shall be four (4) feet in height and not less than five (5) feet from any property line;

RESOLUTIONS - continued

D. No stable shall be located less than fifty (50) feet from any street or property line or any dwelling;

E. No animal, corral or stable shall be kept or maintained in the area designated as front yard;

F. No manure, fecal matter or odor or dust producing substance shall be stored within fifty (50) feet of any street or property line or any dwelling;

G. Should compliance with subsection(A.) of this section be impracticable, or produce an unreasonable hardship, application may be made for a special accessory use to the Zoning Board of Appeals wherein said Board may exercise discretion to allow a maximum of two (2) animals per acre.

With reference to §108-110. Animals, the following new amendment, §108-7.(B.)(5.):

(5.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

With reference to §108-110. Animals, the following new amendment, §108-11.(B.)(8.):

(8.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

RESOLUTIONS - continued

With reference to §108-110. Animals, the following new amendment, §108-110. Animals, the following new amendment, §108-15. (B.) (8.)

(8.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

With reference to §108-110. Animals, the following new amendment, §108-21. (C.) (6.):

(6.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

With reference to §108-110. Animals, the following new amendment, §108-27. (C.) (6.):

(6.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

RESOLUTIONS - continued

With reference to §108-110. Animals, the following new amendment, §108-34.(C.) (3.):

(3.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

With reference to §108-110. Animals, the following new amendment, §108-39.(C.) (4.):

(4.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

With reference to §108-110. Animals, the following new amendment, §108-42.(C) (4):

(4.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

With reference to §108-110. Animals, the following new amendment, §108-45.(C.) (3.):

(3.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

RESOLUTIONS - continued

With reference to §108-110. Animals, the following new amendment, §108-48.(C)(4.):

(4.) Private stable, corral, or keeping, possessing, housing, or maintaining horses or other domestic animals in accordance with §108-110. of this Chapter.

New Section to be added to Article VII, Business A District (Resort Business).

§108-33.1. Review of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

RESOLUTIONS - continued

New Section to be added to Article IX, Business C District (Neighborhood Business):

§108-41.1 Review of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

RESOLUTIONS - continued

New Section to be added to Article X, Business D District (General Business):

§108-44.1 Reveiw of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

RESOLUTIONS - continued

New Section to be added to Article XI, Industrial A District (Light Industry):

§108-47.1. Review of site plan

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

RESOLUTIONS - continued

New Section to be added to Article XII, Industrial B District (General Industry): §108-50.1. Review of Site Plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

RESOLUTIONS - continued

With respect to Chapter 108, Article 15, Supplementary Area Regulations, Section 108-67.

Lot Area (B.), which currently reads as follows:

- B. Prior to the adoption of this chapter, if any lot shown on a subdivision map now filed in the office of the Clerk of Suffolk County, or if any lot held in one (1) ownership or if any lot devised by will, has a frontage or area less than that required by this chapter, such lot may have buildings or structures erected on it, provided that all other requirements are met.

by amending Chapter 108, Article 15, Supplementary Area Regulations, Section 108-67 to read as follows:

- B. Prior to the adoption of this chapter, ~~if any lot shown on a subdivision map now filed in the office of the Clerk of Suffolk County, or if~~ any lot held in one (1) ownership or if any lot devised by will, has a frontage or area less than that required by this chapter, such lot may have buildings or structures erected on it, provided that all other requirements are met.

With respect to §108-97(F.) (5.) which now reads:

(5.) Engineering Fee. Prior to final subdivision being granted, the applicant must post engineering fees in the amount of \$50.00 per lot to cover any potential expense to the Town for engineering services. Said fee shall be retained by the Town until such time that the Town Board, by resolution, agrees to release any portion of said fees not expended by the Town. Any portion of the fee expended for engineering services with regard to the subdivision in question shall not be refundable.

(Underline denotes change or additions, deletions by ~~strikeouts~~)

RESOLUTIONS - continued

by amending §108-97(F)(5) to read as follows:

(5) Engineering Fee. Prior to final subdivision being granted, the applicant must post engineering fees in the amount of \$50.00 per lot to cover any potential expense to the Town for engineering services, as follows: \$25.00 at the time of submission of the preliminary Sketch Plan, and \$25.00 at the time of submission of the Final Plat. Said fee shall be retained by the Town until such time that the Town Board, by resolution, agrees to release any portion of said fees not expended by the Town. Any portion of the fee expended for engineering services with regard to the subdivision in question shall not be refundable.

