

Minutes of a Meeting of the Town Board of the  
Town of Riverhead, held in the Town Hall, Riverhead, New  
York, on Tuesday, May 1, 1979 at 7:30 P.M.

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

Also present: Henry S. Saxtein, Town Attorney

Absent: Alex E. Horton, Supt. of Highways

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

Supervisor Smith: "As a preliminary matter, I would  
call to the public's attention, the fact that a police arbi-  
tration award has been filed by the three member panel that  
was assembled for the purposes of resolving the labor dispute  
between the Town Board and the Riverhead Police Benevolent  
Association. Those of you that are familiar with this  
practice, recognize that this is a binding arbitration pro-  
cedure, in this instance, a report was prepared by the —  
what we call the public member. That is a person appointed  
from a list who is not from this area. That report was given  
by that public member to the Town Member, Mr. Richard Carey,  
and the P.B.A. Member, Mr. Richard VonVoigt. Mr. Carey con-  
curred in the result of the public members award, but not in  
the logic or the statements that ran to that particular award.  
Mr. VonVoigt did not concur in the award. This brings to a  
conclusion the P.B.A. labor dispute for the year 1979-1980.  
There are a few items that were settled prior to the award  
which will have to be resolved by Mr. Graves and the process  
is complete.

I would like to publicly thank Mr. Carey for being  
the Town Board's representative on the panel. It is not an  
easy task to sit on such a panel and examine the demands of  
the police, but it was done and Mr. Carey did a good job.  
He is gaining somewhat of a reputation for this good work and  
my understanding is that the possibility is he may be hired to  
do similar things in Easthampton. We thank him for that effort."

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

RESOLVED, That the Minutes of the Town Board Meeting held April 3, 1979 and the Minutes of the Special Town Board Meeting held April 10, 1979, be approved as submitted.

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

The resolution was thereupon declared duly adopted.

#### BILLS

Bills submitted on Abstract dated May 1, 1979 as follows:

General Town	\$28,677.83
Community Development	\$18,926.00
Capital Projects	\$ 5,499.72
Special Districts	\$ 6,887.73

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

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

General Town	\$28,677.83
Community Development	\$18,926.00
Capital Projects	\$ 5,499.72
Special Districts	\$ 6,887.73

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

The resolution was thereupon declared duly adopted.

#### REPORTS

Supervisor's Office - Annual report for 1978. Filed.  
 Riverhead Fire District, 4/17/79 - reporting nominations & appointments of Fire Chief and Assistant Fire Chiefs. Filed.

REPORTS - continued

Recreation Department - attendance report for the month of March, 1979. Filed.

Supervisor's Office - financial statement for the month of January, February & March, 1979. Filed.

Building Department - for the month of April, 1979. Filed.

Tax Receiver's report, dated May 1, 1979. Filed.

Police Department - report for month of April, 1979. Filed.

OPEN BID REPORT - ONE (1) 1979 ONE-TON DUMP TRUCK  
OFF-STREET PARKING DISTRICT

After being duly advertised the following bids for One (1) 1979 One-Ton Dump Truck for Off-Street Parking District were opened by the Town Clerk on Monday, April 23, 1979 at 11:00 A.M. as follows:

KINNEY CHEVROLET-OLDS, INC.  
 Box 728  
 East Main Street on Route 25  
 Riverhead, New York 11901

1979 Chevrolet Model CC31003, 1 Ton Cab & Chassis, 10,000 GVW, specifications as requested, Thiele 8'x6'c" dump, trailer hitch provisions and delivered approximately in 8 weeks, with your color choice of our standard selections.

\$8,046.00

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FILED.

J.J. HART'S RIVERHEAD FORD  
 Route 58 (cor) Osborne Avenue  
 Riverhead, New York 11901

1979 Ford F350 Cab & Chassis. Thiele dump body & cab shield model #521 400 C.I.D. - V8

OPEN BID REPORT - ONE (1) 1979 ONE-TON DUMP TRUCK  
OFF-STREET PARKING DISTRICT - continu

Front & Rear stabilizer bars, only front requested in bid.

TOTAL PRICE \$8,133.34

All other items as bid

FILED.

OTIS FORD, INC.  
Montauk Highway  
Quogue, New York 11959

The net cost to the Town of Riverhead, less all taxes, is:

\$8,447.00

ALTERNATE: Perfection yardmaster 2-3 yards cab shield. Length 8' width 6'6" Sides 13" end; 19" Perfection 526 Hoist 10,000 capacity with ball hitch.

FILED.

