

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, April 17, 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

Absent: Henry S. Saxtein, 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.

BILLS

Bills submitted on Abstract dated April 17, 1979 as follows:

General Town	\$37,630.57
General Town (1978 Enc.)	\$ 774.00
Parking Meter	\$ 8.00
Debt Service	\$ 158.97
Capital Projects	\$ 1,595.25
EDA Project	\$ 2,450.00
Community Development	\$ 735.38
Highway Item #1	\$ 1,127.10
Highway Item #3	\$ 1,725.49

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

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

General Town	\$37,630.57
General Town (1978 Enc.)	\$ 774.00
Parking Meter	\$ 8.00
Debt Service	\$ 158.97
Capital Projects	\$ 1,595.25
EDA Project	\$ 2,450.00
Community Development	\$ 735.38
Highway Item #1	\$ 1,127.10
Highway Item #3	\$ 1,725.49

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

The resolution was thereupon declared duly adopted.

Supervisor Smith: "Ladies and Gentlemen as a preliminary matter this evening, I would make mention that yesterday afternoon after about nine hours of attempting to do so, a closing occurred with reference to 821 East Main Street. It is one of those projects that I've worked on since January of 1976. There is by no means, at this point in time, a solution to the problems that had occurred there and still does exist at that particular location, but it is one of those significant points between the time when the problem was recognized and the time when we can see an absolute solution to the problem. I think it's worthy of note. It's occurring without a great deal of fanfare. We hope that within the next three weeks there will be a ground breaking on the new facility and you will see that in the newspapers."

REPORTS

Tax Receiver's, dated April 16, 1979. Filed.

APPLICATIONS

Special permit - Courage Realty Corp. (gas station & tire service center, Route 25, Jamesport). Filed.

Post #2476 VFW - for a Parade on May 30, 1979, starting at 9:00 A.M. Filed.

Site Plan - Guido Cricchio (Arthur Kretschmer, Lesse: for a cooler house for fish market on Route 25A, Wading River). Filed.

Supervisor Smith: "Lt. Droskoski you're here for the Police Department here tonight. I believe that date for the Memorial Day Parade is other than the date than it would be celebrated nationally? Is that true?"

Mrs. Pendzick: "That's the State. New York State Day."

Supervisor Smith: "There will be a state holiday on that day."

Mrs. Pendzick: "The County's closed on the 30th. The banks are closed on the 30th, but we're not. We're closed on the 28th."

Supervisor Smith: "That's what I was concerned about, whether we're going to have a parade in the midst of a shopping day. Would you please do some investigation on what kind of logistics this kind of discrepancy between the National holiday and the State holiday is going to occasion. It will probably cause us some additional traffic problems.

We have public hearings starting at 8:00 o'clock p.m. and going through a good portion of the evening."

COMMUNICATIONS

Riverhead Planning Board, 4/9/79 - recommends that site plan of Timothy Hill be approved. Filed.

Frederick Lipinski, 4/10/79 - asking for consideration to use dog for protection, unlicensed, as the "seeing eye" dogs are. Filed.

Robert Morgado, 4/11/79 - acknowledging receipt of copy of resolution adopted 4/3/79 on behalf of Governor. Filed.

Southampton Town - notice of adoption of amendment to Zoning Ordinance re: map of Shinnecock Hills. Filed.

Suffolk County Department of Planning, 4/12/79 -
Re: Southampton amendment to Zoning Ordinance; if no objection by May 2, it will be assumed there are none. Filed.

Alex Horton, 4/17/79 - agreeing to maintain Tide Woods roads for eight months for sum of \$7,500. Filed.

UNFINISHED BUSINESS

Special Permit Application: John O'Neill (marina & boat yard, Aquebogue)

Site Plan: Raymond McKay (fish stand, Aquebogue)

Supervisor Smith: "We have two matters of unfinished business. The application of Mr. O'Neill that will be the subject of a resolution later in the evening and the site plan application of Mr. McKay has some work yet to be done on it before the Planning Board and it will not be taken care of this evening.