(underline denotes change or additions, deletions by ~~strikeouts~~)

RESOLUTIONS - continued

With reference to Chapter 108. Zoning, Article XX, Subdivision Regulations, §108-97.

(A)(1), Major subdivision, Procedure, Sketch plan., which currently reads as follows:

1. Sketch plan. A sketch plan prepared in accordance with §108-96B be submitted. The subdivider shall submit seven (7) copies of sketch plan, clearly marked "Sketch Plan." The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch plan, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine whether the sketch plan meet the purposes of this Article and shall, where it deems necessary, make specific recommendations so that the subdivider or his agents may proceed with the preparation of a preliminary plat.

be amended to read as follows:

1. Sketch plans. Three (3) alternative sketch plans prepared in accordance with §108-96B shall be submitted. One (1) of the three (3) sketch plans shall be a cluster development prepared in accordance with Article XIX, Cluster Development, of this Chapter. The subdivider shall submit seven (7) copies of

RESOLUTIONS - continued

each sketch plan, clearly marked "Sketch Plan." The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch plans, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine whether any of the sketch plans meet the purposes of this Article and shall, where it deems necessary, make specific recommendations so that the subdivider or his agents may proceed with the preparation of a preliminary plat.

Additon to the following new Chapter:
CHAPTER 63. GRADING.

§63-1. Legislative intent.

§63-2. Definitions.

§63-3. Minimum standards.

§63-4. Applications for building permit and certificate of occupancy.

§63-5. Violations and penalties.

§63-1. Legislative intent.

It is the purpose of this ordinance to regulate and control the regrading of land throughout the town in all use district classifications in order to prevent serious and irreparable damage to our natural resources, to minimize and

RESOLUTIONS - continued

retard the erosive effects of wind and water, to prevent the depreciation of property values, to prevent the removal of lateral support for abutting streets, lands and structures, to prevent damage to natural watersheds, to provide adequate drainage for surface water run-off, and in general to protect the health, welfare and safety of the residents of the town.

63-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

DRAINAGE FACILITIES--Shall include gutters, swales, pipes, conduits and superstructures for the collection and conducting of stormwater to an adequate facility for the storage and disposal of the stormwater.

RESOLUTIONS - continued

GROUNDWATER TABLE--Is the elevation of the top of the water stored in the highest aquifer in the sub-soils, at the location of the proposed structure; including but not limited to, so-called "perched water"; except that where it is demonstrated that removal of the impervious layer underlying the perched water will substantially lower the level of the water, the lower water surface shall be considered the "groundwater table." In locations where the groundwater is subject to tidal action the mean high elevation of the groundwater surface shall be considered the "groundwater table."

HABITABLE--The "habitable" portion of a building is any enclosed area including cellars and basements except the following:

- A. Those areas which are used primarily for storage, repair or access of vehicles and which contains no electrical, mechanical or heating equipment lower than twelve (12) inches above the floor.
- B. Crawl spaces not exceeding four (4) feet in height in which no electrical or mechanical equipment is or is to be installed.

RESOLUTIONS - continued

LATERAL SUPPORT--The resistance to active horizontal pressure of soils provided by either the passive pressure of the adjoining soils or by a retaining wall or structure.

NATURAL DRAINAGE--The stormwater runoff resulting from topographical and geographical surface conditions, prior to clearing, regrading or construction.

NATURAL WATERSHED--An area of land which in its natural state and prior to any man-made change, and due to its topography and geography, drains to a particular location within that area.

ONE-HUNDRED-YEAR FLOOD LEVEL--The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years [i.e., that has a one-percent chance of occurring each year], as said level is shown on the Housing and Urban Development Flood Insurance Administration Flood Insurance Rate Maps on file with the Town Clerk of the Town of Riverhead.

REGRADE--To change the elevation of the ground surface, either temporarily or permanently.

