

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Thursday, August 16, 1977 at 7:30 P.M.

Present:

Allen M. Smith, Supervisor  
George G. Young, Councilman  
Francis E. Menendez, Councilman  
John Lombardi, Councilman  
Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowski, Jr., Town Attorney  
Alex E. Horton, Supt. of Highways

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

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

RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held July 19, 1977, and the Special Meetings of July 21, 1977 and July 28, 1977, be approved as submitted.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith then stated: "Ladies and Gentlemen I thank you all for coming out this evening. There are some preliminary matters we'd like to call to your attention. The first is sort of hearsay evidence. We have been called by Mr. Otis Pike's office and advised that the Town-Wide Lighting Project which is a general up-grading and change of the entire lighting system in the Town of Riverhead and was part of our submission on the public works competition, has been approved. As I say this is hearsay, it means several hundreds of thousands of dollars for our community - we look forward to receiving the official notification on that particular item.

Similarly, other good news, some of you who attend regularly know that Miss Rita Peters, who is one of our Legislative Aides, does a great deal of work on funding public works. One of the things that she does is competes with other municipalities for private donations to some of the public period projects that are under taken by the Town.

We were happy to receive yesterday \$2,500.00 from the Chemical Bank towards the renovation and fix-up towards the Corwin and Benjamin properties in downtown Riverhead.

As one last preliminary matter, some of you may

Supervisor Smith - continued

be here this evening for the hearing that is held on the Consortium or Community Block Grant Development Proposal. It is a special competitive proposal - there's a notice in the newspaper. If you are here before the hearing comes, I'm sure we'll have a break. The proposal that we lay before you and that I will spell out later. On the table are fifty copies of it sitting here at the desk for those of you that are interested - pick up a copy of it and read it during the break so that you can ask questions when the time comes."

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined bills submitted on Abstracts dated August 2, 1977 as follows:

abstract #15	General Town	\$14,604.71
abstract #16	General Town	\$42,540.87
abstract #15	Capital Reserve Fund	\$ 3,205.85
	Special Districts	\$11,008.10
	Highway Item #1	\$11,371.67
	Highway Item #3	\$ 5,937.06
	Highway Item #4	\$ 775.30
abstract #16	Capital Projects	\$13,224.14
abstract #10	Community Development	\$ 625.15

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

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

abstract #15	General Town	\$14,604.71
abstract #16	General Town	\$42,540.87
abstract #15	Capital Reserve Fund	\$ 3,205.85
	Special Districts	\$11,008.10
	Highway Item #1	\$11,371.67
	Highway Item #3	\$ 5,937.06
	Highway Item #4	\$ 775.30
abstract #16	Capital Projects	\$13,224.14
abstract #10	Community Development	\$ 625.15

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

The resolution was thereupon declared duly adopted.

Supervisor Smith: "I would like to make one comment with reference to the minutes of July 19, 1977. It was that particular meeting that Mr. Nohejl and I got on each other - for those of you who were not here to witness that particular exchange - and in doing that we got into a dispute over a particular newspaper poll that relates to at-

Supervisor Smith - continued

titudes etc., with reference to power plants at Jamesport.

Mr. Rather, who conducted the poll, and I have since that time sat down and reviewed my criticism of that particular poll and the results thereof, and I don't say that my opinion of the veracity of the poll has changed, but I will give him credit in the sense of defining exactly what I see was wrong with that particular poll.

Quite frankly, Mr. Rather and I discussed the poll before it was done. I told him that in my opinion that the way the poll was about to be done would be inaccurate. I showed as best I could the way certain questions were phrased, they would lead to certain answers. I felt that there should be some pre-testing of the questionnaire to determine that accurate answers would be given. I felt at random - selection should be made so that both sides of the issue could be sampled for the results. Mr. Rather pointed out to me that in his tally in posting the results of the poll, he pointed out that there was no claim of veracity before the poll, it was not claimed to be conducted in a scientific manner and that is my criticism. I do not believe that it accurately reflects the feelings of the people of the Town of Riverhead and that probably should be my statement rather than characterizing the entire poll as I did."

NOTICE OF PETITION - In the Matter of the Application of Saffals Associates, Inc.; vs. Zoning Board of Appeals of the Town of Riverhead. Filed.

Supervisor Smith then stated: "Yes, that's a lawsuit, not a petition. We're getting sued by the owner of 414 East Main Street which is that Motel, if you want to call it that - to the immediate east of Tuthill's Funeral Home and because - although I seem to think he has about five times too many people in there already."

APPLICATION

Application for Special Permit by Charles K. Martin, Charles H. Jurgens, Herman D. Jurgens and Fred E. Jurgens to use premises on southerly side of Swan Pond Road on River Road, Manorville (277 acres approx.) as a standard golf course or golf courses. Filed.

Referred to Planning Board for recommendation and report.

PETITIONS

American Sign & Indicator Corp. & Riverhead Savings Bank for SPECIAL PERMIT to erect two wall-mounted time and temperature displays. Filed.

Referred to Planning Board for recommendation and report.

COMMUNICATIONS

Town of Southampton, relating to Public Hearing to be held on proposed changes to Zoning Ordinance. Filed.

Department of Audit and Control, dated 7/29/77, acknowledging receipt of Local Law No. 2 of 1977. Filed.

Secretary of State, Department of State, dated 8/8/77, acknowledging receipt of Local Law No. 3 of 1977. Filed.

Department of Environmental Conservation, dated 8/4/77. Public Hearing Notice in the matter of Petition of Creek Road Beach Club, to be held in the Suffolk County Legislative Meeting Room, County Center, Riverhead, N.Y., on the 16th day of September 1977 at 10:00 A.M. The project site is located on Wading River Creek, in the Hamlet of Wading River. Applicant proposes to fill an area adjacent to and south of Creek Road opposite club house for the purpose of a parking field. If any objections must write in duplicate specifying the precise grounds of opposition or support to the Tidal Wetlands Permit Administrator at Stony Brook on or before the 12th day of September, 1977, if no notices of appearance are filed, the hearing may be cancelled. Filed.

Relating to Trade Winds Village Condominium Development approximately 180 feet east of Nadel Drive on the north side of Middle Road, Riverhead.

Mortimer Barr, dated 8/10/77, advising the Board that the Planning Board has advised Barr and Heller that they might have to appear before the Town Board because condominiums might be solely within the jurisdiction of the Town Board and this being the first condominium to go to the point of applying for a building permit and a procedure would have to be developed by the Town. And under these circumstances they ask to be advised as to the procedure to follow. Filed.

Supervisor Smith then stated: "They have been denied the Building Permit because the Building Permit that they request does not comply with the Special Permit that they were given so many years ago. If they wish to vary this Special Permit, I would suggest that they petition the Town Board for the changes so that we can let the public hear about it at a public meeting, and address it should they choose. So it's a new application to the Town Board, unless they want to go forward with what they have a permit for already."

COMMUNICATIONS - continued

Town of Riverhead Planning Board, dated 8/5/77, relating to Special Permit of Peconic Excavators, Inc., recommending to the Board that the Special Permit to operate a Gasoline Service Station with vehicle and truck storage be granted subject to the following two conditions:

1. That the permission be granted to the applicant, Robert Stevenot, for a period of two years and that this permit is not to run with the land but only with the applicant.

2. That only five construction vehicles owned by the applicant, Robert Stevenot, may be stored on the premises. Filed.

Northville Beach Civic Association, dated 8/15/77. Noting that Northville Industries plan to create a bicycle hostel as a part of their landscaping plans on Sound Avenue and making suggestion that the Town seriously consider the idea of making a bicycle path parallel to Sound Avenue to reduce the risk of hazards on this busy road. Filed.

Supervisor Smith then stated: "Mr. Horton is your Attorney here tonight? Can we get him in the room? (Mr. Cuddy was called into the room at 7:45 P.M.).

Mr. Cuddy: we had scheduled for 8:00 P.M., a hearing with reference to Mr. Horton's application for an Open Development Area commonly known as Beverly Hills. By a letter from your firm, Miss Block withdrew the Open Development Area Application. At about 6:00 this evening, I had placed in front of me an agreement that relates to the granting of the Beverly Hills Open Development Area. Now do you want the hearing on or do you want the hearing off?"

Mr. Cuddy: "Mr. Supervisor we respectfully request that the hearing be off. That is that the application be withdrawn as indicated in that letter. I didn't realize something was placed before you at 6:00 this evening. That was communicated to you merely to give you a copy of the proposal that was being made on behalf of Mr. Horton."

Supervisor Smith: "Then, Sir, if at some subsequent date you do, in fact, wish to pursue the Open Development Area, you understand that the possibility exists for us to come back again into this room for a hearing."

Mr. Cuddy: "We understand in accordance with the law that we may have to come back here, that's true."

Supervisor Smith: "So you don't want formally for there to be a hearing as such tonight, although quite probably the topic will be discussed at some length?"

Mr. Cuddy: "Of course, that's up to the people that are here. But no we don't want a formal hearing and we have requested that there be no formal hearing."

#### PERSONAL APPEARANCES

Supervisor Smith: "That brings us up to that portion of the agenda where we will recognize anyone wishing to be heard. For those of you who have not previously been before the Town Board we would ask that you use the microphone. The reason that we ask you to use it is, if you don't, whatever you have to say does not get onto the tape and if whatever you say is important, we would miss it. So you must use the microphone if you will and as you come forward, please give your name and address to Miss Block."

Dr. Alfred Smith, President of the Northville Beach Civic Association; "This is a letter from our annual meeting last week and this is a letter to Allen Smith, Supervisor of the Town of Riverhead."

Dr. Smith then read the following letter, which is filed in the Town Clerk's Office.

'The experience last winter of our members who are year round residents along Penny's Road and Sound Shore Road, indicates that further steps should be taken to keep these roads open and more accessible during and after snow storms. We believe that snow fences, installed on Penny's Road, along the open fields, would help to alleviate this condition and request that the Highway Department do this in the fall.