PERSONAL APPEARANCES - continuedSupervisor Smith continues:

That brings us to that portion of the agenda where we will listen to anyone who chooses to address the Town Board about any matter. If you are here to talk about the alteration of the Fire District boundaries, parking code amendments, etc., would you please hold your comments until we get to those public hearings. If you are here about a matter that is not the subject of a public hearing this evening, we'll listen to you now?"

John Ottaviano, Wading River; "I wanted to ask something about Alex Horton agreeing to maintain Tide Woods Roads for eight months for a sum of \$7,500. Suppose the Board does pass that. Where does that leave us in regard to the permanent take over of the roads by the Town?"

Supervisor Smith: "Mr. Young?"

Councilman Young: "I have the resolution here. I was just reading it. I think there's more to it, though. It looks like it stops in the middle there."

Supervisor Smith: "I believe the question Mr. Ottaviano is putting to the sponsors of this particular resolution is whether at the end of the eight months they will be maintained in the ordinary course of events of the highway department?"

John Ottaviano: "That makes it clear, yes."

Councilman Menendez: "This \$7,500 takes care of the rest of the year. Next year we will figure the maintenance of those roads into the regular budget."

John Ottaviano: "How about now, the mechanical details of filing maps, deeds, or whatever it is?"

Councilman Menendez: "Everything is taken care of, except one thing he has to do and that will be taken care of."

John Ottaviano: "Thank you."

Supervisor Smith: "Yes Sir."

PERSONAL APPEARANCES - continued

John Tumilowicz, Tide Woods, Wading River; "Am I understanding that beginning now we can expect to see within a short time repair of the roads from their present condition of disrepair and also we can expect to see road signs up there."

Supervisor Smith: "Mr. Young?"

Councilman Young: "I'm sorry. I was still worried about the other thing."

Supervisor Smith: "He's from Tide Woods and he wanted to know that the roads will be maintained and signs will be put up."

Councilman Young: "We'll see to it — I'll see to it that it's done."

Supervisor Smith: "Yes Mr. Nohejl."

Bill Nohejl, Wading River, Long Island Farm Bureau; "In reference to resolution #173, may I have the full details for this sir?"

Supervisor Smith: "Yes Sir. Do you have a copy?"

Mrs. Pendzick: "No he doesn't."

Supervisor Smith: "Give him yours. The application, Bill, you and I have discussed this at length, speaks in terms of three alternatives, Sir, in the Article 8 proceeding."

Bill Nohejl: "The original agreement, Town of Riverhead, it says on page 12, the Town of Riverhead on the basis of this agreement, finds and determines that the establishment of the LILCO Nuclear Generating Facility at Jamesport, New York, is warranted and is in accord with the plans of this community. The Town Board, therefore, supports and endorses the applications of the Company to all necessary agencies and requests that the necessary permits, etc., be issued for the construction and operation of the Jamesport facility. The Town Board withdraws any and all objections heretofore imposed before said agencies on those topics covered by this agreement."

PERSONAL APPEARANCES - continued

Supervisor Smith: "Yes Sir. Does it also reserve the rights of the Town Board to ask questions and litigate issues about nuclear power?"

Bill Nohejl: "Say that again Sir?"

Supervisor Smith: "Is there another provision in the agreement that says that we are entitled to debate and litigate the issues of nuclear power? Discuss them?"

Bill Nohejl: "Could you tell me what page it is?"

Supervisor Smith: "I can't off the top of my head. You were a party to the nuclear regulatory commission proceedings, weren't you?"

Bill Nohejl: "Yes."

Supervisor Smith: "And didn't you hear the Town Board saying things like that, that we wish to participate as best we could on that issue?"

Bill Nohjel: "The Town Board did not participate at all Sir."

Supervisor Smith: "We'll stand in the record on that one."

Bill Nohejl read the following statement which is on file in the Office of the Town Clerk.