OPEN BID REPORT - TWO (2) USED 10 WHEEL TRUCKS -  
HIGHWAY DEPARTMENT

After being duly advertised the following bids for Two (2) Used 10 Wheel Trucks for the Riverhead Highway Department were opened by the Town Clerk on Monday, April 23, 1979 at 11:15 A.M. as follows:

WILLIAM DUNKIRK  
Box #94  
Riverhead, New York 11901

YEAR 1966 MAKE INTER MODEL 1800

OPEN BID REPORT - TWO (2) USED 10 WHEEL TRUCKS  
HIGHWAY DEPARTMENT - continued

DELIVERY DATE: Upon Award of Bid

DELIVERED BID PRICE FOR: Above Truck \$ 6,000.00

LESS TRADE-INS: NONE

NET PRICE DELIVERED FOR: ABOVE TRUCK \$ 6,000.00

William Dunkirk continues:

YEAR 1964 MAKE DODGE MODEL

DELIVERY DATE: 5-15-79

DELIVERED BID PRICE FOR: 1964 Dodge Truck \$ 4,000.00

LESS TRADE-INS: NONE

NET PRICE DELIVERED FOR: SAME \$ 4,000.00

FILED.

EDWIN OLIVER CONSTRUCTION, INC.  
Wooley's Drive  
Southampton, New York 11968

YEAR 1968 MAKE G.M.C. MODEL JG 7640A 7500  
Turaflo Diesel

DELIVERY DATE: May 1, 1979

DELIVERED BID PRICE FOR: 1 (one) used JG 7640A \$ 10,650.00

LESS TRADE-INS:

NET PRICE DELIVERED FOR : 1 (one) Used Dump Truck \$ 10,650.00

FILED.

COMMUNICATIONS

N.Y.S. Dept. of Transportation - requesting completion date for orders of regulations. Filed.

L.I. Reliable Corp. - notification of price change as of 4/21/79. Filed.

VFW Post No. 2476, 4/20/79 - inviting members of Town Board to participate in May 30 parade. Filed.

Fleet Reserve Assoc., 4/23/79 - requesting assistance regarding rental of meeting place. Filed.

Jamesport Fire District, 4/18/79 - advising that John Ziemacki has been appointed Commissioner. Filed.

H2M Corp., 4/18/79 - copy of letter to Alex Horton verifying meeting and pavement restoration on Linda Avenue, Broad Avenue, Cove Street & Victor Street. Filed.

Peter Danowski, Jr., 4/25/79 copy of letter to Board of Equalization & Assessments referring to Suffolk County's representative sample of farm appraisals. Filed.

Peter Danowski, Jr., 4/18/79 - comprehensive report on appearance of Town Attorney and Mr. Danowski before State Board of Equalization & Assessment on 4/17/79. Filed.

Wading River Fire District, 4/24/79 - request that Town Board consider adopting amendment to the Traffic Code re: parking for firemen only and that the "No Parking" zone at King Kullen be enforced. Filed.

Southampton Town, 4/25/79 - notice of adoption of amendment to Zoning Code correcting error. Filed.

Association for Help Of Retarded Children, 4/30/79, requesting use of Peconic River Parking area for a music festival on 6/10/79, 3:00 to 6:00 P.M.

COMMUNICATIONS - continued

Harold J. Perry, 4/25/79 - listing 5 observations  
& suggestions regarding abandoned vehicles. Filed.

Suffolk County Department of Planning - re:  
Southampton Zone Ord. #26 & Riverhead Zone Ord., Sec. 108-  
56K. Filed.

APPLICATIONS & PETITIONS

SPECIAL PERMIT: Magee Service, Inc. (install  
10,000 gallon fuel tank on Route 58 & Osborne Avenue) Filed.  
Referred to the Planning Board for recommendation  
and report.

PETITION: 208 Signatures of homeowners in Reeves  
Park requesting Town takeover of roads. Filed.  
Referred to Mr. Horton.

SITE PLAN: Polish Town Civic Association (Community  
Center, Hallett & Lincoln Street) Filed.

SITE PLAN: Raymond McKay (fish stand, Aquebogue) Filed

SITE PLAN: G. Cricchio (A. Kretschmer, lessee-cooler  
house for fish market, Wading River) Filed.

Supervisor Smith: "Under the applications and petitions  
the special permit of Mr. Magee should go to the Planning Board.  
The petition of the Reeves Park people requesting takeover of  
roads should go to Mr. Horton, together with a request of Mr.  
John McNulty relative to his subdivision he is doing on the  
Old Camp Grant Property. He said he sent in a letter and I  
cna't find it. Polish Town Civic Association will be handled  
by the Town Board, as will Cricchio. The McKay site plan,  
you can keep on the agenda until the Planning Board gets done  
with that and a couple other things and then it will be up for  
a vote.

This brings us to that portion of our agenda where  
we will listen to anyone choosing to address the Town Board.  
Anyone wishing to do so, should step forward and please use  
the microphone, if they would give their name and address to  
Mrs. Pendzick before they speak."