We would also like to call to your attention to the hazardous condition which exists at the intersection of Penny's Road and Sound Shore Road. As you know there is considerable truck traffic here and while we realize that the problem was lessened by the recent widening of the road at this corner, there is still a very sharp turn which causes the trucks to occupy both lanes when rounding the corner. The situation has become more acute this summer with the increase in truck traffic at the oil terminal construction site. May we suggest that a study be undertaken to determine what can be done to eliminate this hazard.'

Very truly yours,  
A.H. Smith, M.D., Pres.

PERSONAL APPEARANCES - continued

Marie Hoff got up and read her letter from Wildwood Hills Property Owners' Association, Inc., which is filed in the Town Clerk's Office as follows:

'Recently read in August 11th, NEWS-REVIEW that Wildwood Hills "has banded together to maintain their own roads." While this statement is correct, the choice of verbs is poor and somewhat misleading, since it implies that the effort is recent and hasty. It is not. There is a significant fact which should be noted. Wildwood Hills is not a special area or an open development; it is a legal residential subdivision with a filed subdivision map having definite boundaries and lines. Its long-established Property Owners' Association has worked on road matters.

The Association intends that the residential character of our subdivision community should continue to be maintained, and we will shortly be in touch with the Town Board regarding working details at the parking areas adjacent to us.

Thank you.'

Sincerely,  
Marie S. Hoff  
President

Howard Walker, Representing Beverly Hills Area Association read the following statement which is filed in the Town Clerk's Office as follows:

'An application will soon be made to the Board for a waiver of current rules and regulations for road dedication as they apply to roads in Beverly Hills along with a renewal of the application for continuation of ODA status.

1. The standards established by the existing rules and regulations in effect at this time present an onerous burden to the homeowners adjoining the undedicated rights-of-way in Beverly Hills Section 1 and the Open Development Area.

2. The roads in the Beverly Hills Area are in an uneven state of repair. Some sections are perfectly serviceable for the current traffic and drainage demands, others will require some improvement.

3. However, in both Section 1 and in the ODA the cost of bringing the roads up to current standards would be prohibitive.

4. Correspondingly, there would appear to be no benefit to either the Town or to the adjoining residents for demanding that these standards be applied. The Homeowners would be satisfied with roads that permit trouble-free access to and from their residences. The Town should be satisfied with roads that permit the passage of school buses and emergency vehicles and which do not require an inordinate

PERSONAL APPEARANCES - continued

amount of maintenances or repair.

5. It may be that some of these roads will require minimal improvement to meet the modest standards. In a normal situation it would not seem inappropriate for the benefiting adjacent homeowners to bear the burden of these repairs as have all other town residents through the purchase price of their homes or through the formation of special development district.

6. However, I believe that the situation in Beverly Hills is not normal and deserves special treatment.

7. For example, with regard to Section One: It is my understanding that more than one of the current Town Board Members can recall that applications were made for dedication of the roads in the late fifties or early sixties. At a time when the standards for acceptance were more modest, I think if you research the subject you will find that the roads meet the standards of the time. It is, therefore, the inactivity of the Town Board that prevented the formal dedication of the roads. Any failure of the roads to be in a satisfactory state of repair is chargeable to the Town and not to the adjacent homeowners who have been paying taxes for such maintenance.

8. With regard to the ODA, the standards similar to those I previously described are more technically set forth in the rules and regulation applicable to all ODA's.

The rules charge the Town Planning Board with the responsibility for requiring adherence to these standards before granting ODA status. If you closely review the development of those roads, you will find that the Planning Board failed to properly inspect the area, failed to require proper notification to homeowners adjacent and generally failed to perform their general responsibilities before granting continuations of the ODA status.

The Town Board will be presented with our application for waiver of the current standards for the acceptance of a town road. I ask that the Town Board specifically find that the existing rules and regulations are not applicable to roads of the general characteristic found in Beverly Hills Roads which pre-existed the establishment of those rules and regulations.

I ask you to find that, in relation to the adjacent homeowners, the Town is under an obligation to atone for its past errors and omissions. You can fulfill that obligation by accepting those roads in their current state of repair and accepting responsibility for existing conditions.

Contingent upon the approval of the application for waiver by the Town Board and upon the required concurrence by the Town Highway Department, we recommend that the application for the extension of the ODA status be granted.

Because winter will raise havoc with those roads, we ask that the waiver and approval be completed before November of this year.'

PERSONAL APPEARANCES - continued

Supervisor Smith: "Mr. Walker we do realize as you do - I know that you've been working on this rather diligently. What you ask has certain consequences with reference to subdivisions immediately below you in terms of water run-off and things of that nature. I would point out that in the general consideration of what you ask, the Town Board has before it this evening a resolution that we may or may not pass. I would hope that it gets passed, to hire a firm of engineers - outside engineers, nobody local, nobody that has had anything to do with or probably will have anything to do with these problems, to evaluate the water run-off from Beverly Hills as the same affects Tidewoods and attempt to obtain some solutions."

Mr. Walker: "I'm only too glad to find solutions as long as they don't take too long. If this project is to be completed in a timely fashion, I would imagine that this would have to be a very short study. How long is it expected to take?"

Supervisor Smith: "Well, you are assuming that we are buying your time limits at this point or that somebody isn't going to sue us or any one of a number of other things. What you ask, I say there is some potential that the drainage problem that may or may not be occasioned by the water running off your subdivision onto another, might not be solved by what you propose."

Mr. Walker: "It might be solved. However, I would ask that the whole problem not be studied to death."

Supervisor Smith: "I'm not saying that."

Mrs. Sharon Wendelkin, Timber Park, Calverton;  
"Seeing as everyone else is talking about roads tonight, I feel I shouldn't be any different. I have here a petition that is signed by the residents of Timber Park, all the roads in Timber Park, which I'd like to read."

Mrs. Sharon Wendelkin then read the following petition containing 89 signatures, which is filed in the Town Clerk's Office:

'We, the undersigned residents of Timber Park, are petitioning the Town Board of Riverhead to take our roads into the Town Highway System on a maintenance basis. We feel that there are extenuating circumstances in our case, due to the fact that we have been abandoned by our original developer.

We have talked to the Town Superintendent of Highways, who has said that if the Town would accept our roads, at this time, he would keep them maintained by grading, filling potholes, and an occasional oiling when possible.

This will not only make our roads passable, but the

PERSONAL APPEARANCES - continued  
sider this."

Supervisor Smith: "Mr. Wallace you do realize that we passed the resolution saying that we were taking over the roads. We went to the Navy and found the area for the sump and we were sued and we were told that we could not take over the roads."

Mr. Wallace: "I realize what you're saying. I just want it to be a part of the record that we were in this business of trying to get roads prior to the current road regulations."

Supervisor Smith: "We will give it another run and hope that we don't get sued."

John Ottaviano, Wading River; "At first I was going to speak on behalf of the Beverly Hills Area Association, but Mr. Walker, I think, did a fairly thorough job on that. You mentioned Tidewoods - I would like to bring up the relationship between the Open Development Area and Tidewoods if I might. In the early Spring of this year, the Town Board passed a resolution accepting the roads of Tidewoods. To date, Alex Horton has not signed the necessary papers taking over these roads which he as Highway Superintendent must do. Mr. Horton has said that he would not sign them over because the drainage in Tidewoods is not adequate. Now there are three important facts that have to be brought again before the Board.

Number one: The Town Planning Board in 1973 allowed the Builder of Tidewoods to add Southview Court, an area of over ten acres to the existing drainage facilities without any modification of said drainage facilities.

Number two: The Town Planning Board released back to the builder a \$5,000 bond before the roads were officially dedicated.

Number three: The water from approximately 18 acres of land in the Open Development Area in Beverly Hills which was developed by Mr. Horton, flows onto Tidewoods property eventually affecting the drainage system. Mr. Horton says this is inadequate. In other words, his water is causing a problem with our drainage system.

Mr. Horton is still the owner of the roads of the Open Development Area and also in the Beverly Hills Section One, and he also owns two parcels of land at this time from what I'm lead to believe. Now in the Open Development Area, Mr. Horton has no drainage facilities whatsoever. According to the Planning Boards rules and regulations, the ODA, I believe this is a condition limitation #2 and this is quote "Proper Drainage is supposed to be

PERSONAL APPEARANCES - continued

on and from these roads."

Now since there is no drainage, there is not proper drainage. And in the past, the past Town Boards and or Planning Boards have allowed Mr. Horton to operate this Open Development Area without any proper drainage facilities. This water has flowed down from his property onto what is now Tidewoods property.

Mr. Danby from the Conservation Department has stated that this problem was caused by bulldozers. Mr. Horton has claimed that this is a natural drainage. By definition, natural drainage is an area where water flows with a stream part or most of the year. In this case, Reppa Pond would be the natural drainage area for this basin for the whole area - Reppa Pond is spring fed and has nothing to do with streams feeding it to Reppa Pond.

Mr. Horton has recently offered a parcel of land situated between his two lots as a drainage for a portion of this Open Development Area. At the same time, I think the Town Planning Board Meeting of June 2nd, I believe, by his own admission, the parcel offered for drainage is on a steep slope and would be a worthless and dangerous place to put any drainage basin, as it might be subject to collapse, endangering the safety of persons living below, namely myself, Mr. Wind, and Mr. Hawkins.

May I strongly urge Mr. Horton to set aside a portion of one of his other parcels that is flat and would be appropriate and safe for a drainage basin in Beverly Hills Open Development Area.

I would like to add that because of the run-off of Mr. Horton's ODA, my house has flooded twice, my land has flooded periodically. I'm forced to carry flood insurance, I've made extensive physical changes to my property to allow the run-off from the ODA to bypass my home and I have suffered casualty loses of several thousand dollars since I've been living in Tidewoods.