"The Farm Bureau is opposed to the Town of Riverhead spending another nickel in support of the Long Island Lighting Company's application to construct nuclear or coal facilities at Jamesport. Allen Smith has recently revealed that he has spent \$320,000 of taxpayers' money to support LILCO's ill-fated Jamesport reactors. We are shocked that Mr. Smith and the Town Board has engaged in such a wild spending spree without specific approval from the Town voters. What did the residents of Riverhead get in return for such a staggering sum?? The only brief filed by these expensive Park Avenue attorneys in the nuclear plant case consisted of a mere five pages. The Farm Bureau briefs, consisting of 400 pages, are

PERSONAL APPEARANCES - continuedBill Nohejl continues:

supported by the Public Service Commission, the Consumer Protection Board, the Department of Environmental Conservation, Suffolk County, the Town of Southold, East Hampton and Southampton, and Suffolk County League of Women Voters, Suffolk for Safe Energy, Riverhead First Committee and the Northville Beach Civic Association. Who supports the Town of Riverhead's position? None other than the Long Island Lighting Company. And for this, the Town Board spent \$320,000?

The most distressing facts surrounding the payment of this outrageous fee is that the Town hardly participated in the nuclear plant proceeding after the Town Board entered into its secretive September 1975 agreement with the Long Island Lighting Company. The New York attorneys appeared only once or twice since 1975 in the Jamesport proceedings. They submitted no testimony nor conducted cross examination of LILCO or any other witnesses regarding the health and safety hazards of the nuclear plant.

Evidently, most of this money was spent by the Town in the transmission line case which was only one aspect of the Jamesport application. None of these monies was spent studying or analyzing the safety and health risks created by the Shoreham nuclear plant. The Town is just accepting LILCO's word for it that Shoreham is safe. The utility company in Pennsylvania which owned the Three Mile Island Plant assured the Town there that that plant was safe. The Town Boards in Pennsylvania accepted the word of the utility and look where it got them — radiation exposure and ruined tourist and farm industries.

And what now does the Town Board say for itself? Mr. Smith is now saying he was never in favor of the nuclear plant, that he was only in favor of some kind of plant at the Jamesport site. Who is kidding who? Papers for the last four years have been filled with Allen Smith's statements supporting the nuclear plants. This cannot be denied. Mr. Smith and the Town Board should be ashamed of themselves for selling the health and safety and essential industries in this Town down the river for the sake of LILCO's dirty money. I call upon the leaders of this Town, the responsible members of the Democratic and Republican parties, the leaders of the business, professional and civic communities, to step forward and let their voices be heard. The Town Board can no longer be allowed to misrepresent the people of Riverhead." (End)

(A copy of which is filed in the Office of the Town Clerk)

Supervisor Smith: "Mr. Nohejl you and I have been working with each other and against each other on this issue for a long time. I consider part of what you say this evening to be intellectually dishonest."

PERSONAL APPEARANCES - continued

Bill Nohejl: "In what respect Sir?"

Supervisor Smith: "In that I think your preliminary statements, you attempt to make it seem as though we have spent in excess of \$300,000 and put in as you analyze several mere pages of work through this firm."

Bill Nohejl: "On the nuclear . . ."

Supervisor Smith: "That's what you'd like to have everybody out there believe, now isn't it? And you know better. Some of your fly-by-night friends show up here once in a while and take a quick shot and disappear back to East Hampton, but you know better. You've been here during the budget hearings, you've seen the bills be paid. You've heard it over and over again. And once more you've worked with us in conjunction on the transmission line case. Where we share information with you which we've paid for. Not the east appraisers, recall that?"

Bill Nohejl: "Yes."

Supervisor Smith: "Did we hear them with your help?"

Bill Nohejl: "Yes."

Supervisor Smith: "Did they cooperate with your people? Did we pay them \$5,000?"

Bill Nohejl: "Did you?"

Supervisor Smith: "Yes. And it's part of that money you're talking about."