PERSONAL APPEARANCES

Greg Blass, Jamesport, "Two weeks ago, I had indicated to the Town Board my request that they consider a referendum on the issue of nuclear power plant construction within the confines of our municipality and I was asked if I could submit my thoughts on the legality of such a referendum. I have here a paper that I put together over the weekend. And after some research I had the opportunity to do on such an issue for the past several days. This issue is specifically the issue of a referendum. It does not necessarily lend itself to what you might call rapid solutions or simply worded statements for the simple reason that the Town Law seems to be unique in the way it's composed as opposed to other pieces of legislation that I've had the limited opportunity to work on.

However, I base my conclusion that we can have a referendum on the 1975 agreement between the Town of Riverhead and the Long Island Lighting Company of that year. That agreement provides in part that this Town will cooperate with the Long Island Lighting Company in operating and maintaining a recreational facility made up of a parking lot of one hundred to eventually two hundred cars, comfort stations, boat launching ramp and a beach.

It's my understanding that no notices of any sort were posed to allow this particular agreement be subject or submitted to the population of the Town for a referendum. And so that possibility still lingers. Now how do we make this a proposition for the nuclear power issue and my response to that, as I said out in here is that you can word the proposition in such a way that you would ask the public through the publicity that would proceed the proposition and in the proposition itself that in such a way that a yes vote would be taint to amount to a pro-nuclear position. And a no vote to such a proposition would be taint to amount to an anti-nuclear position.

I've submitted just a proposal for a referendum proposition and that proposal would be and I quote "With the understanding that the construction of nuclear power plants in Jamesport meets with the approval of the people of the Town of Riverhead, shall the Town Board operate and maintain a recreational parking facility at or near the nuclear plant site after the nuclear plant commences operation?"

Now if one would describe that as an indirect way of answering the question that may be true, but it would still be a referendum. It would still be a proposition on the plant construction and finally it would be for the people in Town to express their views on the issues through the medium and legitimacy of a town sponsored referendum as opposed to a private one. The only other thoughts that I have at this time, are that if the expenditures of Town funds are still unacceptable to this Board, perhaps a referendum could be sponsored with

PERSONAL APPEARANCES - continuedGreg Blass continues:

privately contributed donations. If that not be feasible, perhaps the Town would cooperate with our State Legislature representative specifically our Assemblyman and our State Senator in the enactment of legislation that would enable this referendum. I had spoken today with the office of Senator LeValle who indicated that such a resolution is feasible and might possibly be passed before the end of the current term which closes in Albany some time in late May early June. If the Town or rather as my understanding of that particular phase of law is concerned, if the Legislature enacts a law specifically allowing the Town of Riverhead to sponsor it's referendum on this issue, then some sort of home rule statement would have to be submitted by the Town Board. If, however, the State Legislature enacted a law that allowed any community in this state to sponsor a referendum on the construction of nuclear plants in that community, then again, it would ultimately come to the point of some kind of cooperation from the Town Board and in that event — what I'm trying to say is no matter what kind of law the state would enact, there would still have to be an element of cooperation on the Town Board's part to sponsor the referendum itself. That's basically all I have at this point.

I would be glad to submit one of these papers to the Board for their consideration. I wouldn't expect a response on this particular matter now out of the courtesy of allowing you some kind of time to review it."

(Mr. Blass handed his paper to the Town Clerk which is on file).

Supervisor Smith: "I have a specific response. It's not my intention to have you stand there unless you wish to — this will take a little bit of time."

Greg Blass: "Fine."

Supervisor Smith: "In anticipation of this issue this evening, and at the time that Mr. Blass and I last spoke of what was proposed in the press, I've done a considerable amount of research with reference to what has been proposed rather loosely in the papers as an advisory referendum. And, although what I am about to say will take probably more than the five minute limit, I ask you to bear with me in the sense that it cannot be said quickly."

PERSONAL APPEARANCES - continued

Supervisor Smith continues:

The rule that would run against this kind of permissive or advisory referendum was stated in a case called Olin v. the Town of North Hempstead and the Court writes there.

'Towns in New York State, unlike the New England towns, were created and organized by statute and all their powers are prescribed by statute. None of their powers is derived from the common law, all being purely statutory. The statutes have reposed the general powers of the town, not in its inhabitants, but in their duly elected representatives who constitute the Town Board. The legislative power which the State has delegated to towns lies in the Town Board. The inhabitants themselves, except in rare instances where they are given the power of initiative, cannot legislate, but can only, under the limited conditions set forth in the statutes, exercise a veto power over a legislative act of the Town Board in the form of a referendum. Such is the power of the Town Board that if it adopts a resolution which is subject to a referendum, and a petition is thereafter filed requesting the referendum, it may rescind the resolution and the referendum need never be held. A referendum in effect, then, is no more than a veto power vested in the electorate to review an act of the Town Board. It can in no way constitute a direction to the local legislative body to do more than that body has already determined by its own resolution to accomplish. Advisory referendums are not authorized.'

