

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, July 10, 1979 at 7:30 P.M.

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

Absent: George G. Young, Councilman

Also present: Henry S. Saxtein, Town Attorney

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

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 7:30 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, July 10, 1979 at 7:30 P.M. at Riverhead Town Hall to hear all interested persons in both suggesting possible programs of work for the "Small Cities, Year II" application and commenting upon the Town of Riverhead's Housing Assistance Plan.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Ladies and gentlemen, again as I explained at the past Town Board Meeting, this is a hearing that is required under the federal statutes which govern our "Small Cities" application. Unlike other Towns that have applied for a single-year grant, this Town about a year and a half or more ago, applied for a three-year program of work under the Community Development Act. As a consequence, we have a three-year program of work. It was outlined in our application. However, it is required under the federal statutes that we annually examine the program of work in the thought that there may be an attitude, there may be changes in need, and that these might have to be re-submitted to the agency that governs this particular grant.

At the last meeting, we listened to anyone who choose to address the Town Board on any topic that they might think was important or that might be included in the Community Development

PUBLIC HEARING - continuedSupervisor Smith continues:

Program. This evening, we are reviewing specifically the Year II as it was outlined in our grant application and will allow or entertain or listen to any comments that anybody wishes to make with reference to the Year II Budget and or the Housing Assistance Plan that goes along with it.

The Budget is as follows: Administration is \$50,000.00. Land Acquisition or acquisition of residential land to meet the goals of the Housing Assistance Plan is \$80,000.00. A water extension on Hubbard Avenue which is known as Belltown for \$25,000.00. A relocation fund for Horton Avenue for \$60,000.00. A demolition and acquisition fund which is similar to the fund that currently exists \$80,000.00. A single-family rehabilitation program for \$60,000.00. Townscape which is again, an on-going program. Evaluation \$5,000.00, and contingency \$50,000.00.

I would, therefore, declare the hearing open and listen to anyone who chooses to address the Town Board on this topic? There being no one rising to speak, we will take notice of the comments of the prior hearings and we will also keep in mind the hearings that resulted in this application initially and approximately a year and a half ago and we will proceed to file with the Department of Housing and Urban Development, the Year II Budget as presented."

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 7:37 P.M.

COMMUNICATIONS

Wading River Fire Department, 7/5/79 - requesting that Department be informed in the future of any plans regarding demonstrations, parades, etc., Filed.

North Fork Volunteer Firemen's Association, 7/5/78 requesting that towns notify all fire departments of any planned demonstrations.

Lions Club, Jamesport, 7/3/79 - suggesting dedication ceremony for Jamesport School be about 2:30 on July 21, followed by the Lions Barbecue. Filed.

Planning Board, 7/6/79 - recommending that application of Courage Realty be approved. Filed.

COMMUNICATIONS - continued

Planning Board, 7/6/79 - recommending approval of performance bond extension of Marlwood at Baiting Hollow, Section II, with conditions. Filed.

Planning Board 7/6/79 - recommending approval of application of Frank Schlegel, with conditions. Filed.

Supervisor Smith: "Thank you Mrs. Pendzick. That brings us to that portion of our agenda where we will recognize anyone choosing to address the Town Board on any matter. No one rising to speak, we'll call for resolutions."

No one wished to be heard at this time.

RESOLUTIONS

#325

AUTHORIZES ADOPTION OF AMENDMENTS TO RIVERHEAD TOWN CODE

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

WHEREAS, The Town Board of the Town of Riverhead has duly published and posted certain proposed amendments to the Riverhead Town Code which pertain to Chapter 101, Vehicles and Traffic, and

WHEREAS, Public hearings were held on the 17th of April, 1979, and the 15th of May, 1979, with regard to amendments to Chapter 101 of the Town Code, Vehicles and Traffic, wherein everyone wishing to be heard was given an opportunity to speak, and

WHEREAS, Local Law #3-1977 of the Town of Riverhead allows summary publication of adoption of amendments to the Town Code, and it is hereby

RESOLVED, That the following proposed amendments to the Code of the Town of Riverhead which pertain to Chapter 101, Vehicles and Traffic are hereby adopted:

1) §101-10., Parking Prohibited. Parking of vehicles is hereby prohibited as follows:

Peconic Avenue. West side along curbs immediately adjacent to Burns Park.