At present a dangerous situation exists because of the amount and velocity of run-off that occurs, which could lead to the collapse of my basement walls. Mr. Wind, Mr. Hawkins, and Mr. Fritsch have also had various problems connected with Mr. Horton's ODA run-off. Now could someone on the Board tell me exactly where Tidewoods stands as far as the resolution to accept the roads goes?"

Supervisor Smith: "Well, let's get to it. Mr. Horton if by oiling, and putting grits on the roads in Beverly Hills, they are acceptable into the Town Highway System and they have no drainage. By comparison that situation to the situation that exists in Tidewoods, are you prepared to accept those roads into the Town Highway System?"

Alex E. Horton, Supt. of Highways: "I don't think I can accept them because I'm the Superintendent of High-

PERSONAL APPEARANCES - continued  
ways - we'd have to bring in a third person to do that - not myself."

Supervisor Smith: "You don't - now the claim is that you don't determine whether the Tidewoods roads should be accepted."

Alex E. Horton, Supt. of Highways: "Well you were going to have your Town Attorney investigate into the drainage when you made that resolution. What happened?"

Supervisor Smith: "Mr. Horton, we have the firm of Lockwood, Kessler and Bartlett that are prepared to handle the water from your ODA onto his Tidewoods subdivision and we're going to finish that thing up. Now he has roads in his subdivision that are macadam, curbed, paved - been that way for a number of years. I'm asking you, Sir, if it is acceptable for the roads in your Beverly Hills subdivision or Open Development Area to be oiled and gritted, why aren't we accepting the roads in Tidewoods?"

Alex E. Horton, Supt. of Highways: "I can't accept the ones in Beverly Hills. You have to bring in a third person - that's not my job where I'm involved as Superintendent of Highways. Besides, you stated that you were going to have Mr. Danowski check into the water drainage in Tidewoods when you made that resolution. This was never done."

Supervisor Smith: "Mr. Horton what is the matter with the roads in Tidewoods?"

Alex E. Horton, Supt. of Highways: "Well what happened there - the builder went along and dug a lot of big holes and buried the trees and now they're rotting and sinking. This is what happened."

Supervisor Smith: "Are those roads better than the roads in Beverly Hills?"

Alex E. Horton, Supt. of Highways: "Yes they are."

Supervisor Smith: "Then how can we accept the roads in Beverly Hills and not accept the roads in Tidewoods?"

Alex E. Horton, Supt. of Highways: "Well that's not my concern. If the Town made by development - this is all I have to do is layout the drainage area and this is what was done."

Supervisor Smith: "I must be missing something, Mr. Horton. It just doesn't all run together for me."

PERSONAL APPEARANCES - continued

Alex E. Horton, Supt. of Highways: "Now another thing. If Mr. Ottaviano - his builder never built that dike which his house sets on right in the middle of the ravine. We would have never had that trouble just like building a dike across Niagara Falls. What can you expect?"

Supervisor Smith: "Mr. Horton it's obvious to me that the macadam roads in Tidewoods are better roads than Beverly Hills has and or will become to use the language of your proposed settlement, where there is an application of oil and then sand on top."

Alex E. Horton, Supt. of Highways: "Well the specs were different when Tidewoods was built than when Beverly Hills was built."

Supervisor Smith: "But they're both going to become town roads that we all have to pay for and maintain."

Alex E. Horton, Supt of Highways: "If you agree to accept."

Supervisor Smith: "I think this issue is well defined, Mr. Ottaviano."

John Ottaviano: "All right, thank you."

Supervisor Smith: "Anyone else on roads or road related problems?"

Michael Peretta, Wildwood Acres read the following letter which is filed in the Town Clerk's Office.

'Mr. Allen Smith, Supervisor of Riverhead Town and members of the Town Board, Jessie Tomlinson, George Young, Francis Doc Menendez, John Lombardi, and Highway Superintendent Alex Horton.

We the people and residents in the Wildwood Acres Area of Wading River, are petitioning you, as our duly elected representatives to correct an injustice within your community and mine. We live in an area of so-called private roads, which have been open to the public for the last 25 or 30 years.

These roads carry all types of traffic, Bakery Trucks, United Parcel, Lumber Trucks, Oil, Cement Mixing Trucks, Ambulance and Fire Trucks, and Cars that park on our roads because they cannot park, elsewhere, you name it, we got it. These roads have never been closed to the Public.

PERSONAL APPEARANCES - continued

Through the years the people and the Town have been repairing the roads as much as possible in order to make them passable. Now the people and residents in our area are asking for relief; we haven't got the money, and the equipment, to continue repairing these roads. The Town refuses to repair except in emergency.

Ambulance and Fire Vehicles, have to slow down, to get through. Our Garbage pick-ups have been threatened, the noise of all General delivery trucks, hitting our large pot holes, in our area a health hazzard to our children and senior citizens in our area. Town service has been curtailed, regarding police protection, snow removal, and road repair, except in emergency.

We are not 2nd class citizens, we pay for the road you ride on. We pay school taxes and we have no children in school, our Real Estate Taxes are equal to yours. We donate to your causes, our Ambulance and Fire Volunteers give you service and care, is there any one thing you can name that does not include our co-operation in Community Service? It is not logical to say that the roads are our problem, the Town also has a responsibility, to our citizens.

We are not blaming the Supervisor, Allen Smith, for an inherited problem, we are saying that it is within the power of the Town Board, to correct an injustice. We are petitioning the Town Board and the Highway Department, Alex Horton, to use all the power at their command to activate and implement the following Resolution because this road problem will not fade away, until it is corrected!"

Michael Peretta then said: "Our Chairlady will then read the resolution."

Viola Lomonico, Wading River read the following resolution which is filed in the Town Clerk's Office.

'We, the undersigned, owners of real property shown on a map of property surveyed for J. Alonzo Hulse, dated October 1944, last up-dated by Alden W. Young, 1950, and parcels shown on a map entitled "Wildwood Acres, Wading River, Long Island, New York", undated, hereby apply to the Town Board of the Town of Riverhead for the dedication and acceptance of a certain road shown on the aforesaid maps as Hulse Avenue, from its most northerly point at its intersection with North Wading River Road to its most southerly point where the same meets other lands of the Estate of J. Alonzo Hulse.

The undersigned further apply for the waiver of the aforesaid rules and regulations to the extent that the aforesaid Hulse Avenue be accepted for dedication in an "as is" condition, and the undersigned acknowledge

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and consent to the maintenance and improvement of the same consistent with said road's present condition to wit: that the same will be graded, oiled, and sanded, similar to other secondary highways in the Town of Riverhead.'

The list of signatures are filed in the Town Clerk's Office.

John Shumejda: "I had an Open Development place over 30 years and I did everything I should have done and did many years ago. I didn't know where I was going to get it, so the last time I asked one of them - he told me it was 105 feet - so I'm 69 years old and I've maintained this road at my own cost all these years and I sure did get the run around.

I had Mr. Alden Young survey this thing, had catch basins put in, underlined 8 inch pipe, plus a sump. I just didn't have the necessary turn around at the end. So I had an Attorney draw up a thing a few years ago, and I thought what they drew up would never get through anyway, because it was going to go through St. Isidore's Parochial property. It's Town owned property - there's a right-of-way through that, but I figured that there would be an awful fight with that, so I decided that I better drop it. So I'm here speaking for myself thinking if you're going to take on all these old roads - take them all on. Don't designate this or that or take 10% a year for the next few years so the load won't be so great. But like some of the residents said, they maintained them, and I have maintained my roads for thirty years and I've gotten to the age where I can't do it no more."

Supervisor Smith: "Mr. Shumejda this is Smith's place which is on the west side of Osborne Avenue."

John Shumejda: "That's right and I have two unsold lots there and I have a sump basin. I've done everything that was asked for me to do, but well I don't know whose instigation it was that keeps increasing the turn around. I just couldn't provide it."

Supervisor Smith: "Anyone else on roads? Does someone else have a different topic they wish to discuss this evening?"

Supervisor Smith recessed the meeting for seven minutes afterwhich the meeting resumed.

PERSONAL APPEARANCES

Supervisor Smith: "Does anyone wish to address the Town Board on any matter?"

Celeste Voegelin, Timber Park; "I would just like to ask if you could enlighten me as to why there should be any objection to taking over the roads. Since we've all been paying taxes, at the same rate as everyone else many many years and since we do not have any advantages in our neighborhood we understand that there is a possibility of taking over roads on a basis of primary and secondary status. And it would seem to me that that would solve our problem. I think that most of us would prefer to keep our roads in a passable condition. We're not looking for curbs or other improvements."

Supervisor Smith: "Mrs. Voegelin I will send you a copy of some of the documents that were filed with reference to Timber Park. I have sent them to some of your neighbors. Essentially, what has been said on the objection to what we attempted to do once before, which is, in fact, a secondary road whether we called it that or not - we called for grading, oiling and sanding. The objection is that they have some sort of road improvement district should be engendered such that you pay specifically for those improvements and that's what the objection was made in the lawsuit and I'll give you a copy of that for what it's worth. I'm saying to you tonight, that there is a petition that's being handed in by Mrs. Wendelkin. It was a reference in the litigation to following a procedure of asking for a waiver from the Highway Superintendent, Mr. Horton, of the street application of the rules and we didn't have the petition until this evening, we will discuss it with the Town Board quite possibly. We will again pass the resolution that indicates that we would like to do that which we tried to do once before and see if this is more acceptable than our last approach."

Celeste Voegelin: "In other words, the fact that we've been paying highway taxes all these years means nothing. We have no passable roads and we have been paying road taxes."

Supervisor Smith: "Mrs. Voegelin, sort of like the explanation I gave at Wildwood Acres some weekends ago the general town-wide tax for highways covers all highways in the Town of Riverhead whether you live on one, or you don't live on one. I don't live on one. I live on a private road and I don't want anybody to take my road over. You're paying for snow plowing. Obviously, it does no good to just have - say Timber Park, if it were public highways snow plowed without any of the other roads snow plowed. The application of highway

PERSONAL APPEARANCES - continued  
 taxes is not necessarily limited to a particular spot. I understand what you're saying."