RESOLUTIONS - continued

STABILIZATION--Treatment of subsoils to increase ability to resist lateral pressures and/or treatment of surface to resist wind and water erosion.

STORMWATER RUNOFF--The amount of rainwater which due to topographical surface conditions and geology of the upstream land, drains to a particular location, or the rate at which the rainfall passes through a particular location.

§63-3. Minimum standards.

The following standards for the development of land or the regrading thereof, or both, shall apply in all use district classifications as set forth in Chapter 108 of the Code of the Town of Riverhead. In all use district classifications wherein site plan review and approval is required, the site plan submitted shall indicate compliance with following standards. In all other use district classifications the procedure required by §63-4 of this ordinance shall be followed.

- A. Stormwater runoff or natural drainage shall not be diverted so as to overload existing drainage systems, create flooding, cause erosion or the need for additional drainage facilities on other private or public real property.

RESOLUTIONS - continued

- B. Adequate drainage facilities for stormwater runoff shall be provided.
- C. Proposed slope embankments along adjoining property lines and street frontages shall have a slope not steeper than one (1) foot on three (3) feet [thirty-three and one-third percent (33 1/3%)] unless an adequate stabilization or retaining wall is provided as approved by the Planning Board. All slopes shall be adequately stabilized with topsoil and seeding or other approved planting.
- D. The finished grad at a point not less than ten (10) feet from the building shall be at least one (1) foot below the lowest exterior opening in the foundation of the habitable portion of the structure, except that the finished grade may be no less than six (6) inches at a point no less than ten (10) feet opposite open porches, patios and pedestrian ramps.
- E. Floor elevation.
- (1) No habitable floor area shall be less than three (3) feet above the groundwater table, and the lowest opening to that habitable floor area shall not be less than seven and five-tenths (7.5) feet above the datum established by the United States Coast and Geodetic Survey.

RESOLUTIONS - continued

(2) Notwithstanding Subsection E(1) above, in a floodprone area as above defined, any structure shall be constructed so that the lowest floor, including basement, is elevated to at least one (1) foot above the one-hundred-year flood level. In addition, in a coastal high-hazard area designated as Zone V on the H.U.D.F.I.A. Flood Insurance Rate Maps on file with the Town Clerk of the Town of Riverhead, any new construction or substantial improvements must be located landward of the reach of the mean high tide; must be adequately anchored to piles or columns; and the area beneath the lowest floor, including basement, must be free of obstructions so that the impact of abnormally high tides or wind-driven water is minimized.

F. Front and rear yards shall have a grade of not more than five per centum (5%) for a distance of twenty-five (25) feet as measured in a horizontal plan from the structure. Side yards shall have a grade of not more than ten per centum (10%) for a distance of ten (10) feet as measured in a horizontal plan from the structure. All finished grades within ten (10) feet of the building shall pitch away from the building at a grade rate of not less than two percent (2%).

RESOLUTIONS - continued

- G. Where roof run-off from any building or structure will produce erosion or drainage problems with respect to adjoining properties, dry wells of adequate capacity shall be installed as an outfall for rainfall roof run-off.
- H. The driveway apron shall be at least one (1) foot below the garage floor unless natural topography dictates grading away from the street and protective grading is provided for in the construction of the driveway with respect to adjoining structures and property.
- I. Notwithstanding the foregoing provisions of this section, the appropriate Board, may waive or modify compliance with any of the foregoing minimum standards, subject to appropriate conditions, as in its judgment are not warranted by the special circumstances of any application or matter before it, or required in the interest of the public health, safety and welfare.

RESOLUTIONS - continued

§63-4. Applications for building permit and certificate of occupancy.

All applications for a building permit and a certificate of occupancy shall be referred to the Building Inspector or Zoning Administrator for their review and approval pursuant to this chapter. The Building Inspector or Zoning Administrator may approve, disapprove or approve with modification the application for a building permit and/or a certificate of occupancy and specify its reasons for taking such action based upon the standards set forth in §63-3. The applicant may be required to submit a topographical survey prepared by a registered land surveyor or registered professional engineer showing:

- A. The existing topography.
- B. Proposed regrading plan.
- C. Test borings.