This has been restated in another case that is possibly a little easier to understand. If anybody's interested in citation, the citation is Meredith v. Monahan.

'Therefore, if the Local Law is to be put before the public for a vote it would be advisory only to the Council. It is clear enough that in the absence of, and I emphasize the following words, express statutory authority an advisory referendum by a city is not authorized. It is also clear that a Local Law referendum is not authorized unless specifically required by statute. Further, the use of a referendum at the taxpayers' expense to determine public opinion by poll is not authorized in law nor precedent. To approve such procedure would eventually negate a new Charter and the public would be deceived regardless of a negative or affirmative vote. It all boils down to the fact that a Common Council had the power to prepare a new Charter or amendments to it by Local Law and place it before the electorate for final approval. There is nothing before the court to authorize the present abortive procedure.'

We are looking to express statutory authority, to hold any type of referendum in these jurisdictions in the State of New York. The logic of the law as it exists in the State of New York was stated in an old case called Mills v. Sweeny. The logic is stated as follows:

PERSONAL APPEARANCES - continued  
Supervisor Smith continues:

'The ordinance under consideration here is an entirely different character. The phrase "questions of public policy" is broad and indefinite. It may include not only questions of local legislation under present consideration by the common council, but also plans, projects or schemes brought forward for the first time by a small minority of the voters in which the remainder of the community takes no special interest and concerning which an expression of opinion by the electorate can be of no possible value, being merely a brutum fulmen.'

Brutum fulmen means an empty noise; an empty threat. A judgment void upon its fact which in legal effect no judgment at all, and by which no rights are divested, and from which none can be obtained, and neither binds nor bars anyone.

'In the latter view it is merely a measure for the taking of an advisory popular vote having no legal effect or consequences whatsoever upon any question of public policy whenever such vote is petitioned for by five per cent of the registered electors in Buffalo or whenever it is authorized by a resolution of the common council. No provision is made for giving effect to the advice of the voters. Their approval or disapproval of a specified public policy will not compel any one to adopt or reject it in the administration of the affairs of the municipality. There is no requirement that the questions propounded need have reference to any matter actually under official consideration. Hence a referendum under the ordinance may not be restricted to the useful function of informing the common council as to the sentiment of the electorate concerning some public measure before the body for adoption of projection. In short, the language of the enactment is so broad and the possibilities thereunder so unlimited that it permits a small proportion of the voters to invoke public action which may be utterly useless and futile.'

That's the logic. The question becomes then, what do we have here? What kind of referendum is proposed? I would suggest to you that it is very much a referendum that was considered by the courts in a case called Silberman v. Katz. Wherein part, a referendum was asked in the city of New York with reference to the Vietnam War and was rejected by the courts. That decision says in part:

'Regardless of the section of the Charter relied upon by the petitioners, if the local process may not be utilized for expressions of opinion on matters strictly national or international in character, but rather only to effectuate changes, alterations or modifications of the local government's functions, then this petition must be dismissed.'

It goes on.

'The office of "Anti Vietnam Coordinator", as here proposed, deals exclusively with foreign policy and is thus

PERSONAL APPEARANCES - continued  
Supervisor Smith continues:

clearly beyond the jurisdiction of our municipal government. The painful emotions of war increase the need for perspective and for calm, reasoned thought. Expressions of opinion by our citizens in relation to foreign policy should be made known to duly elected Representatives, be it their Senator, Congressman or the President of the United States. Constitutionally, these public officials have the power to act. It is their responsibility, upon consideration of public opinion and the facts known to them, to make decisions in the best interests of the country. The distinctiveness and exclusive jurisdictions of the City, State and Federal governments cannot be merged by tortured reasoning or by an abandonment of basic principles.

The grant the relief sought here, even if permitted by law, would result if approved on Election Day, in nothing more than the creation of an office devoid of any power to effectuate its stated objectives. The net result at best would be a public opinion poll at taxpayers' expense.'

Is this issue that you're being asked to have before you, an issue that you can decide or that the Town Board can decide or the State of New York can decide. I read from you out of a case of the Southern District Court in California. The issue being a challenge of California public resources code sections etc., which impose certain requirements on the certification of nuclear fission thermal power plants in this state. This is called the pre-emption theory of the federal constitution.

'Applying the foregoing principles of law, the court finds California Public Resources Code etc., is pre-empted both because Congress has impliedly foreclosed state legislation on the subject of nuclear waste disposal and, alternatively, because the statute stands as an obstacle to the purposes and objectives of Congress as stated in the Atomic Energy Act of 1954.'

Be that as it may. Maybe we can update all 1960 cases and deal with the matter at hand.

I have pulled from the Attorney Generals reports — Attorney General on the State of New York in that one of the local press seems to have a local pipeline, somebody up there he couldn't find these cases. Decision on the Attorney General and one decision that is more current, a 1975 case that is not all that difficult to read. It deals with budget. I won't read it. It deals with the budget of the Town Board in an attempt to faster a public referendum, an advisory referendum with reference to the salaries of the Town Board.