Bill Nohejl: "I said on the transmission lines, but not on the nuclear power plant, didn't I say this?"

Supervisor Smith: "Then your comment that we've spent \$300,000 on the nuclear aspect of this . . ."

PERSONAL APPEARANCES - continued

Bill Nohejl: "I didn't say nuclear aspect. You didn't hear me right."

Supervisor Smith: "We've resolved that one down a little bit."

Bill Nohejl: "Evidentially most of this money was spent by the Town on the transmission line case."

Supervisor Smith: "Do you suppose some of it was spent prior to the execution in the 1975 agreement?"

Bill Nohejl: "Some of it before."

Supervisor Smith: "Yes."

Bill Nohejl: "Probably."

Supervisor Smith: "Okay, was some of it spent for the report of Holzmacher, McLendon & Murrell with reference to safety and power houses? One of the engineering studies?"

Bill Nohejl (inaudible due to interruption)

Supervisor Smith: "Yes Sir, provided to your attorney."

Bill Nohejl: "How about the filing of the briefs on the Town's position of the public service commission?"

Supervisor Smith: "Public service commission is Article 7, right Sir?"

Bill Nohejl: "No. It's Article 8."

Supervisor Smith: "Which aspect?"

Bill Nohejl: "On the nuclear."

PERSONAL APPEARANCES - continued

Supervisor Smith: "Sir one of the reasons that the Town Board has this resolution before it tonight, unlike was reported by the Mattituck Paper, was that we have a sincere interest in examining the issues raised by the Three Mile Island."

Bill Nohejl: "Why wasn't that done before? Why didn't you protect the Town people and have witnesses to find out if the power plants was safe. You just went by your agreement with LILCO where you said that you would not stand in their way."

Supervisor Smith: "Did you stand up at that particular time that John Leonard and these other men were sitting here and tell the Town Board to spend the kinds of monies that would be required for the production of that kind of case."

Bill Nohejl: "Was \$320,000 set at that time?"

Supervisor Smith: "More Sir. The case as it stands for Irving Mike at the County level is \$700,000 and climbing."

Bill Nohejl: "I'm not talking about the County level. I'm talking about the Town of Riverhead."

Supervisor Smith: "Why would the case be any cheaper for the Town to present?"

Bill Nohejl: "Because the Town has not participated in the nuclear part of the hearings."

Supervisor Smith: "And nor did the Long Island Farm Bureau until the transmission lines crossed your farms."

Bill Nohejl: "True."

Supervisor Smith: "True."

PERSONAL APPEARANCES - continued

Bill Nohejl: "True, no denying. And then we became more and more aware of the problems that existed and then we went in full blast."

Supervisor Smith: "Okay now. Do you want to have a lawyer report to us day to day in Article 8, or don't you?"

Bill Nohejl: "Why would you leave out everything before and now start at the end and have a lawyer come in? Why did you not represent the people while the hearings were going on?"

Supervisor Smith: "Why weren't you in the case until it crossed the farmlands?"

Bill Nohejl: "The first time that this was ever presented to the Farm Bureau is by Mr. (name inaudible) which brought the maps to the Farm Bureau. And at that time we became involved."

Supervisor Smith: "I think the issues are rather well defined here and we'll just have to vote on that resolution."

Bill Nohejl: "I would say you shouldn't vote."

Supervisor Smith: "Do you want us to drop Article 7, Article 8, and whatever attendant hearings there are altogether?"

Bill Nohejl: "What I am saying is with all the money that has been spent, the Town of Riverhead has not been represented by this Town Board at the hearings in Article 8 and that they are not being adequately represented that health and safety hazards of the present Shoreham Plants which is partly in Riverhead Town."

Supervisor Smith: "You would then like us to get into Shoreham also?"

PERSONAL APPEARANCES - continued:

Bill Nohejl: "I would like you to take into consideration the people of Wading River and the Town of Riverhead which are on the borderline and it affects Riverhead just as much as it affects Brookhaven, Southampton, Southold or East Hampton."