D. The proposed structure or other on-site improvements in sufficient detail along with any other information which may be required to determine compliance with this chapter.

§63-5. Violations and penalties.

A. No persons shall regrade or cause to be regraded any property which when regraded shall be in violation of the standards set forth in §63-3 of this chapter. Any person violating this section shall be guilty of an offense punishable

RESOLUTIONS - continued

by a fine not to exceed five hundred dollars (\$500.)
or by imprisonment for a period not to exceed six (6) months,
or both.

B. No person shall erect or alter any building or structure which violates or causes a violation of the minimum standards specified in §63-3 of this chapter. Any person violating this section shall be guilty of an offense punishable by a fine not to exceed five hundred dollars (\$500.) or by imprisonment for a period not to exceed six (6) months or both.

With reference to Chapter 63, Grading, the following addition to Chapter 52, Building Construction, §52-4. Duties and powers of Building Inspector.:

E. He shall receive and act upon applications pursuant to Chapter 63, Grading, of the Code, as applicable.

With reference to Chapter 63, Grading, the following addition to Chapter 108, Zoning, §108-73. Permits:

K. The Zoning Officer shall receive and act upon applications pursuant to Chapter 63, Grading, of the Code, as applicable.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued
 #173 TRANSFER OF FUNDS
 Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Supervisor is hereby authorized to transfer within the General Town Accounts, the following sum:

	<u>Decrease</u>	<u>Increase</u>
A1990.400 Contingency Account	\$5,000.00	
EMT		
A4545.400 Ambulance		\$5,000.00

Before the vote, Supervisor Smith made the following statement: "This is the beginning of our Emergency Medical Services Program. This is the money and you see some other resolutions later on."

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

The resolution was thereupon declared duly adopted.

#174 AWARDS BID FOR AUTOMATIC DATA PROCESSING SYSTEM
 Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, Bids were duly advertised for the Data Processing System (computer), and were opened by the Town Clerk on Wednesday, March 15, 1978, and

WHEREAS, The lowest responsible bid was offered by Burroughs Corporation, 474 Fulton Avenue, Hempstead, N.Y., for a B-80 mini-computer, and which bid meets the bid specifications as published,

NOW THEREFORE, BE IT RESOLVED, That the Burroughs Corporation is hereby awarded the bid, for a Burroughs B-80 mini-computer, at a cost of \$35,835.00, (Thirty five thousand eight hundred thirty five dollars and no cents) for software and hardware; plus shipping costs of \$350.00 (Three hundred fifty dollars and no cents); and to also include stated training costs, and

BE IT FURTHER RESOLVED, That the Supervisor of the Town of Riverhead is hereby authorized to sign contracts with the Burroughs Corporation for said bid.

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

The resolution was thereupon declared duly adopted.

#175 APPOINTS CHAIRMAN, ETC., TO EMERGENCY MEDICAL ADVISORY COUNCIL

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

RESOLUTIONS - continued

WHEREAS, By a resolution, dated March 21, 1978, this Town Board did create an Advisory Council to promote the further progress of implementing an Emergency Medical Services Plan in the Town of Riverhead, and

WHEREAS, This Town Board now wishes to amend such resolution,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby appoint Mr. James Kinane as Advisor to said Board, Richard E. Gadzinski as Permanent Chairman of said Board, and Police Officer Donald H. Greene as Co-Chairman of said Board.

Before the vote Supervisor Smith made the following statement: "Let's make it clear on the record that this is an amendment. We don't wish to wipe out the prior resolution. This is in addition to what we said before."

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

The resolution was thereupon declared duly adopted.

#176

APPROVES SPECIAL PERMIT - BAGSHAW

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

WHEREAS, John Bagshaw has applied to this Board for a special permit to erect a one-family residence in a business zone, and

WHEREAS, This application has been referred to the Zoning Board, and the Zoning Board has made specific recommendations with reference to the granting of the same, and

WHEREAS, A Public Hearing was held on this application and those persons in favor and in opposition to said application were heard,

NOW, THEREFORE, be it

RESOLVED, That the application of John Bagshaw to erect a one-family home in a business district is hereby granted, pursuant to the plans, specifications, and applications on file with the Town Clerk, Building Department, and Zoning Board, with the stated proviso that the large oak tree on said lot shall remain and that the landscaping recommended by the Zoning Board in its letter of condition-approval be complied with.