The citation is the application of the Town Board of the Town of Halfmoon. Advisory referendum, no good. Denied. Injunction granted.

PERSONAL APPEARANCES - continued

Supervisor Smith continued:

Decision of the Attorney General 1976 advisory referendum with reference to the state building code. Enjoined.

1975 advisory referendum with reference to the establishment of an O.T.B. Office. Enjoined.

The installation without action of the State Legislature to establish an initiative referendum in a county, 1974, bad. Can't do it.

An issue that might be put on an advisory referendum in this Town, whether or not the Town Board can institute a program of subsidized housing 1971. The vote is illegal.

1969 a proposed vote on urban renewal again, you can't have the referendum.

1970 Attorney General a veto power on or a vote on if you will, a flood control project. You can't do it.

The long and short of that is, my opinion is unchanged. It is also my opinion that should there be one taxpayer in the Town of Riverhead, whatever his motivation be, that would petition the Court and enjoy the conduct of such an election that his chance of success will be very good. I'm sorry for taking so long. Anybody that's interested in the exact citations, I would be more than happy to give it to them for the press. I made copies of the one case and the Attorney Generals citation. Anyone else wishing to talk?"

Dick Benedict, Fanning Blvd., Riverhead; "I would just like to ask — Riverhead has its share of eyesores. But I just wanted to know if we're not creating a couple of more on Route 58 in the last two or three years. One of them being the truck repairs. Was there any restrictions put on that before it went on there and are they in violation of any Town Codes?"

The . . . "Supervisor Smith: "Yes Mr. Benedict, they are.

Dick Benedict: "That's one of our main entrances to Town and it looks terrible."

Supervisor Smith: "Yes there were some severe stipulations put on Mr. Mance when the site plan review — it was discussed with the Polish Town Civic Association. His attorney appeared before us with glowing promises of compliance with the provisions of the site plan about, let's say four weeks ago. About a week to ten days ago, the Town Board discussed it. A letter has been sent to the attorney advising him that the client should clean up his act or the Town Board will

PERSONAL APPEARANCES - continued

Supervisor Smith continues;  
consider revocation of the site plan approval."

Dick Benedict: "The whole entrance to Route 58 coming down that way is getting to be something for a main entrance to a Town."

Supervisor Smith: "We're trying to clean it up."

Dick Benedict: "It's getting worse. It's going on for three years now. Thank you."

Supervisor Smith: "Anyone else? New topics? Old topics?"

No one else wished to be heard at this time.

RESOLUTIONS

#185 TERMINATES SERVICES PART-TIME CLERK - RECEIVER OF TAXES  
Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

BE IT RESOLVED, That the employment of Madeline Zaweski, Part-time Clerk in the Office of the Receiver of Taxes, be and is hereby terminated, effective May 1, 1979.

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

The resolution was thereupon declared duly adopted.

#186 APPOINTS PART-TIME CLERK - RECEIVER OF TAXES  
Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

BE IT RESOLVED, That Anna Mayo be and is hereby appointed part-time clerk in the Office of the Receiver of Taxes, and is to be compensated at a rate of \$3.50 per hour, effective May 1, 1979.

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

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#187

AUTHORIZES OVERTIME COMPENSATION - SANITATION DEPT.  
Councilman Lombardi offered the following resolution

which was seconded by Councilman Regula.

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

Bernard Hettrick	4/13/79	10½ hrs.	@ \$8.425	\$ 88.46	Good Friday
Thaddeus Krukoski	4/13/79	10½ hrs.	@ \$9.525	\$100.01	Good Friday
TOTAL				\$188.47	

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

The resolution was thereupon declared duly adopted.

#188

AUTHORIZES OVERTIME FOR HIGHWAY DEPARTMENT

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

RESOLVED, That the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for flood overtime March 31, 1979 thru April 29, 1979 for a total of 39 hours in the amount of THREE HUNDRED FIFTY-ONE and 01/100 (\$351.01), in accordance with personal services abstract submitted and filed in the office of the Town Clerk.

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

The resolution was thereupon declared duly adopted.

#189

AUTHORIZES APPOINTMENT OF PARK ATTENDANTS TO RECREATION DEPARTMENT

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

RESOLVED, That the following be and are hereby appointed to serve as Park Attendants of the following effective dates, to be paid bi-weekly at the hourly rate of \$2.90 and to serve at the pleasure of the Town Board:

John J. Engelhardt	May 7, 1979 to and including September 7, 1979
Thomas O. O'Shea	May 7, 1979 to and including September 7, 1979
Stephen Stewart	May 7, 1979 to and including September 7, 1979

RESOLUTIONS - continued

the issuance of a special permit to Courage Realty Corporation to permit the operation of a gasoline service station. The property upon which this activity is proposed is on the south side of State Route 25, Riverhead, New York, approximately one (1) mile east of the Village of Jamesport, formerly operated as a Texaco Service Station.