Emma Karch, Riverhead; "I've been silent for a long time, but tonight I just had to hear that about those highway taxes. You know we live in the Glenwood Park, we have our private roads, God forbid that we come here some day and ask for those roads to be fixed. The taxes - I came checking out on our taxes on mobil homes, and I said well we don't get any highway services, we don't get snow removal, nor lighting, right? And I was told oh well, you pay the taxes for when you use Mill Road and County 58. I just had to say this, so you can tell the people this is what we pay our taxes for."

Councilman Young: "You don't have any children in school either?"

Emma Karch: "No Sir. But I just hope I go to those meetings and I wish that they better the education and we'll be glad to pay some of those taxes. I had to get up and say this. I'm not fighting them, but it's gratifying to see all these people here isn't it? I had to go in the back lot tonight. But why don't they come here when it concerns the whole Town of Riverhead?"

Supervisor Smith: "Anyone else on anything?"

Marie Hoff: "I second what Mrs. Karch said about taxes. We all pay taxes and we do use all of the roads in Riverhead as well as our own and some of us try to raise funds to maintain our own roads and I would hope that some kind of a plan be worked out to help these people in some way with their roads, but I would like to feel that it would be fair and equitable to all of the residents of the Town of Riverhead so that some kind of modification will be made to see that they in a sense subsidize to a degree some of their own improvements. Now, whether this is what's in your mind or not, I don't know. But as far as paying taxes, we all pay."

Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:45 P.M.

Town Clerk submitted affidavits of Publishing and Posting Public Notice calling Public Hearing for August 16, 1977 at 8:45 P.M. on the matter of application to the Department of Housing and Urban Development for a supplemental community development block

PUBLIC HEARING - continued  
grant, not to exceed \$300,000.

The affidavits were ordered to be placed on file.

Supervisor Smith explained as follows: "Ladies and Gentlemen this is the second of two hearings. For those of you that heard the introduction once before, I apologize, but we have new faces in the room who may wish to address the Board on this particular matter.

The Town of Riverhead is a participating member of what is called an Urban County Consortium which means that we have joined together with some of the Towns in the east end and some of the Towns in the west end to apply to the Department of Housing and Urban Development for certain monies under a Federal Legislation which is called the Housing Community Development Act of 1974.

By reason of the fact that we are a member, we have been sent a letter dated June 30th, 1977, which surplus of monies that is available to this region for certain types of projects.

It is a competitive situation. There is approximately a million and a half dollars available and there are many many more participants and or competitors for this money that could get it. We, therefore, realize as we address you tonight that our chances are fair. We have as much chance as anybody else to participate in this money and there are certain guidelines that are established by the Department of Housing and Urban Development whereby we could compete.

The first hearing we listened to anyone who chose to address the Town Board on generally any ideas with reference to the money. I would point out to you that there are guidelines for the development of the money and before you say roads, that is not one of the eligible activities.

At the prior hearing, we identified or the speakers identified a particular and certain problem, and I'll give you the examples first and then I'll tell you what we have here as the public discussion for this evening.

For instance, there is a dilapidated old run-down migrant shack on the northerly end of Doctor's Path, that has recently been foreclosed by the bank that held the mortgage. We have an opportunity. I have it in writing sitting on my desk to take a bulldozer out there and push that thing into a heap. It would remove a blight from our area and would end the kind of thing that we've seen in other areas of the Town where these blighted conditions sit and then some bright young lad comes forward and says I'm going to fix that up and make it work and he comes in and spends little money - shoe string kind of a thing - creates the same kind of situation and we're right back where we started from.

PUBLIC HEARING - continued

We have the opportunity to destroy that building - slum clearance, but we have no mechanism to do it. We don't have a budget for it, we don't have a Community Development Crew for it, etc., etc. There are other areas in Town where there are old houses and sheds that sit abandoned and vacant - the owners have no interest in them - they either don't have the money or the inclination to remove the same, but if the Town were prepared to have a crew that would remove such structures, the owner probably would give us permission to do so. So what we say is that of the possible projects that we might submit, that a fund be established for a neighborhood improvement public works projects, specifically crews and machines would be used to clear areas of trash, old buildings, etc., with the owners consent.

Secondly, a possibility would be to provide a fund for subsidized home improvement loans. To be eligible, it must be property owned and occupied by the owner within the Town of Riverhead. The maximum amount of the loan would be \$10,000.

Thirdly, we might consider the acquisition and rehabilitation of dilapidated one-family homes. Similar to what we proposed with the Raspberry Hilton which is the structure diagonally down from Town Hall. The idea there is to acquire it, destroy it, and sell the property. Similarly, in this kind of a situation, whether it was a structure that made the turn towards slum housing, it could acquire it cheap enough, rehabilitate it and make it a viable living unit again, sell it, not keep it.

Fourth, is a related program whereby we might seek for the elderly or the less affluent - a program that currently exists which provides for a subsidized rental arrangement and then an option to buy.

There are programs that the Town of Riverhead is not currently taking advantage of that, are being used in other areas such as Cortland and Middle Town, New York, whereby we might obtain - which has nothing to do with building - where we might obtain an allocation of funds, subsidized rent funds, whereby, for instance, an elderly couple was being forced out of a large home. We've seen that in the Town of Riverhead, especially in the down-town area because they cannot keep up with the rising taxes or other matters. It is possible under these programs to identify these people for the reason of their limited income and their habitual area to obtain that kind of rent subsidy so they can keep and maintain their homes.

These are some of the ideas that we propose for your consideration, if anybody this evening has any thoughts, please say so."

PUBLIC HEARING - continued

William Nohejl, Wading River; "There was one phrase of it, Mr. Smith, about home improvement. Wouldn't we be going in competition with the bank?"

Supervisor Smith: "The way the program has worked in other areas, Bill, is that it works like an FHA guarantee. The loan is actually made by the bank and the rate is subsidized by the Township."

William Nohejl: "There would be no set interest - what would be the interest? Do you know?"

Supervisor Smith: "3% - to the borrower."

William Nohejl: "3%?"

Supervisor Smith: "To the borrower."

William Nohejl: "That's cheaper than the bank. That's where you are going to get in trouble, with the bank."

Supervisor Smith: "No. The bank lends the money at 8% with the \$300,000 if we could get it, for as long as it might last. If this were one of the programs we were to select, and you were to qualify, I don't think this program is aimed at you, Bill. It's the older homeowner who has a house that might turn. Okay. Aunt Molly and Uncle Jim sit there and say can we paint our house this year? No we can't. He doesn't paint his house - the house begins to run down - taxes go up - things like that and the neighborhood's change. It is that kind of borrower to prevent that kind of situation from happening - that might be one of the proposals we would undertake. Anyone else with reference to this particular hearing?"

Mr. Apelskog, Wading River, South Road; "I came in on the end of that, but I believe there's one place where money could be used to well advantage and that's along Creek Road - to buy up some of that property to increase the size of our public beach. If it could be used for that kind of thing."

Supervisor Smith: "We'll certainly consider it, Sir, and if not for this particular application - we've gotten into the business in the last year and a half of competing for these funds, we don't always get them - but we will keep that one in mind and we'll try."

Mr. Apelskog: "I guess you know that that beach is getting quite well filled up. There's no room for parking, no room for people to sit and if money could

PUBLIC HEARING - continued

be used to buy some of that land along there - I don't even know whether those people really own it or they're just leasing it - I don't know."

Supervisor Smith: "All right, we'll consider it, Sir. Anyone else?"

No one else wishing to be heard and no communications received thereto, Supervisor Smith declared the hearing closed at 8:57 P.M., and re-opened the Meeting.

PERSONAL APPEARANCES

Jack Aboulafia, South Road, Wading River, Beverly Hills Area; "Many people here tonight are from the Beverly Hills Area. Mr. Walker sort of summed up our feelings and I only have a few additional things to say. Back in the late 50's or early 60's, Mr. Horton applied for the Town taking over a part of South Road and I think at least I understand it this way - the Town was supposed to then take over the rest of South Road beyond Short Road - sorry Sunset.

Now it seems that for some reason or another, fifteen years or so has gone by and no action has been taken. We hope that this study that's been proposed and the waiver that has been proposed, will not suffer the same fate, and we will all be back here in fifteen years saying, what has happened. I think that's our concern that something will happen shortly.

Another thing is we've also discussed the promises that the residents in the area have been given. We've also discussed the conditions of the roads. We also discussed the requirements of roads and the ODA and so on. I think many of the people here just don't want to get up and reiterate the same thing that Mr. Walker has said, but our main concern is please let's not wait or have another ten or fifteen years go by before something is done. We would surely like to know either way where we stand, because as the situation stands now, it's kind of a limbo to us."

Supervisor Smith: "We would like the petition in. Anyone else?"

Maria Gatz, East Road, Wading River; "I have a question. It was mentioned to us by Mr. Horton and one of the Board members that Sunset Blvd. of Section One would have each year more and more of this road turned over to the Town. I would like to know why it wasn't continued on Section One - it was just dropped. My other question is when Mr. Horton filed for a develop-

PERSONAL APPEARANCES - continued

ment in 1951 of Section One what road specifications did he have to meet, and I would like to know if he met these."

Supervisor Smith: "That one I can't answer off the top of my head. I'll let Mr. Young deal with the first one."

Councilman Young: "It's before my time, too. We talked about it at the last meeting and we thought probably it might be political - Alex when he started out it was a Democratic Superintendent of Highways and then a Republican Superintendent of Highways came along for the next four or five years and no roads - nothing got accepted and that may be the reason - I'm just speculating."

Maria Gatz: "You mean he didn't make a further request. If one part is taken over . . ."