Before the vote Supervisor Smith stated as follows: "Mrs. Pendzick to clarify the record here this is specifically the approval of a one-family home as is stated in the resolved portion, and I think the minutes should reflect this comment, that we are voting specifically on a one-family home, not a two-family, three-family, four-family or whatever. One-family home with these conditions."

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#177 AUTHORIZATION OF PAYMENT IN H.O. PENN MACHINERY
CO., INC. CASE

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

WHEREAS, Certain emergency repairs were performed upon equipment at the Town Dump in 1973, by H.O. Penn Machinery Co., Inc., and

WHEREAS, The Town of Riverhead admittedly owed this company money for said equipment repairs, and

WHEREAS, Said facts were submitted to the Suffolk County Supreme Court for decision, and

WHEREAS, The Suffolk County Supreme Court rendered its memorandum decision, dated March 24, 1978, it is hereby

RESOLVED, That the Town Board authorizes the Town Supervisor to pay the H.O. Penn Machinery Co., Inc. the sum stated due and owing by the March 24, 1978, Suffolk County Supreme Court in memorandum decision, dated March 24, 1978, deemed and filed in the Office of the Town Clerk.

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

The resolution was thereupon declared duly adopted.

#178 TOWN BOARD AUTHORIZES TOWN CLERK TO PUBLISH NOTICE
OF PUBLIC HEARINGS RE: APPLICATION OF BETTE L.
LEDERLE AND JAMES J. MAGEE AS AMENDED

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

RESOLVED, That the Town Clerk be, and is hereby authorized to publish the following Notice of Public Hearing regarding the Applications for Permit of Bette Lederle and Permit of James J. Magee:

PLEASE TAKE NOTICE, That a Public Hearing, pursuant to Riverhead Code §107-7 (B.), will be held on April 18, 1978, at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons at 8:00 P.M., regarding the Application of Bette Lederle for issuance of a Permit pursuant to Riverhead Code Chapter 107, to fill the easterly edge of lot located at the Southwest corner of the intersection at Peconic Bay Boulevard and South Jamesport Avenue, Jamesport, New York; and at 8:05 P.M., regarding the Application of James J. Magee for issuance of a Permit pursuant to Riverhead Code Chapter 107, to excavate 15 to 25 feet at West Side Meetinghouse Creek adjacent to property of R. Wade.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#180 AUTHORIZES RIVERHEAD FIRE DEPARTMENT TO USE RASPBERRY HILTON FOR SMOKE DRILL ON APRIL 23, 1978

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

WHEREAS, The Town of Riverhead is vested in title of a structure known as the "Raspberry Hilton", and

WHEREAS, The Chiefs of the Riverhead Fire Districts wish to use a portion of said structure for a Smoke Drill,

NOW, THEREFORE, be it

RESOLVED, That the Town Board does hereby authorize the Riverhead Fire Department and the Riverhead Fire District to use the Raspberry Hilton for the purposes of a Smoke Drill on April 23, 1978.

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

The resolution was thereupon declared duly adopted.

#181 RATIFIES SUPERVISOR'S ACTION COMMENCING LAWSUIT AGAINST COUNTY OF SUFFOLK

Before offering this resolution, Councilman Young made the following statement: "This has to do with the HUD monies, the consortium. A county can't form a consortium, so the Towns got together and formed a consortium with the County's assistance and when the consortium was formed, there was a set of by-laws drawn up in which each member of the consortium has say in the distribution of the money, and there was also a standard set-up deciding who would get what, how much money would go to the different towns depending upon their population. I think the rest of this resolution will describe what's happened since then and why we're unhappy with it."