Any person wishing further information upon this application may examine it in the Office of the Town Clerk during normal business hours. Any person wishing to address the Town Board with reference to this matter should appear at the above-stated time and place and they will be heard.

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

The resolution was thereupon declared duly adopted.

#192

AUTHORIZES PUBLISHING AND POSTING OF NOTICE

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

WHEREAS, Contracts of Sale have been negotiated with reference to the Single-Family Rehabilitation Project as set forth in the following notice, 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 Contracts of Sale and upon the passage of the requisite period of time, to close and/or finalize these matters.

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 May 1, 1979, authorized the execution of Contracts of Sale which are 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 contracts:

1) An agreement between the Town of Riverhead and William Rowe and Carol Rowe for the purchase of a lot and dwelling located at Pulaski Street, Riverhead, New York. The purchase price is \$13,900.00.

2) An agreement between the Town of Riverhead and Lulu B. Tuthill for the purchase of a lot and dwelling located at 529 Hallett Street, Riverhead, New York. The purchase price is \$12,500.00. These premises would be acquired by the Town of Riverhead with federal funds under the auspices of the Single-Family Rehabilitation Project which is supervised by the Town of Riverhead Community Development Office.

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#190

APPROVING ALTERATION OF THE RIVERHEAD FIRE DISTRICT BOUNDARY AS IT MAY EXIST IN THE TOWN OF BROOKHAVEN.

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

WHEREAS, The majority of the duly elected Commissioners of the Manorville Fire District, Towns of Riverhead and Brookhaven, and the Riverhead Fire District, Towns of Riverhead and Southampton, have petitioned the Town Board of the Town of Riverhead to alter the existing boundaries between their respective fire districts pursuant to Town Law section 172-A, and

WHEREAS, A public hearing was held on April 17, 1979, with regard to said petition, now, therefore, be it

RESOLVED, That the proposed alteration of boundaries as described in the aforementioned petition is hereby granted, and be it

FURTHER RESOLVED, That the Town Clerk is authorized to cause certified copies of this resolution to be duly recorded in the Office of the County Clerk, and within ten (10) days from adoption, in the Office fo the State Comptroller.

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

The resolution was thereupon declared duly adopted.

#191

CALLING FOR PUBLIC HEARING FOR A SPECIAL PERMIT FOR COURAGE REALTY CORP.

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

WHEREAS, Courage Realty Corp., has applied to the Town Board of the Town of Riverhead for a special permit to operate a gasoline service station pursuant to section 108-26 of the Town Code,

NOW, THEREFORE, be it

RESOLVED, That the Town Clerk be and she hereby is authorized to publish and post the following Notice of Public Hearing.

PUBLIC HEARING

PLEASE TAKE NOTICE, That a public hearing will be held before the Town Board of the Town of Riverhead on the 15th day of May, 1979, at 8:00 o'clock P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, pursuant to section 108-26 of the Code of the Town of Riverhead to consider

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#193

DESIGNATE THE VAIL-LEAVITT MUSIC HALL AS A LANDMARK

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

WHEREAS, The Landmarks Preservation Commission has initiated proceedings to designate the Vail-Leavitt Music Hall as a landmark, and

WHEREAS, Pursuant to Chapter 73, Article 4, 7 (B), notice has been given by the Town Clerk to the owners of the parcel for the proposed designation, and also to owners of the property located within 250 feet of the boundaries of the subject parcel, and

WHEREAS, The Landmarks Preservation Commission has duly approved the application for landmark designation for the Vail-Leavitt Music Hall.

NOW, THEREFORE, be it

RESOLVED, That the Town Board does hereby approve and designate the above named building as a landmark.

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

The resolution was thereupon declared duly adopted.

#194

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 had duly published and posted certain proposed amendments to the Riverhead Town Code which pertain to Chapter 100, Vehicles, Abandoned., and

WHEREAS, A public hearing was held on the proposed amendments on April 17, 1979, at 9:00 o'clock P.M., wherein no opposition was voiced to said proposed amendments, and

WHEREAS, Local Law No. 3-1977 of the Town of Riverhead allows summary publication of adoption of amendments to ordinances to Riverhead Town Code, it is hereby

RESOLVED, That the following proposed amendments to the Code of the Town of Riverhead are hereby adopted which pertain to the addition of Chapter 100, Vehicles, Abandoned:

- 1) Section 100-2., Junked Motor Vehicle., redefined.
- 2) Section 100-4., Notice of Violation., is to be by the issuance of an appearance ticket.
- 3) Section 100-4.(B.) Notice of Violation., is deleted in its entirety.