Supervisor Smith: "How do we get into the Shoreham case without an attorney?"

Bill Nohejl: "How do you get into the Shoreham case without an attorney? You, as the Town Board, have never said that you are concerned with the health and safety of the people of Riverhead in any respect. And as far as getting into the Shoreham hearings, that, the Town of Riverhead has to work out."

Supervisor Smith: "Well Bill, for a guy that's just given up three and a quarter years of his life to try to solve the problem at 821 and you sitting out there on your nice rich farm mowing your grass."

Bill Nohejl: "What's 821 got to do with the health and safety of the people of Riverhead with the nuclear plant? Now don't take apples and oranges and compare."

Supervisor Smith: "I'm taking apples and oranges. I'm talking about you guys jumping out of your cozy little existence and the only time that you get public spirited is when the transmission line starts across your farms."

Bill Nohejl: "That's not exactly true."

Supervisor Smith: "Oh Bill you never come out and talk about anything else. Why didn't you care about school budgets and how kids get educated in this Town and how people live? You bring a guy into Town and say twelve men are going to live in 1,000 square feet. You don't give a damn about these people."

Bill Nohejl: "It's being done right here in Town now."

PERSONAL APPEARANCES - continued

Supervisor Smith: "Well it's all evened up."

Bill Nohejl: "It's right here in Town now. So why are you making an example of that?"

Supervisor Smith: "It's 8:00 Bill. We both have a hearing and maybe we'll both cool down a little bit."

Bill Nohejl: "And on the resolution I say no."

Supervisor Smith: "Okay."

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:00 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice that a Public Hearing will be held on Tuesday, April 17, 1979 at 8:00 P.M., to hear all interested persons with respect to the petition of the Board of Fire Commissioners of the Manorville and Riverhead Fire District to alter the existing boundaries between Manorville and the Riverhead Fire District.

The affidavits were ordered to be placed on file.

PETITION

Board of Commissioners of the Manorville and Riverhead Fire Districts: "To alter the boundaries between the districts. The effect of the alteration will be to place in the Riverhead Fire District property now lying in the Town of Brookhaven." Filed.

Supervisor Smith: "Ladies and gentlemen, under the Town Law of the State of New York, there is a provision that probably only makes sense to people who deal with fire district boundaries and probably little difference to most of us as ordinary mortals. What it says that even though there is an alteration, the district boundary that is outside the Town of Riverhead, in this particular case, in the Town of Southampton and Brookhaven.

PUBLIC HEARING - continued

Supervisor Smith continues:

If the particular Fire District that is effected, in this case the Riverhead Fire District, and for that matter, I guess the Manorville Fire District, and a portion of that district, we must have a hearing on the boundary change even though that occurs in Brookhaven. In this particular instance, the residents of the condominium that is now called Calverton Hills as we formerly called Heatherwood Condominium, petition the various Fire Districts that represented them or protected them for an alteration of the boundaries between Riverhead Fire District and the Manorville Districts such that the Riverhead Fire Department would protect that particular condominium. It has something to do with response time. It has something to do with proximity to the Fire Stations, etc.

The particular change such that the Riverhead Fire Department would protect that condominium has been approved by the firemen of the Riverhead Fire Department. It has also been approved by the firemen of the Manorville Fire Department.

Is there anybody here this evening who would choose to address this Town Board with reference to that change. Is there anybody that wishes to address the Town Board on this issue?"

There being no one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:02 P.M.

Supervisor Smith: "We will make a decision based upon our knowledge of the application. Anyone else, power houses? Anyone want to speak on airplanes, storage of airplanes?"