Peconic Avenue. West side along the curb immediately adjacent to the Riverhead Savings Bank for a distance of 20 feet north of the curb cut of Riverhead Savings Bank.

RESOLUTIONS - continued

- 2) §101-13.(B.) Parking time limited to one hour.
Main Street, Jamesport (Route 25, south side from its intersection with the east curb line of South Jamesport Avenue to a point 500 feet east).
- 3) §101-13.(C.) Parking time limited to fifteen minutes.
Railroad Avenue, south side between Cedar Street and Osborn Avenue.
- 4) §101-10. Parking Prohibited, West Main Street, Route 25, north side from a point along the curbs immediately adjacent to 126 West Main Street at the parking space previously serviced by Meter No. 30., and be it

FURTHER RESOLVED, That copies of these amendments of ordinances are available for inspection at the Town Clerk's Office during normal business hours and that these amendments of ordinances shall take effect ten (10) days after publication and posting, and be it

FURTHER RESOLVED, That the Town Clerk is hereby authorized to publish and post the adopted amendments in summary form.

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

#326

AUTHORIZES PUBLISHING AND POSTING OF THE FOLLOWING NOTICE

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

WHEREAS, A lease of property has been negotiated by the trustees of the Estate belonging to the Diocese of Long Island and the Town of Riverhead as set forth in the following notice, and

NOW, THEREFORE, be it

RESOLVED, That the Town Supervisor, Town Clerk, and Town Attorney be and they hereby are authorized to publish and post the following notice, and further are authorized to execute said lease on the passage of the requisite period of time.

PUBLIC NOTICE

PLEASE TAKE NOTICE, That pursuant to section 220 of the Town Law, the Town Board of the Town of Riverhead by resolution adopted July 10, 1979, authorized the execution of a lease which is subject to a permissive referendum upon petition as is provided by section 90, et seq. of the Town Law. The aforesaid resolution authorized the following lease: An agreement between the Town of Riverhead and the trustees of

RESOLUTIONS - continued

the Estate belonging to the Diocese of Long Island for the lease of the Camp DeWolf Dining Hall located at Camp DeWolf, Wading River, New York for a term beginning June 15, 1979 and ending June 15, 1981 for three (3) days per week between September 15 and June 15 of each year. The consideration which the Town gives in return for the lease is payment of fuel, electricity, and telephone expenses while the Dining Hall is in use by the Town.

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

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Absent, and before Supervisor Smith voted, he stated: "Resolution #326 is the lease of Camp DeWolf which we previously had since the time that the Wading River Fire Department threw us out of the Wading River Community Center. What is our deal with Camp DeWolf? No cost, or we pay the lights?"

Henry Saxtein: "We pay the lights and the fuel and the telephone during the periods from which we are in the Dining Hall for the nine-month period from September to June."

Supervisor Smith: "It's for the senior citizens. They've been there for a while. We've had a lease. It's expired. Now we're going to go for another one. Yes."

The resolution was thereupon declared duly adopted.

#327

TOWN BOARD AUTHORIZES REMOVAL OF PARKING METER

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

WHEREAS, The Town Board has established a no parking zone on the west side of Peconic Avenue for a distance of 20 feet north of the curb cut of Riverhead Savings Bank, now therefore, be it

RESOLVED, That pursuant to section 101-25.(B.) of the Town Code, the Town Board hereby authorizes the removal of the parking meter located at the no parking zone, that being the third parking meter on the west side of Peconic Avenue heading south from Main Street.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Before Resoltuion #328 was offered, Supervisor Smith stated: "With reference to #328, Mrs. Stromski is going to Poland. I went into the Building Department last week to find Mrs. Tormey doing the typing. I thought that it was a little bit strange, so we suggest for thirty days that Mrs. Stromski's away, we'll bring in a typist. A young lady named Doreen O'Haire, who's recently out of high school and will work for us for thirty days."