Councilman Young: "I spoke to Alex about it - two or three weeks ago and I think he requested - was it Miller, the Real Estate man and - and he and Alden Young, I think, went to the Town Board the second year to get the second part taken over and nothing ever became of it."

Maria Gatz: "Is this down on records."

Councilman Young: "I can't tell you. It's so long ago - I only know about it from what Alex told me."

Maria Gatz: "Well if it was requested and - more than just by Mr. Horton why wasn't it picked up and continued. I think that's one of the problems that's causing the problem that we have. If he requested and there's other people saying that he did make the further steps, why did the Town Board or whoever was in charge of it just drop it."

Councilman Young: "Probably - it's easier to do nothing than to do something."

Supervisor Smith: "Mrs. Gatz let me try to find you the answers to both the questions."

Maria Gatz: "When?"

Supervisor Smith: "As Mr. Ottaviano knows the searching that I went through the Tidewoods file to try to make sense out of them - it's difficult."

PERSONAL APPEARANCES - continued

Maria Gatz: "I have one little short question. Was there a book published that certain specifications had to be met at the time that he filed for this?"

Supervisor Smith: "I'll look and find out for you."

Maria Gatz: "When can I have my answer? A week, a month or two?"

Supervisor Smith: "If I knew that there was a file to which I could go and stick my hand into it and pull it out from 1951, I'd tell you - you could have it tomorrow. But I can't tell you there even is such a file. So I have to look. You'll be happy to know that all the records that were up until about six months ago rotting up in the basement of the Water District Building are now downstairs being sorted by two women. They have been at it for two months and they still haven't made sense out of it - there's no cataloging - no nothing."

Maria Gatz: "You should get them more help. I'll volunteer."

Supervisor Smith: "No you wouldn't after you see it."

Don Holschuh, Wading River: "Now Mr. Smith, you said if I'm not mistaken, an ODA was originated to entice people - I don't know if it was originated in Riverhead Township or Brookhaven or Suffolk County or whatever - it was originated to entice people or to bring people out to develop this area. Am I correct on that or - what is an ODA if you can . . ."

Supervisor Smith: "Open Development Area is provided for in the Town Law. It is essentially private roads. The thought being that the cost - the cost reductions in the houses will be passed onto people so they may buy. There are Open Development Areas where it works, such as Baywoods which is down in Aquebogue. It is an Open Development Area - the roads are paved - Mr. Nohejl is a participant in there as are other people in the room or were in the room. The roads are maintained privately and they are not public roads at all. The idea being that the cost of the homes were less such that people could build. I think that that theory which was prevalent some years ago is not necessarily a good theory at this point."

Don Holschuh: "Now what I'm getting to is that if this was incorporated into the Town's Rulings and ODA, and Mr Young said prior about an hour ago, that this

PERSONAL APPEARANCES - continued

particular area that he was referring to - they had paid for their own roads ten years ago and they had submitted a document to have it accepted by the Highway Department - they said no - he said everybody will pay for their roads.

Now what has happened now with this ODA, is that you've created a condition here. I couldn't even say a secondary road just to allow to have the areas developed, but no rulings, no checks or balance on it, and subsequently, Alex Horton who asks for his permits to be renewed which nobody from the Planning Board has gone down and seen that some of these shabby rules have been lived up to. Subsequently, the people in the Beverly Hills Area and other areas in our Township are now suffering because of this."

Supervisor Smith: "Some of the other areas that have spoken tonight are not ODA. They are pre-existing filed subdivisions which is a similar problem - not exactly the duplication. Yes, Open Development Areas can go a muck. It seems that yours has. I say that there are others in the Community that have not, so it's either the developer or it's the people who live there or whatever.

When we had the prior Town Board Meeting where some of the folks came and spoke - I think we identified - did you know when you bought your home you were buying on a private road and some of the people said yes - that there were some promises made - some rather strong promises made by the developer. Mr. Horton, that the roads would be taken over. But that is not the scheme of things in an Open Development Area."

Don Holschuh: "If the permit has been reissued and if it says free of debris and grass, dead dogs and whatever you find on these roads here, the permit will not be reissued until this problem is corrected. And evidently through the fault of probably - maybe the Town has turned their shoulders and allowed this permit to be reissued and now the roads are to the point now where it may cost us a substantial amount of money to bring us up to that standard."

Supervisor Smith: "I understand that, Sir."

Mrs. Robert Tormey: "One of the reasons that Open Development Areas were granted or established was they were allowed under the State Law and the Town Law as a function of New York State. They were granted primarily in areas that had started to develop prior to the adoption of the Zoning Ordinance to eliminate the need for all the people in those areas to truck in and

PERSONAL APPEARANCES - continued

out to the Board of Appeals everytime they wanted to do something, because an ODA does not require an application to the Board of Appeals for anything at all.

When we first started with Zoning, we had people from Mr. Shumejda's area, from all kinds of others, coming in everytime they wanted to enlarge the garage, everytime they wanted to do anything. And they complained. And the then Town Board felt that to eliminate that it would be a wise thing to start the ODA's. And that would take care of that. I didn't think that anybody thought that they were going to last the way they did.

The theory was that those that were developing like Mr. Shumejda and Mr. Horton would follow the Planning Board's requirements for roads, build them properly, and then the Town would take them over. It hasn't worked that way. Some of them have been taken over. Some of them haven't. But one of the major considerations was to avoid the constant necessity of appearing before the Board of Appeals."

Supervisor Smith: "I would point out for those of you that don't know it, Mrs. Tormey is the Chairman of that Board."

Michael Peretta: "All this ballyhoo about the private roads, I think this Town Board should take a little consideration to the effect that Brookhaven - the whole Board - the Town Board of Brookhaven dissolved all laws on the book and declared a moratorium for thirty days, and after that they went back to the old requirements. But I think it's up to this Town Board here to do something for our area."

Supervisor Smith: "Mr. Peretta I think what you're saying is all private roads. I don't want mine taken over."

Michael Peretta: "You can keep yours."

Supervisor Smith: "And we do, realize, of course, don't we that the era of the free lunch has long since disappeared. There is a cost that comes with as you say taking over all private roads in the Town of Riverhead and I'd like to know what it costs if it is to be done in one swoop.

I think it's going to be a lot of money. I think the more rational and reasonable approach is to take applications such as yours, such as Timber Park and such as Beverly Hills, consider them on the merits with the money that is available at that occasion and do them.

That's what we tried to do in Timber Park, and we may again do. I don't think the shotgun approach

PERSONAL APPEARANCES - continued  
is the best."

Jack Aboulafia: "One question about the Open Development Area - I think there is a possibility that people may have purchased property in the Open Development Area without knowing it was an Open Development Area. Simply because I thought under the rules established, or ODA, that every deed had to have some sort of stipulation or paragraph put in explaining to the purchaser that he is buying property in an Open Development Area.

This was not done and I know as a fact there are quite a few people in our area who had no idea up until these hearings started that they lived on private roads."

Supervisor Smith: "I'll look into that particular requirement then. If it was going to be, indeed, it would be in the deed from Mr. Horton to you. That is not a document that we are a party to. I'll look into that with you if you want me to."

Mrs. Sharon Wendelkin: "I have a copy of a highway law and I just want to know if it would pertain to all the streets involved.

It's Article 198 - "All lands which shall have been used by the public as a highway for the period of ten years or more shall be a highway with the same force and effect as if it had been duly laid out and recorded as a highway and the the Town Superintendent shall open all such highways to the width of three rods."

Supervisor Smith: "Three rods is 55 feet."

Mrs. Sharon Wendelkin: "It goes on for pages, but does this pertain to all the roads in question?"

Supervisor Smith: "I will show you a copy of the case that I brought with me to Wildwood Acres which indicates that the casual plowing of snow on an emergency basis - the patching of holes is not sufficient."

Mrs. Sharon Wendelkin: "Well what if you had up until regular grading as we did the past year or so ago?"

Supervisor Smith: "I do not believe ma'am that that is sufficient. I think what the statute is aimed at is roads such as Sound Avenue. You will not find a deed of dedication for Sound Avenue. Sound Avenue was an Indian Trail before it was Sound Avenue - used - that's what the statute means it's a user statute. That means when you've used it for as many years as we have used Sound Avenue, it is a public highway."

PERSONAL APPEARANCES - continued

John Ottaviano: "I would like to elaborate a little bit on the Open Development Area - the rules and regulations because I still firmly believe the past Town Planning Boards and or Town Boards have been responsible at least in the case of Beverly Hills ODA for not seeing to it that the rules and regulations as set forth in the Planning Boards rules adopted January 13, 1960 and amended May 11, 1966.

Now in the preface it says the Planning Board will not advise the Town Board to establish an Open Development Area, but the areas will be served by rights-of-ways created since June 15, 1959. Now Mr. Horton in 1963 submitted a map. This map did not show the extension of South Court. Now in 1977 - June 2, 1977 at his hearing on his Open Development Area extension, he presented a map showing an entirely different picture than he did originally in 1963 so a new road was added. At least part of this right-of-way was made after June 15, 1959.

Someone also mentioned the fact that the surfaces are supposed to be in good condition, free from vegetation and other extraneous materials and free from cracks and holes.

Now in the past I understand that the Planning Board does not ever go out and look at these roads nor did anybody else. It was just in recent times that they felt obliged or found it necessary to go out and actually examine the area. I know they did recently and it seems funny that Mr. Horton's ODA received a hard time and he withdrew his application.

It also says and I think very very clearly - the Planning Board will cause a hearing to be held on each application. In essence, what it says is that the Planning Board is responsible for sending a letter to each and every person living in the Open Development Area. A letter that is certified return receipt requested stating the fact that someone is looking for an extension of their Open Development Area and that is supposed to be done every two years.