RESOLUTIONS - continued

- 4) Section 100-5., Hearing., hearings will be held before the Town Justice instead of the Town Board.
- 5) Section 100-6., Penalties for Offenses., a violation of this section will be considered a violation and not a misdemeanor.
- 6) Section 100-7., Procedure., will be deleted in its entirety., 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 or 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.

Before the vote, Supervisor Smith stated: "Bill I see your hand up. I don't want to put words in your mouth. No I have not taken care of seasonal and farm vehicles. What we're trying to do is clean up the ordinance and yes I will get back and take care of those. Is that the question and the answer?"

Bill Nohejl: "It's not included in this amendment?"

Supervisor Smith: "It is not included in this amendment. We'll have to have still a further public hearing on it Bill. Do you want my public statement that we are not going to go out and start enforcing this against seasonal farm vehicles or recreation vehicles? You got it."

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

The resolution was thereupon declared duly adopted.

#195

GRANTS SPECIAL PERMIT FOR POLISH TOWN CIVIC ASSOCIATION

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

WHEREAS, The Polish Town Civic Association has applied to the Town Board of the Town of Riverhead pursuant to Riverhead Town Code section 39(B.) (3) for a Special Permit for a single-family residence for two (2) houses, one on Hallet

RESOLUTIONS - continued

Avneue and one on Lincoln Street, and

WHEREAS, The Polish Town Civic Association has withdrawn its application for the house located on Lincoln Street, and

WHEREAS, The Town Board finds that permitting a single-family residence on Hallet Avenue would not injure the surrounding environs and would in fact be an asset to the community,

NOW, THEREFORE, be it

RESOLVED, That the Town Board of the Town of Riverhead hereby grants a special permit to the Polish Town Civic Association for a single-family residence for an existing house on a lot on the west side of Hallet Avenue 150 feet north of Lincoln Street.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith then stated: "I think a word on the resolution is in order. We applaud the efforts of the Civic Association. It's the kind of thing that we hope will catch on all over the place, trying to fix up and patch up and work in our own neighborhoods, although it wasn't obvious from one of the resolutions read; I think by Doctor Menendez, the part of the one-family home acquisition and rehabilitation program is being done in conjunction with the Polish Town Civic Association on Hallet Street. It's the kind of program that can prevent what is commonly known as the "spread of blight" and we look forward — it's exceeding."

#196

AUTHORIZES YOUNG & YOUNG TO SURVEY FOR CURBS AND GUTTERS

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

RESOLVED, That the firm of Young & Young be, and it hereby is, retained for the purposes of performing certain engineering specifications and estimates for the purposes of installation of sidewalks, curbs and gutters at the direction of Councilman Lombardi, and be it

FURTHER RESOLVED, That the firm of Young & Young be paid a reasonable fee for its services upon submission of vouchers.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#197 LIMITED APPROVAL OF TIMOTHY HILL CHILDREN'S RANCH  
SITE PLAN

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

WHEREAS, Timothy Hill Children's Ranch has submitted a drawing, last revised on February 19, 1979 for approval of the site plan shown thereon,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby approve said site plan, said approval being limited to the one proposed home and driveway parking area shown thereon, and be it

FURTHER RESOLVED, That any future construction or alteration of the proposed site plan shall remain subject to further resolutions of this Town Board.

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

The resolution was thereupon declared duly adopted.

#199 ACKNOWLEDGES RETIREMENT OF NATHANIEL SHAFFRAN

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

WHEREAS, Nathaniel Shaffran, Principal of the Riverhead High School, has announced his retirement at the close of the current school year, and

WHEREAS, Mr. Shaffran has been a faithful educator of the young people of the Town of Riverhead for many years, and

WHEREAS, This Town Board wishes to acknowledge its appreciation of the many years of dedicated public services which are represented by the career of Nathaniel Shaffran,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby declare its congratulations to Nathaniel Shaffran for his exemplary career and does hereby wish Mr. Shaffran and his wife the best of all things in retirement.

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

The resolution was thereupon declared duly adopted.

#200 RETAINS APPRAISORS

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

WHEREAS, The Town Board needs certain appraisals of property to be acquired for parking and drainage purposes,

NOW, THEREFORE, be it

RESOLVED, That the following appraisors are retained for the projects set forth, adjacent to their names:

RESOLUTIONS - continued

Jamesport Parking and  
Future Ambulance Site

Joseph Saland, Jr.  
John A. Bagshaw, Jr.

Polish Town Parking

John Breslin  
Gerard D. Snover

Maple and Union  
Avneue Drainage

Edwin F. Tuccio  
John A. Bagshaw, Jr.

and be it

FURTHER RESOLVED, That these appraisors be paid their reasonable fees for their services upon submission of the requisite vouchers.

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

The resolution was thereupon declared duly adopted.