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

WHEREAS, The Town Board of the Town of Riverhead has entered into a written agreement with the County of Suffolk, known as the "Consortium Agreement", and

WHEREAS, Said Agreement talks in terms of the Housing Assistance Plan of the Town of Riverhead, and

WHEREAS, The County of Suffolk has endorsed the application of Suffolk Community Development Corporation, which application may or may not be consistent with the Housing Assistance Plan of the Town of Riverhead, and

WHEREAS, The actions of the County of Suffolk were taken without the consultation of the Town Board of the Town of Riverhead, as the same is provided for in the Consortium Agreement,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby ratify and affirm the actions of the Town Supervisor in commencing an action

RESOLUTIONS - continued

against the County of Suffolk entitled: "Town of Riverhead, Town of Huntington, and Town of Islip v. County of Suffolk", the nature of said proceeding to be a repealer of the actions of the County of Suffolk.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith then stated: "The Town of Riverhead has meant it, whether it's this home improvement program, whether it is the Riverhead Housing Agency, which we are about to create this evening and we have the members of the Board of Directors of that agency present, and we feel that a program where we can take an elderly couple who is being gouged by inflation which may be pushed out of our particular community by high rents, etc. We can avail ourselves of a program such as that to subsidize their rent so that they can remain in this particular community even if taxes go up and some of these other things go up that those are a good program and we want to get at least 25 of these units, that's how they're described, which means we could deal with 25 of those families in the Town of Riverhead for our particular Town and what this Town Board objects to is the County of Suffolk without saying anything to us, saying well we'll give it to this other outfit and maybe this other outfit will put two units in Riverhead or ten units in Riverhead.

What we think that you elect us to do, the job, you let us, if we can use the example tonight, choose a few families on Horton Avenue, a few families in Polish Town, a few families wherever they might be, who are really deserving of this, and we don't want to turn it over to somebody that is not elected by you in this particular community and that's really what we're talking about here is whether or not we're going to have local control over this particular program. The Town Board talked to me last week about it when this wasn't developing and we sued them and it's going to be in court next Monday."

#182

AUTHORIZES DRAINAGE WORK

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

WHEREAS, Alex Horton has proposed, by a letter dated March 28, 1978, to contract with the Town Board, Town of Riverhead, for the installation of three drainage facilities for a total cost of One thousand seven hundred and 00/100 (\$1,700.00) Dollars,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby agree to contract with Alex Horton for the installation of said facilities

RESOLUTIONS - continued
for the aforesaid stated sum.

Before the vote, Supervisor Smith stated: "These are not major sumps or anything of that nature. This is a repair of catch basins and things of that nature recently destroyed by the storms."

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

The resolution was thereupon declared duly adopted.

#183 EXTENDS SPECIAL PERMIT - NORTHVILLE INDUSTRIES
Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, This Town Board has previously approved a special permit for Northville Industries Corporation to install certain oil storage facilities at its terminal at Northville, and

WHEREAS, Northville Industries Corporation has requested an extension of the construction phase of said terminal until July 31, 1978, and

WHEREAS, Delays in the completion of the construction of these facilities have been caused by recent adverse weather conditions,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby modify the special permit given to Northville Industries Corporation to permit the completion of construction on or before July 31, 1978, and that in all other respects the resolutions granting said special permit are hereby confirmed.

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

The resolution was thereupon declared duly adopted.

#184 APPROVES CERTIFICATE OF INCORPORATION OF THE RIVER-
HEAD HOUSING DEVELOPMENT CORPORATION

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

A Resolution electing to have and exercise the rights, powers and privileges of a municipal housing authority and approving the establishment of a not-for-profit corporation, and providing for other matters in connection therewith.

RESOLUTIONS - continued

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, (hereinafter referred to as the "Town"), in order to facilitate the undertaking within the Town of one or more low income housing projects, pursuant to Section 8 of the United States Housing Act of 1937, as amended (hereinafter referred to as the "Act"), desires to have and exercise the rights, powers and privileges of a municipal housing authority and to approve the establishment of a not-for-profit corporation in furtherance thereof, NOW, THEREFORE, BE IT

RESOLVED, By the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The Town of Riverhead, acting through its duly elected Town Board, for and on behalf of the Town, hereby elects to have and exercise the rights, powers and privileges of a municipal housing authority, pursuant to the provisions of Section 55 of the Public Housing Law, and, in connection therewith, to be subject to the duties and obligations granted to or imposed on such authorities by such law with respect to projects designed to provide housing for persons of low income.