Now no one has ever received in the Open Development Area - any letter stating that Mr. Horton, in particular, in this case was looking for an extension of his Open Development Area. People have said well why hasn't anybody objected to previous applications. I would suggest mainly because nobody knew about it then and that this is the fault clearly of the Town Planning Board in not notifying the people.

Now on June 2, Mr. Horton's application hearing - myself and Mr. Wind were the only ones here because we happened to find out about it by word of mouth. But the people in Beverly Hills Open Development Area were never notified.

Now also under the conditions and limitations, it says the locations and widths of right-of-ways as

PERSONAL APPEARANCES - continued

shown on the map accompanying the application shall not be changed or altered.

Now, I'm sure most of you people on the Board have seen Mr. Horton's original 1963 map. You've seen a copy of his 1977 map, the only ones, by the way, in any files in Riverhead Town or Suffolk County.

Now, these maps are different so things have been changed or altered."

Supervisor Smith: "John, I think we all admit past transgressions, whether it be the homeowner complaining about prior Town Boards and addressing the problem and all the rest of that. That brings us to our current position where we invite you to submit the application for the waiver for the Beverly Hills people. We are going to pass a resolution tonight where we are going to get what we hope to be the top notch drainage people on Long Island for a fairly stiff fee to come in and try to perform some feat of magic with reference to Tidewoods, and we're going to try to address these other road problems. I can't roll back the close and change those things."

John Ottaviano: "One of the points I'm trying to make is that I think the past Town Boards and the past Planning Boards have been lax apparently. Now I don't know what part Mr. Horton had in it - I'm sure he was aided and abetted. Maybe willingly, maybe unwillingly, but he benefited from it and the people in the Open Development Area have suffered from these oversights on the part of Town Officials, whoever they are.

This is the point I'm trying to make and this is why I feel in this particular case the responsibility does lie a little greater with the Town than possibly other areas."

Supervisor Smith called for a five minute recess after which the Meeting resumed.

Supervisor Smith: "We're at that portion of the agenda where we're still listening to anybody that wishes to address any particular topic. Does anybody wish to bring up a new one or continue with any of the old?"

William McBrien, South Road, Wading River; "There seems to be some confusion as to who bears the responsibility of accepting the roads. Mr. Horton says it's up to you people, and you say it's up to him. Don't you think it's time that the Town of Riverhead gets out of the 1920's and no longer depend on the people to elect somebody who might not be qualified for the

PERSONAL APPEARANCES - continued

position. Make it an appointed position, follow the leadership of a Township such as Islip where a qualified person is appointed and generally any confusion will be placed, people will be answerable and a lot of this can be eliminated."

Supervisor Smith: "Dr. Menendez is about to get in the sack. It has been proposed and seriously considered by me as the budget officer, at least, in light of this particular circumstance that in the budget that I will present as the budget officer to the Town Board that there be a position therein referred to as the Town Engineer and let the responsibility for evaluation and acceptance of roads and or other things in the Town Ordinances, be changed to refer to the Town Engineer."

Councilman Menendez: "Sir, I've been yelling for the last two years or two and a half years to try to establish a department of public works as opposed to a Highway Superintendent. In that way, you have more control over your people and you can tell them what to do and when to do it. This way we have no control. But there seems to be a road block in the way that Riverhead is a second-class Town. Therefore, there are different laws. Islip is a first-class Town. They can do it readily. I think Smithtown has also done it."

William McBrien: "What is the reason they can do it readily?"

Councilman Menendez: "They're a first-class Town - different set of rules for them."

William McBrien: "I don't mean that. What legality has to be followed? How do they get around doing it?"

Supervisor Smith: "You could petition for a mandatory referendum to remove the Highway Superintendent as an elected official and call for the creation of a department of public works as an appointed position."

William McBrien: "Have you considered proposing such a referendum?"

Supervisor Smith: "I know Doctor Menendez and I have."

Councilman Menendez: "I've been trying for ages to get that across."

William McBrien: "As it stands now, though, it's too late for this November's election, am I correct?"

PERSONAL APPEARANCES - continued

Supervisor Smith: "That is true, Sir."

William McBrien: "So you propose to create a Town Engineer position?"

Supervisor Smith: "That would be my suggestion at this point."

William McBrien: "Okay and you will have to change the charter?"

Supervisor Smith: "Change the ordinances that refer to acceptance or rejection of certain items."

William McBrien: "I think a statement was made that - Mr. Horton made a statement before that he needs the necessary funds to up-date roads or whatever if he did accept them. And the last hearing that we had here a few weeks ago, you made a statement that surplus budget was turned in every year by Mr. Horton - monies not used for road maintenance. Is that a fact?"

Supervisor Smith: "Yes I had a figure - \$111,000 in round figures."

William McBrien: "And that's not sufficient money to the three areas or four areas that they're talking about."

Supervisor Smith: "I have asked Mr. Horton in writing as the Chief Fiscal Officer of this Community about half way through the first year, and since then to delineate what he spends his money for - and we will allocate, appropriate monies for these purposes. I've yet to get an explanation."

Michael Peretta: "Correction on that \$111,000 figure, because I heard it officially was \$130,000 and I would appreciate it very much if Doctor Menendez made that resolution now - to just what you said a little while ago to put a new highwayman there instead of Mr. Horton, because we're fed up with him. We had enough trouble with him."

PERSONAL APPEARANCES - continued

Councilman Young: Mike, you'll have a chance this Fall to put a new highwayman in there if you want to. The people of Riverhead have a chance every two years to get rid of their Highway Superintendent. Seven times they have re-elected Alex Horton and I think they'll re-elect him again this year."

Supervisor Smith: "We've been over that ground, Mr. Peretta, and maybe the election will come before mandatory referendum and we'll see what happens. Does anyone wish to take this opportunity to address the Town Board on any other matter?"

Michael Peretta: "Haugaard vs. the Town Board - In reference to that resolution on November something or other of last year in '76 - two points were brought out. In the Timber Drive in reference where the rules and regulations provide where the enforcement of specification and subdivision would be difficult and create unnecessary hardships - the developer may petition the Town Board for relief in the form of an appeal. In this particular case, they couldn't find the developer, so in Section 8 - the Superintendent of Highways will consider all of the facts and if he determines that relief should be granted, he shall notify the Town Board of his decision indicating to what extent the relief is to be granted, which means that the Town Board, no doubt, should talk to Horton and . . ."

Supervisor Smith: "We have your two petitions and we're going to get the one from Beverly Hills and guess where they're going next?"

Michael Peretta: "All right. Just one other sentence, Mr. Smith. Upon the passage of a resolution by the Town Board such relief will become effective."

Supervisor Smith: "Yes, Sir. We have every intention of referring those to Mr. Horton."

RESOLUTIONSAUTHORIZES OVERTIME PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That the following Police Officers be paid overtime from July 1, 1977 to and including July 31, 1977 as per PBA Contract at time and one-half their regular salary.

1.	J. Becht	7-28-77	1½ hrs.		\$ 20.42
2.	D. Cheshire	7-2-77	30 min.	4.80	
		7-5-77	1-3/4 hrs.	16.80	
		7-31-77	30 min.	<u>4.80</u>	26.40
3.	A. Densieski	7-21-77	1-¼ hr.		14.94
4.	J. Hughes	7-28-77	3 hrs.		35.85
5.	D. Miller	7-21-77	1 hr.		11.98
6.	J. Psaltis	7-3-77	52 min.		10.35
7.	P. Paasch	7-10-77	1-¼ hr.	14.94	
		7-21-77	1 hr.	<u>11.95</u>	26.89
8.	R. VonVoigt	7-21-77	1½ hrs.	17.93	
		7-28-77	1 hr.	<u>11.95</u>	29.88
9.	D. Weinand	7-21-77	1-¼ hr.		14.94
10.	D. Yakaboski	7-3-77	1 hr.		11.95
11.	J. Zaleski	7-28-77	3 hrs.	35.85	
		7-2-77	3/4 hr.	<u>8.96</u>	44.81
					Total- \$248.38

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

The resolution was thereupon declared duly adopted.

AUTHORIZES RECALL AND COURT PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That the following Police Officers be paid recall or court pay from July 1, 1977 to and including July 31, 1977 as per PBA Contract.

1.	H. Boden	7-13-77	4 hours	\$ 52.96	
2.	F. Foote	7-7-77	4 hours	47.80	
3.	D. Green	7-28-77	4 hours	47.80	
4.	J. Hughes	7-28-77	4 hours	47.80	
5.	D. Miller	7-26-77	4 hours	47.80	
6.	P. Paasch	7-26-77	4 hours	47.80	
7.	W. Palmer	7-7-77	4 hours	53.60	
8.	R. Quinn	7-7-77	4 hours	50.16	
9.	A. Summerville	7-19-77	4 hours	53.60	
				Total	\$449.32

RESOLUTION continued:

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

The resolution was thereupon declared duly adopted.

AUTHORIZES PAY FOR EXTRA TOUR FOR POLICE OFFICERS

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

BE IT RESOLVED, That the following Police Officers be paid for an Extra Tour from July 1, 1977 to and including July 31, 1977.

1.	L. Griffing	7-22-77	8 hours		\$ 66.24
2.	J. Kurpetski	7-2-77	8 hours		66.24
3.	D. Miller	7-15-77	8 hours		63.68
4.	P. Paasch	7-10-77	8 hours		63.68
5.	R. Quinn	7-4-77	8 hours		66.88
6.	F. Romaneillo	7-1-77	8 hours	63.68	
		7-2-77	8 hours	<u>63.68</u>	127.36
7.	R. Schmersal	7-4-77	8 hours	67.52	
			6 hours	<u>50.64</u>	118.16
8.	D. Weinand	7-16-77	8 hours		<u>63.68</u>
				Total	\$635.92

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

The resolution was thereupon declared duly adopted.

AUTHORIZES OVERTIME COMPENSATION FOR CUSTODIAL WORKER

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That Kevin Blasko, Custodial Worker be compensated time and one-half for overtime services as follows:

July 1, 2, 9, 22 and 23, 1977, for a total of 21 hours at \$5.25 per hour, for a total of \$110.25.