#328 APPOINTS 30-DAY TEMPORARY EMPLOYEE IN BUILDING DEPARTMENT

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

RESOLVED, That Doreen M. O'Haire be, and she hereby is, appointed as a thirty-day temporary employee in the Building Department until such time as Mrs. Jane Stromski returns from vacation, at an hourly rate of Three and 12/100 (\$3.12) Dollars, to serve at the pleasure of the Town Board, effective July 9, 1979.

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

The resolution was thereupon declared duly adopted.

Before Resolution #329 was offered, Supervisor Smith stated: "With reference to #329, some many months ago, we reviewed with Mr. Grodski the status of the parking lot in Wading River. It is the one opposite the little store there, next to Greenburg's opposite somebody's stationery store. Mr. Young finished the bid specifications for the repaving of the lot and this is a notice advertising for the bids."

#329 AUTHORIZES PUBLICATION AND POSTING OF NOTICE OF BIDS FOR IMPROVEMENTS TO WADING RIVER PARKING LOT

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following notice of Bids for improvements to the paving and parking area of the Wading River parking lot.

ADVERTISEMENT FOR BIDS

Sealed proposals for the construction to improve by paving, and other necessary work, a parking area of the Town of Riverhead at North Wading River Road and Sound Avenue, Wading River, Town of Riverhead, New York, will be received by the Town Clerk for the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York until 11:00 (prevailing time) on

RESOLUTIONS - continued

July 26, 1979 at which time and place they will be publicly opened and read.

The Information for Bidders, Form of Bid, Form of Contract, General Conditions, Supplemental General Conditions, Specifications and Plans may be examined at the Office of the Town Clerk at the Town Hall, 200 Howell Avenue, Riverhead, New York and copies thereof may be obtained upon the payment of a deposit of \$10.00, which will be refunded to any bidder, who returns the plans and specifications in good condition within thirty (30) days following the award of the Contract or the rejection of the bid.

Each bidder must deposit with his bid a certified check in an amount of not less than five (5%) percentum of the total bid price payable to the order of the Supervisor of the Town of Riverhead, or a bond with sufficient sureties, to be approved by the Supervisor of the Town of Riverhead, in the penal sum of not less than (5%) percentum of the total bid price. Such check or bid bond will be promptly returned to all except the lowest bidder after the formal opening of bids. The check or bid bond of the successful bidder will be returned within two days after the contract has been executed. The successful bidder, upon his failure or refusal to execute and deliver the contract and bond required within ten (10) days after he has been notified of the award of the contract to him, shall forfeit to the Town Board, as liquidated damages, for such failure or refusal, the security deposited with his bid.

The Town Board reserves the right to waive any informalities in or to reject any or all bids.

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

The resolution was thereupon declared duly adopted.

Before resolution #330 was offered, Supervisor Smith stated: "Resolution #330 is a requirement of Bond Counsel as we approach the time we will be spending some portion of the bond resolution as previously adopted. We have to float a bond anticipation note. In order to do that, we must pass what is called an estoppel notice that is put in the paper and puts everybody on the list that we're about to float bonds. It's a requirement of the New York City Bond Counsel."

#330 AUTHORIZES PUBLICATION AND POSTING OF DRAINAGE BOND
ISSUE ESTOPPEL NOTICE

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following Estoppel Notice relative to the drainage bond issue.

RESOLUTIONS - continuedLEGAL NOTICE

NOTICE IS HEREBY GIVEN That the resolution published herewith has been adopted by the Town Board of the Town of Riverhead, Suffolk County, New York, on the 6th day of March, 1979, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution. Such resolution was subject to a permissive referendum and the period of time has elapsed for the submission and filling of a petition for a permissive referendum and a valid petition has not been submitted and filed.