#201 AUTHORIZES PUBLICATION OF SUPERVISOR'S REPORT IN  
SUMMARY FORM

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

WHEREAS, Section 29 of the Town Law, pertaining to the publishing of the Annual Financial Report has been amended to provide an alternative method of preparing and publishing the report, and

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

NOW, THEREFORE, be it

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

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

The resolution was thereupon declared duly adopted.

#202 AUTHORIZING PUBLIC HEARING FOR CODE AMENDMENTS

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

RESOLVED, That the Town Clerk be and is hereby authorized to publish and post the following Public Notice with regard to the following proposed amendments to the Riverhead Town Code which pertain to Parking, Chapter 101.:

1) Section 101-10., Parking Prohibited.

2) Section 101-13.(B.) Parking Time Limited.

RESOLUTIONS - continued

## 3) Section 101-13(C.) Parking Time Limited.

## PUBLIC NOTICE

PLEASE TAKE NOTICE, That a Public Hearing will be held on the 15th day of May, 1979, at 8:15 o'clock P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with respect to the proposed amendments to the Riverhead Town Code which pertain to the addition to Chapter 101, Article 5, section 101-10., Parking prohibited; section 101-13(B.) Parking time limited, and new section 101-13.(C.) Parking time limited

1) Section 101-10. Parking prohibited. The parking of vehicles is hereby prohibited as follows: Peconic Avenue, west side along curbs immediately adjacent to the Riverhead Savings Bank.

2) Section 101-13. Parking time limited. Parking is hereby prohibited longer than the time limit designated upon any of the following described streets or portions thereof:

Section B. One hour. The parking of vehicles for a period longer than one (1) hour between the hours of 9 a.m. and 5 p.m., except Sundays and holidays, is prohibited in the following locations:

Main Street, Jamesport (Route 25), south side from its intersection with the east curb line of South Jamesport Avenue to a point five hundred (500) feet east.

3) Section 101-13. Parking time limited. Parking is hereby prohibited for longer than the time limited designated upon any of the following described streets or portions thereof:

Section C. Fifteen minutes. The parking of vehicles for a period longer than fifteen (15) minutes between the hours of 9 a.m. and 8 p.m., except Sundays and holidays shall be prohibited in the following locations: Railroad Street, south side between Cedar Street and Osborn Avenue.

(Additions are by underlining, deletions by ~~strikeouts~~).

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

The resolution was thereupon declared duly adopted.

#203 RESOLUTION AUTHORIZING TOWN CLERK TO PUBLISH AND POST NOTICE OF BIDS FOR HARDING BUILDING

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

WHEREAS, The Town of Riverhead presently owns a parcel of property on the north side of West Main Street across from the Riverhead Savings Bank, formerly occupied by the Harding Building, and

RESOLUTIONS - continued

WHEREAS, The Town of Riverhead now wishes to sell this parcel of property, now, therefore, be it

RESOLVED, That the Town Clerk be and hereby is authorized to publish and post the following Notice to Bidders for the purchase of this piece of property.

NOTICE TO BIDDERS

Sealed bids for the purchase of the Harding Property on the north side of West Main Street, across from the Riverhead Savings Bank will be received by the Town Board of the Town of Riverhead at the direction of the Town Clerk at 200 Howell Avenue, Riverhead, New York until 11:00 o'clock A.M., on Monday, May 14, 1979, at which time and place they will be opened and read.

Instructions for bidders, specifications, bid forms and forms of contract may be obtained at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York. Bids shall be on the form as prepared by the Town of Riverhead.

The Town Board of the Town of Riverhead reserves the right to reject any and all bids or to waive any informalities. It also reserves the right to hold any and all bids open for a period of thirty days from the date of opening. All bids must be in a sealed envelope clearly marked "Harding Property".

The acceptance of any bid is subject to a permissive referendum upon petition as is provided by section 90, et seq., of the Town Law. Closing on the property will be within sixty days of bid acceptance.

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

The resolution was thereupon declared duly adopted.

#204

RE-OPENS PUBLIC HEARING ON THE SPECIAL PERMIT OF  
JOHN O'NEILL

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

WHEREAS, John O'Neill has applied to this Town Board for a special permit to operate a marina and other facilities on land owned by him on Meetinghouse Creek Road,

WHEREAS, Certain public hearings were held before the Town Board and Planning Board, and

WHEREAS, Certain meetings have been held between Mr. O'Neill and representatives of the public and the Three Member Panel that administers the State Environmental Quality Review Act, and

WHEREAS, There are substantial differences between the statements of Mr. O'Neill before these various agencies, and or persons,

NOW, THEREFORE, BE IT RESOLVED, That this Town Board

RESOLUTIONS - continued

does hereby re-open the hearing of John O'Neill and schedules the same for the meeting of the Town Board to be held May 15, 1979 at 8:30 P.M.

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

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the meeting adjourned at 8:30 P.M.



Irene J. Pendzick, Town Clerk

IJP/vlv