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

The resolution was thereupon declared duly adopted.

APPOINTS LEGAL STENOGRAPHER FOR TOWN ATTORNEY'S OFFICE

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That Susan Papish, be and is hereby appointed provisional Legal Stenographer to the Town Attorney, effective August 8, 1977, to be compensated at the rate of \$8205.12 per annum and that it be noted for the record that the Town Board

RESOLUTION continued:

has in writing a stipulation and agreement from Miss Papish stating that she will move into the Town of Riverhead within a six month period.

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

The resolution was thereupon declared duly adopted.

RETAINS THE FIRM OF LOCKWOOD, KESSLER AND BARTLETT RE:  
TIDEWOODS SUBDIVISION

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the firm of Lockwood, Kessler and Bartlett, Inc., be retained to perform certain work set forth in their letter under date of August 10, 1977, and that they be paid in accordance with the fees stated in same. (Letter filed in the Office of Town Clerk).

Before roll call, Councilwoman Tomlinson stated that she and the Supervisor and two gentlemen from the Lockwood firm inspected the area of Tidewoods and Beverly Hills. She also read parts of the letter mentioned in above resolution.

Supervisor Smith stated that Lockwood, Kessler and Bartlett comes to us with the highest recommendations. They have done major highways such as the Expressway, etc., and they have the advantage in this particular instance of not being involved with this matter in any shape, matter or form and they have never represented the Town Board before this time.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes.

Before casting his vote, Councilman Young made the following statement:

"The lawyer that was in here representing the people in Beverly Hills presented a reasonable solution for the people in Beverly Hills, and I feel that we should try to do what he said we should do. I feel that if we spend \$6,000 on engineers to give us a fancy plan to solve the drainage - we're not talking about roads - we're talking about drainage to solve the drainage in the whole area - we'll never get to doing the work that the lawyer for the Beverly Hills people suggested we do. I think it will be bogged down in engineering details - we'll end up with a program which is too expensive for us to do anyhow because that's a big ravine up there and it's going to be a very expensive drainage solution.

I can see that I'm a layman and we're spending \$6,000 just to find this out. We also have many other drainage problems in this Town that we were supposed to attack this year that we haven't even started on. We set aside \$100,000 for drainage in the first part of the year and we haven't started any of those projects. We had other projects that we promised people we would tackle as soon as we finished the big projects and we haven't even started on the big projects.

I also feel that we're taking \$6,000 of the people's money of the Town of Riverhead and putting it into a project that is on private roads in private developments. And I'm not even sure it's legal, and that is why I am voting, NO."

Supervisor Smith: "I'm voting, YES, and I would like to say that I am bothered by Mr. Horton saying at the Planning Board meeting that the lot that he proposes to give to us as drainage can't be used for drainage, and then tonight coming into the Town Board a month later and saying now it can be used for drainage. I certainly don't want to build a sump

RESOLUTION continued:

or a re-charge basin on that lot and then to have it break at some future date and hurt anybody or destroy anybody's home or anything else like that, and I want somebody to tell me who is not interested in this matter what the hell is wrong up there.

Now on the matter we have been doing drainage, we are doing drainage, we've been approving bills along the way along on drainage. We bought the Bear Property on Shore Road to alleviate the erosion condition that exists on the cliffs which is a drainage problem that has existed for about 20 years, and hasn't been addressed. We've had the Pollack hearing on the Pollack property by Bobby Young's.

We bought that piece of property, the plans and specifications are done and that's out for bid on rework in that one. And we've authorized the drawing of plans and specifications for the fences, for instance, around the sump at Youngs Avenue and Osborne. There isn't quite as much money in that \$120,000 kitty as you might think."

Before the result of the roll call vote was announced, William Nohejl was given permission to speak and said: "Supposing after you make this survey and they find out there's something wrong with Tidewoods and it needs a lot of correction, who's going to foot the bill there?"

Supervisor Smith replied to Mr. Nohejl saying, "Let's find out what it's going to be, Bill. Why spend - let's say, we take the \$6,000 and we build an el cheapo sump up at the top of Beverly Hills. Then we find out later on that there's a problem in Tidewoods, so we've now got an el cheapo sump and we still got the problem. Let's find out what the problem is by somebody who's competent. Obviously, something has gone wrong here. Either with design or planning or something. Let's have somebody who hasn't had a dog in this fight to date, tell us what is wrong.

The result of the Roll Call. 4 Yes, 1 No.

The resolution was thereupon declared duly adopted.

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

BOND RESOLUTION DATED AUGUST 16, 1977 .

A RESOLUTION AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF PARK AND RECREATIONAL FACILITIES IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$45,000, AND AUTHORIZING THE ISSUANCE OF \$45,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The original improvement and embellishment of park and recreational facilities in and for the Town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$45,000, is hereby authorized.

Section 2. The maximum estimated cost of such class of objects or purposes if \$45,000, and the plan for the financing thereof is by the issuance of \$45,000 serial bonds of said Town, hereby authorized to be issued pursuant to the Local Finance Law. Further details concerning said bonds will be prescribed in a further resolution or resolutions of this Town Board.

RESOLUTION continued:

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes if fifteen years, pursuant to subdivision 19 (c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such bonds are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or

- 3) Such bonds are authorized in violation of the provisions of the Constitution.

Section 7. This resolution, which takes effect immediately, shall be published in full in the News Review, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

The resolution was thereupon declared duly adopted.

Councilman Menendez explained as follows: "This is a resolution authorizing the original improvement embellishment of the park and recreational facilities. There is a place we want to buy just south on Peconic Avenue of the place that we have already cleaned out. The Morell property which we have already taken. We want to get the property just south of it so that the place will be larger.

The entrance into the Town Park will be larger, and also there's another piece of property known as the Friszolowski property which is just as you come out of the parking lot and start to head north on Peconic Avenue. There's a little pie shape piece of property right on the corner.

We can get both of these properties for the \$45,000 and that's what this money is being put up for."

Supervisor Smith stated as follows: "It also should be noted that the current or prevailing rate of interest should we publish our notices on this particular item and the time pass, are in the 4½% range - which is a rate that municipalities have not seen for a long time and it seems to be an advantageous time to take advantage of that rate."

RESOLUTIONSAPPROVES OVERTIME COMPENSATION-SANITATION DEPT.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the following employees of the Sanitation Department be compensated at time and one half for overtime worked as listed below:

Robert Kennedy -	July 16, 1977	-	Bernie Hettrick	vacation	
	" 24, 1977		"	"	"
	" 30, 1977		"	"	"
	31½ hours at \$6.83 per hour -				\$215.14

Edward Gadzinski	July 9, 1977	Frank Columbus	vacation		
	July 10, 1977	"	"	"	
	Aug. 6, 1977	"	"	"	
	Aug. 7, 1977	"	"	"	
	July 17, 1977	Ted Krukoski	sick		
	July 23, 1977	Bernie Hettrick	vacation		
	63 hours at \$9.42 per hour -				\$593.46
	Total Amount				\$808.60

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

The resolution was thereupon declared duly adopted.

HIRES DONALD A. DENIS & GORDON K. AHLERS TO PERFORM SERVICE ON PUBLIC WORKS PROJECTS AND AUTHORIZES SUPERVISOR TO EXECUTE CONTRACTS.

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

RESOLVED, That the Supervisor be and is hereby authorized to execute the contracts and agreements between the Town of Riverhead and Gordon K. Ahlers and Donald A. Denis, to perform services on public works projects, and

FURTHER RESOLVED, That the Town Board acknowledges the letter retainer of Gordon K. Ahlers for test holes and that said professionals shall be paid in accordance therewith.

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

The resolution was thereupon declared duly adopted.

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

BOND ANTICIPATION NOTE RESOLUTION AUGUST 16, 1977  
A RESOLUTION AUTHORIZING THE RENEWAL IN PART OF A  
\$21,000 BOND ANTICIPATION NOTE OF THE TOWN OF RIVER-  
HEAD, NEW YORK FOR THE CONSTRUCTION OF ROADS IN THE  
NORTHVILLE HOMES ROAD IMPROVEMENT DISTRICT BY THE  
ISSUANCE OF A NEW NOTE IN THE PRINCIPAL AMOUNT OF  
\$16,800.00.

RESOLUTION continued:

## (Recital)

WHEREAS, The Town of Riverhead, in the County of Suffolk, New York, has heretofore duly authorized, sold and issued its \$21,000 Bond Anticipation Note in connection with the construction of roads in the Northville Homes Road Improvement District, it is now necessary and desirable to provide for the renewal in part, of said Note by the issuance of a new Note in the principal amount of \$16,800.00, now, therefore, be it

RESOLVED, BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD, IN THE COUNTY OF SUFFOLK, NEW YORK, AS FOLLOWS:

SECTION 1. The \$21,000 Bond Anticipation Note-1976 for construction of Roads in the Northville Homes Road Improvement District of the Town of Riverhead, in the County of Suffolk, New York, dated September 3, 1976, maturing September 2, 1977, numbered 1-R-10, heretofore duly authorized, sold and issued pursuant to the Resolution duly adopted by the Town Board on August 17th, 1976, is hereby authorized to be renewed, in part, by the issuance of a new Note in the principal amount of \$16,800.00, said Note dated September 2, 1977, having been heretofore authorized to be redeemed to the extent of \$4,200, all as herein above referred to in the State of New York. The maturity of said renewal Note herein authorized shall not be later than one year from its date.

SECTION 2. The terms, for, and details of said renewal Note shall be as follows:

Amount and Title:	\$16,800 for the construction of roads in the Northville Homes Improvement District
Dated:	September 2, 1977
Matures:	September 1, 1978
Number:	1-R-11
Denomination:	\$16,800
Interest Rate:	_____ % per annum, payable at maturity
Place of Payment of Principal and Interest:	Supervisor's Office, Riverhead, New York
Form of Note:	Substantially in accordance with the form prescribed by Law.