BOND RESOLUTION DATED MARCH 6, 1979.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF DRAINAGE FACILITIES THROUGHOUT THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PROTECT PROPERTY WITHIN SAID TOWN FROM FLOODS, FRESHETS AND HIGH WATERS, AT A MAXIMUM ESTIMATED COST OF \$3,000,000, AND AUTHORIZING \$2,850,000 SERIAL BONDS AND \$115,000 CAPITAL NOTES 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 construction of drainage facilities throughout the Town of Riverhead, Suffolk County, New York, for the purpose of drainage and to protect the property within said Town from floods, freshets and high waters, in and for said Town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$3,000,000, is hereby authorized.

Section 2. The maximum estimated cost of such class of objects or purposes is \$3,000,000, and the plan for the financing thereof is as follows:

- a) By the issuance of \$2,850,000 serial bonds of said Town, hereby authorized to be issued pursuant to the Local Finance Law; and
- b) By the issuance of \$150,000 Capital notes of said Town hereby authorized to be issued pursuant to the Local Finance Law. Such capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor, the chief

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fiscal officer, in accordance with the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, the proceeds from the sale of such capital notes will be provided prior to the issuance of the bonds herein authorized or bond anticipation notes. Said capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law.

Section 3. It is hereby determined that the period of probably usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 3 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 exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for 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 of 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 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, bond anticipation notes and capital notes may be contested only if:

- 1) Such obligations 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 such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

RESOLUTIONS - con-tinued

Section 7. Upon this resolution taking effect, the same shall be published in full in the News-Review, the official newspaper, together with a notice of the Town Clerk is substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law and Article 7 of the Town Law.

The vote, Regula: "Well I don't feel well tonight and I felt a lot worse today when I got this thing. I didn't know this was coming up and I must say I didn't feel — I wanted that, I wanted to take — our supervisor (few words inaudible), as I said I don't feel well. The thing is, I know I voted No on this because I didn't have that much notice.

On March 6th — and to have it done tonight where this was a special town — a special board meeting with just a hearing, it just threw me off and I don't know, I don't feel well and part of it is because of this, Mr. Supervisor, but I note in our March meeting, some of the comments you made, Allen, and I just feel you say the three million dollar figure is high, but in just checking some of these, the Horton Avenue drainage, three million six hundred and seventy-nine thousand, the Phase B, which included about 17 areas, that was about two million and a hundred and fifteen thousand. Doctors Path is not even in yet and I have no idea and there are others that we are working on already and I know you've been handling the job on Middle Road and some of the other areas, but I just feel that, especially the Horton Avenue thing, I feel that the whole system — I know the engineers that set it up, but since talking on the phone the other night and all, I felt that there must still be answers where we can save some of this money instead of putting in another twenty-two sumps.

But that three million dollar figure I know I told you here it was high and you said it should be high, if the engineer put it high and if we never hit it, it's fine. I don't know. Here I'm seeing about six million dollars without even — so with the surprise notice I got on this. I — even in the Phase B Report, the first phase the engineers specifically say that it is our opinion that the three million dollar bond issue would be required to provide financing to undertake this first phase. These funds would be utilized on town-wide drainage improvement that would be concentrated in areas with the most serious flooding problems and as a consequence would not and I repeat not alleviate all drainage problems referred to in the Phase A and B Reports. So I say, I feel that I've got to follow through on this, I've got to vote No on this."

Councilman Lombardi: "As I said the last time, I've got the right to vote either way on this and when a problem comes up in the area that I feel doesn't need it, I vote no. But if it needs it, I will vote yes. And my vote is Yes, right now."