Section 2. Subject to the following conditions and limitations, the Town of Riverhead hereby approves the attached Certificate of Incorporation of the Riverhead Housing Development Corporation (hereinafter referred to as the "Corporation"), a non-stock, not-for-profit corporation to be formed pursuant to the provisions of the Not-For-Profit Corporation Law, and the incorporators thereof, and consents to the filing of such Certificate of Incorporation with the Secretary of State of the State of New York;

(a) The By-Laws of the Corporation as well as any amendment thereto and any amendment of the Certificate of Incorporation shall be subject to the approval by the Town and the United States Department of Housing and Urban Development (hereinafter referred to as "HUD") and the Certificate of Incorporation shall be subject to the approval of HUD:

(b) The projected program and projected expenditures of the Corporation as well as any amendments thereto or revisions thereof and each project undertaken, financed or assisted by the Corporation, shall be subject to the approval of the Town;

(c) Any debt obligations issued by the Corporation shall be subject to approval of the Town not more than 60 days prior to the date of issue as well as any amendments thereto prior to the date of issue;

RESOLUTIONS - continued

(d) The Corporation shall provide the Town with an annual financial audit prepared by an independent certified public accountant;

(e) The Town shall have the right to inspect the books and records of the Corporation at any time during normal business hours.

Section 3. Willkie, Farr & Gallagher is hereby authorized, in the name of the Town, to request a determination by HUD that the Town is a "Public Housing Agency" within the meaning of the Act and applicable HUD regulations (hereinafter referred to as the PHA), and that the Corporation is a duly authorized "agency or instrumentality" of such PHA as defined by Section 3 (6) of the Act and HUD regulations.

Section 4. The Town hereby agrees to review the annual financial audit and the activities of the Corporation and shall submit a copy of the audit and its review to HUD.

Section 5. The Town, acting as a PHA, agrees to utilize the Corporation to assist in carrying out its public purposes as a PHA, pursuant to Section 8 of the Act, and, more specifically, in providing decent, safe and sanitary housing within the Town for persons of low income, as determined and defined by the Act and HUD regulations, through the development or financing of one or more projects as defined in the Act and HUD regulations, and as contemplated by the Housing Assistance Payments Contract to be executed by HUD.

Section 6. The Town hereby agrees to make provision, acceptable to HUD, designed to insure the continued operation of any project or projects developed or financed by the Corporation pursuant to Section 8 of the Act.

Section 7. The Town hereby agrees to accept title to or other interest in any real or personal property owned by the Corporation in the event of dissolution, liquidation or other termination of the Corporation, whether voluntary or involuntary.

Section 8. The Resolution shall take effect immediately.

Before the vote, Supervisor Smith made the following statement: "Ladies and gentlemen we previously, in the evening, mentioned the concerned citizens group and we deal with things like the consortium with subsidized housing, etc., and the Town Board has the authority under the law to do certain things that relate to housing and housing related problems such as drainage, etc. One of the ways that we can do this is by what we call a housing agency. We emphasize the word agency."

RESOLUTIONS - continued

Supervisor Smith continues:

This is not an authority. It does not have an independent existence all in and of itself. It may only do those things that the Town Board permits it to do and it is a not-for-profit corporation and it allows us to take advantage of certain laws and again, it is a program very similar to an FHA mortgage, and it doesn't carry that particular title, but it is a subsidized situation and so we create this agency for that kind of purpose."

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

The resolution was thereupon declared duly adopted.

#185 HIRES, HOLZMACHER, McLENDON & MURRELL FIRM RELATIVE TO SANITARY LANDFILL

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

WHEREAS, The New York State Department of Environmental Conservation is requiring the Town of Riverhead to undertake substantial energy evaluation of the Riverhead Town Sanitary Landfill,

NOW, THEREFORE, be it

RESOLVED, That the firm of Holzmacher, McLendon & Murrell are hereby retained to perform said services, at a contract price of Eighteen thousand six hundred and 00/100 (\$18,600.00) Dollars.

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

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the Meeting adjourned at 9:45 P.M.

Irene J. Pendzick

Irene J. Pendzick, Town Clerk

IJP/vlv