RESOLUTION continued:

SECTION 3. Said Note is hereby sold to \_\_\_\_\_, Riverhead, New York, at the price of par, to bear interest at the rate of \_\_\_\_\_% per annum, payable at maturity, and the Supervisor is hereby authorized to deliver said Note to said purchaser upon receipt of the principal amount, plus accrued interest, if any, from the date of said Note to the date of delivery.

SECTION 4. Said Note shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law, and shall be a general obligation of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town, without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest of said Note and provision of the Note to mature in such year and for the payment of interest to be due in such year.

SECTION 5. Said Note shall be executed in the name of the Town by its Supervisor and the corporate seal of said Town shall be affixed thereto and attested by its Town Clerk.

SECTION 6. This resolution shall take effect immediately.

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

The resolution was thereupon declared duly adopted.

APPROVES DUTY STATEMENT CLASSIFIED AS CASHIER

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That this Board does hereby approve a duty statement for a full time employee classified as "Cashier" for the Office of the Tax Receiver and directs the Supervisor to call for a local list for the same and further creates said position and vacancy at Step 1 of Group 2 of the existing employee contract.

Supervisor Smith explained saying, "We're thinking of doing a lot less with part-time help with having a cashier in the Receiver's Office."

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

The resolution was thereupon declared duly adopted.

APPROVES DUTY STATEMENT CLASSIFICATION RE SERGEANT AND DIRECTS SUPERVISOR TO CALL FOR A LOCAL LIST.

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

WHEREAS, The Supervisor, pursuant to instructions from this Board, has sent to Suffolk County Civil Service a duty statement for classification, and

WHEREAS, That duty statement has been classified as the position of Sergeant,

NOW, THEREFORE BE IT RESOLVED, That the Town Board does hereby approve said duty statement classification at the salary provided for in the contract between the Riverhead Town Board and the Riverhead PBA, does hereby create said position, and directs the Supervisor to call for a local list for the same.

The vote, Lombardi, Yes.

Before casting a vote, Councilwoman Tomlinson made the following statement: " would just like to say a few words about this resolution. As you can see

RESOLUTION continued:

it's probably a controversial issue. I think that the Police Department has probably been doing an excellent job, certainly the past two years. They did a very nice job on the 821 and in Wading River I know the residents are pleased, that we have increased the coverage and I think that we ought to be proud of them.

But we've also done a lot on our part. And we've been extremely cooperate and generous and we've been trying to make up for the years that the Police Department was neglected, and I'd like to remind everyone here just how much money we have spent or will spend for new equipment alone in our 1977 Budget Year.

The Police said they needed 12 new vehicles, that was \$58,800, and we agreed. They needed a new telephone switchboard for \$22,919 and we agreed. They needed new office equipment - \$2528. They've got the latest and most efficient law enforcement equipment. I believe that was \$10,786. They've got car radios for \$12,389. The grand total on equipment alone was \$107,422. Now we have to add another \$25,000 for the renovation of Police Headquarters which was certainly necessary. The place was literally falling apart.

But now they say they need a fifth Sergeant, and I really cannot say yes at this time. I'm not trying to tell Chief Palmer how to run his department and I think he's been doing a good job. But the fact remains that the Police Department has been performing very well without a fifth Sergeant.

I'd also like to point out that we don't have the money in this year's budget for this so-called fifth Sergeant. And I'd like to add one more point. About two weeks ago, this subject was brought up and discussed and we agreed amongst the five of us that if it was proven necessary that this position was necessary, we'd be planning for it in our 1978 Budget. And I haven't seen anything - haven't got any reason to change my mind yet, so I vote, NO."

Councilman Menendez stated as follows before he cast his vote: Well after that little speech I'll give a little speech. The creation of this fifth Sergeant does not in any way create a new position. It's not making a new job in Town. It is no different then what we do with the Highway Department in taking a Laborer and raising him to an AEO.

In this case you're taking a Patrolman and raising him to a Sergeant. There's a difference of about \$2,000 invloved in there.

Coming from Wading River it seems to me a little odd that anybody would question anything for the Police. That was a section that wanted more protection so desperately and we gave them more protection by shuffling the sectors around and a lot of things went into it and they are getting better protection. You have more patrols - just about double what you used to have there. We have not increased the size of the Force. It is merely a better and more efficient way of using the men.

To do a good job, any workman, I don't care what his job is, or what his field is, you've got to give him the tools to work with. And what I'm trying to do is give Chief Palmer, in essence you might call it the tools. By giving them a fifth Sergeant that they need to run that Department efficiently, and as it stands now or any time, a Sergeant is out because of illness or because of vacation time, or some other reason, a sector - the squad that works that time is without a Sergeant. And it makes it very difficult to shift down some other men that should be doing another job to take care of that.

So I think we owe it to the Police if we ask them to do a tough job, to give them the tools to do it with. And for a mere \$2,000, they're not asking very much. I vote, YES."

Councilman Young, YES.

RESOLUTION continued:

On the Sergeant resolution:

Supervisor Smith stated as follows before casting his vote: "I've listened to the debate that is going on amongst the Board members with reference to this particular position. And I think that some of the things that have been said in the present and past indicate that I probably have as good a feeling for the Police Budget, Police activity as any of you.

I think maybe the reason we address this particular motion this evening is in part what we have inherited in the way of a Police Contract. If obviously we had a Police Contract that said that you have a week off as vacation - that there were not sick days, personal leave time and some of the other things that currently exist in our Contract, I think you might be able to administer the Riverhead Police Department in a different manner. That is not the fact. Doc's buried the resolutions already where you see things such as "recall". Where everytime an officer comes back into court he gets paid four hours. That doesn't mean he came here for four hours. That means he walked through the door came in here, disposed of his case, went home. That could have taken a half hour, but we paid for four.

So we paid in the month of July \$449. We paid for six men. Now one of the things that happens in district court by similar contract provisions is that the police officers do not come to court - except as such time as the trial actually occurs. They are not here for appearances. And one of the things that Chief Palmer and I wrote into the duty statement when we sent this particular one up was that this particular Sergeant will attend Justice Court when he is not otherwise performing his duties and will obviate the necessity of the officers coming in on this so-called court recall time which costs us six hours of time when it is not warranted by any good reason. I think we need the supervision, I think it is common knowledge that I do go out in the evening and at other times to watch the police work and I think because of the contract provisions where we don't have everybody that we might wish to have at all times and it does seem as though we get a little top heavy with brass.

The fact is the brass are not there because of the off duty time that is written into the contract and I'm a great believer in supervision. I want to see people doing their job and the way you do that is have the officer present not somebody distant and not out there riding around as the Sergeants do. So I'm going to vote, YES."

Councilwoman Tomlinson: "I'd just like to point out that the Sergeant as of the first of August they are making over \$20,000 a year. At the present time we have a police force of 50 men. We have one Chief, 3 Lieutenants, 4 Sergeants, 4 Detectives and 38 Patrolmen. I think there are really too many chiefs and not enough indians. We're going to take a man off patrol and put him behind a desk and if we're worried about Wading River being protected we're losing one man in Wading River and that's one of the reasons, I am voting, NO."

Supervisor Smith: "To be precise, they get \$19,826.00 and they do stay on the road - the Sergeants do in fact get out."

Councilman Menendez: "That's the point I want to make. We're not losing a man on the patrol in Wading River - the man is on the road."

Councilwoman Tomlinson: "That's your opinion."

Councilman Menendez: "That is my opinion. That's a fact!"  
The result of the votes cast. 4 Yes and 1 No.  
The resolution was thereupon declared duly adopted.

RESOLUTION - continued

Bob Klement of Wading River addressed the Board and asked if it intended to take any action on the proposed new beach sticker regulation this evening.

ADOPTS AMENDMENTS TO CHAPTER 48-BEACHES & RECREATION CENTERS

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Town Clerk be and is hereby authorized to publish and post the following notice of the adoption of Amendments to Chapter 48 of the Code of the Town of Riverhead, "Beaches and Recreation Centers".

PUBLIC NOTICE

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with Amendments to Chapter 48 of the Code of the Town of Riverhead, entitled "Beaches and Recreation Centers"

NOW, THEREFORE, BE IT RESOLVED, and this Town Board hereby ordains and enacts the following amendments to said Chapter 48 of the Code of the Town of Riverhead:

By adding the following new matters, as underlined to Section 48. 11.2.04  
13. B (5):

"Resident and non-resident beach parking permits for fishing purposes shall be issued by the Recreation Department and shall entitle the vehicle so licensed to remain at the parking areas at all hours of the day and night. The non-resident permit fee shall be Twenty-five Dollars (\$25.00). Only residents of the Towns of Southampton, Easthampton, Shelter Island and Southold, or the incorporated villages therein, shall be entitled to purchase non-resident permits hereunder. Said fees shall entitle the vehicle so licensed to be parked as provided in paragraphs B. (1) to (3)."

The adoption of the aforesaid Amendments to Chapter 48 of the Code of the Town of Riverhead shall take effect ten (10) days after publication and posting.

Supervisor Smith stated "We're knocking off the resident fee for fishermen and we're charging the outsiders \$25.00.

Councilwoman Tomlinson stated "And as far as the people that have already paid their \$3.00 for the beach permit, the season is almost over and I hope next year there will be no charge for any of the beach use."

Councilman Menendez stated "I think it's high time that the taxpayers in Town got something for nothing."

Councilman Young stated "I don't think they're getting it for nothing".

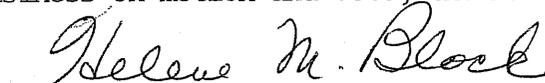
The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Mr. Klement expressed thanks to the Town Board.

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

HMB/vlv

  
Helene M. Block, Town Clerk