RESOLUTIONS = continued

Councilman Menendez: "Well I don't quite understand what the big hassle is all about. If you're going to do a project you're going to have to pay for it. And because you're borrowing up to three million dollars and empowering to borrow a bond at that, doesn't mean that we have to spend it. If we have a job coming up, Horton Avenue is going to take half a million, you're going to use up a half a million, you still got two and a half a million left. I don't see what the big deal is all about. It just shortens up the time that we have to move in to get something done. If we have to have a hearing on every single project that's going to be done, and every single sump we're going to build, we're going to be here ten years doing it, I vote Yes."

Young, Absent, and

Supervisor Smith: "I vote Yes and respond to Tony a little bit. I don't disagree with Tony at all. The possibility exists that to do everything that might be requested by the engineer could probably cost a lot more than the three million dollar bond authorization that we have made. There cannot, under this scheme of things, the approach that we have taken be in expenditure, in excess of the three million dollars. To this point there has been very little expended on drainage, in part we're negotiating, in part, because we're talking to the farmer, in part because we're getting surveys dealing with appraisors, etc., etc. But some day soon when one or more of these projects, as Mr. Lombardi puts it, will come to fruition whether they are \$20,000, \$30,000 or \$10.00, we've got to have the money on hand to do it.

When an estoppel notice is, it enables us to get into the New York City Bond Market for any where from five cents on up and it's a requirement before we can float those bonds.

I agree with Tony, he said the other night maybe we should buy the old Finkelstein property and dig out. We can't do that for nothing, Tony. And if we're going to talk about acquiring 58 and the Finkelstein property next to the cauliflower block, but the County doesn't see the wisdom of it. Okay we can talk about that, but we've got to have money to do it and if you don't pass an estoppel notice, you'll never have the money and that's just where it's at."

The resolution was thereupon declared duly adopted.

Before resolution #331 was offered, Supervisor Smith stated; "I had a meeting with Don Middleton today at lunch. The DEC has taken certain monies that is has gotten from the Environmental Protection Agency through the Federal Environmental Protection Agency and it is authorizing studies, it is not authorizing work. One of the studies that they are giving priority to will not be

RESOLUTIONS - continuedSupervisor Smith continues:

determined until after a meeting Mr. Middleton has tomorrow in Albany is a study in the East End. The problem with it is, it's very similar to the other grants that we get around here that there are limits, time limits that are established somewhat arbitrarily for the application. He anticipates and he was told that the application for the five East End Towns would be due in Albany on August 15th. In that context, he tells me that there must be in place a written agreement or memorandum of understanding between the five East End Towns to make the application for those funds. The total funds available are \$40,000, which means that for the five East End Towns there would be a match of \$40,000. Whether we wack that up on basis of population, land area, or whatever our share, I suppose could be as much as \$10,000, the Town Board would give the authority to negotiate such an amendment and file an application. We can discuss it at the first meeting in August which would be within time. I just have to get the thing underway if we're going to do it."

#331

AUTHORIZES SUPERVISOR TO NEGOTIATE AGREEMENT WITH FOUR
EAST END TOWNS FOR STUDY OF RESOURCE RECOVERY FACILITY
FOR FIVE EAST END TOWNS

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

WHEREAS, The Town of Riverhead has completed its Part 360 Report, which details the possible closing of the Sanitary Landfill in the year 1985, and

WHEREAS, The New York State Department of Environmental Conservation, in cooperation with the United States Department of Environmental Protection, has advised the Supervisor that certain matched funds are available for the purposes of studying an East End resource recovery plant, and

WHEREAS, This Town Board wishes to investigate the possibility of such a study,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor be, and hereby is, authorized to negotiate an agreement with the other four East End Towns for the purpose of studying the possibilities of a joint resource recovery facility for the five East End Towns. The Supervisor may negotiate such terms and conditions as are appropriate for the filing of an application with the New York State Department of Environmental Conservation for matching funds and obligate this Board to the expenditure of Fifty percent (50%) of this Town's share for such study.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith: "Anybody else have anything else to bring before the Town Board before we call it a night. If not, good night."

There being no further business on motion and vote, the meeting adjourned at 7:59 p.m.



Irene J. Pendzick, Town Clerk

IJP/vlv