Sal Perone, Beach Road, Aquebogue; "Mr. Supervisor I would like to voice my objections. I strenuously oppose the application of Mr. John O'Neill to construct a hanger and base a sea plane in a creek which is thickly populated. I feel that this is an inherit hazard to the resident to the boating populace of Riverhead Town and I feel that it disparages the property values. And it has no bearing whatsoever on the case and should never be allowed. This property for some reason was originally residential and how it ever got by to be re-zoned as business, I have no knowledge. No one was ever informed. No one asked or considered, or there's no information given on the re-zoning of these properties. Now why we should be devalued for the sake of one man's saving of a few thousand dollars. He has admitted to me that he had

PERSONAL APPEARANCES...continuedSal Perone continues:

property in the Southampton Town, but he didn't want it because it would cost him a few thousand dollars more.

The property in question was less habitated than the area he is seeking to put this hanger in now. I feel that he's creating a hazard. He's going to have a storage of fuel, eventually there's a possibility of being more than one plane. There may be three planes, four planes. He also stated to me that if somebody gave him the right price and he could sell, so the next man would come in and he'll bring in two planes, three planes, four planes, and we residents would be the ones to suffer. And I feel that we have been singled out in the area that was strictly residential. There was no reason for it that it was rezoned, as a business, it might take all of Peconic Bay Blvd. and say that's business too you know because that's the same thing."

Supervisor Smith: "Sal was there any attempt to discuss buffers, fences, anything with that? Can you report on any results of a meeting to try to resolve the difficulties between the neighborhood and this man?"

Sal Perone: "Well the only buffer was a fence which in itself would have to be a twelve or fifteen foot high fence to hide this hanger. If a hanger is going to base a sea plane, it's got to be pretty high and he's going to construct one that will accommodate two planes at the present time. He's talking about ramps into the creek which are against the ecology of the creek. He had mentioned having boats moored there to cover his cost of the property.

Now all in all, I feel that this man's economy does not override all the economy of all the people of Hoccabuk Park or the residents of Riverhead or the boating populace that use that creek or the surrounding waters. I feel it's a hazard. If you had a plane taxiing, coming around that bend, if you're coming around that bend with a boat, if you had an airplane coming at you, you had no place to go."

Supervisor Smith: "Sal, one of the things you must do in something like that — this is a record, it gets written down. You say the bend. I know which bend you're talking about."

Sal Perone: "Yes you do."

Supervisor Smith: "So does everybody sitting up

PERSONAL APPEARANCES - continued

Supervisor Smith continues:

here. The little girl that transcribes this tape doesn't know what you're talking about. What you're talking about then is a separation between the most subtly point in Hoccabuk and Indian Island?"

Sal Perone: "That's correct."

Supervisor Smith: "At that particular point, how wide is the channel?"

Sal Perone: "At the bend?"

Supervisor Smith: "Yes."

Sal Perone: "I would say you have about a 75 foot — tops 75 foot channel."

Supervisor Smith: "If he were coming in with an aircraft, would it necessitate the larger craft in the Meeting House Creek either backing up or taxiing to . . ."

Sal Perone: "Most definitely. It has a wing span of thirty-six to thirty-eight feet. Now if you have a large cruiser or two cruisers, if you don't know if you've seen that, and it's a busier season, but it looks like 42nd Street. And if there's several boats coming in and out of there, somebody's got to give and _____ because he's got a thirty-eight foot wing span. It's a pretty narrow channel."

Supervisor Smith: "I thank you. Mrs. Shydo?"

Sandy Shydo, Aquebogue; "I asked Mr. O'Neill to attend a meeting with the neighbors last Tuesday night and he came and quite a few neighbors showed up. And all of them were very unbelievable, but Mr. O'Neill would attempt such an immense project on such a small amount of land surrounded by, to his south, a residential area. The only non-residential area to our north is the Marina which is separated by another lot between Mr. O'Neill's and the Marina. All the neighbors were telling their fears.

PERSONAL APPEARANCES - continuedSandy Shydo continues:

One mother mentioned that she has two teenage sons who have small boats who often go in the creek and we discussed the fact that children aren't always able to do something an adult would. They might not veer off in time if a plane should be coming in and she also feared — Mr. O'Neill told us for the first time, me too, that he would be doing his runs on a daily basis coming in between eight and nine in the morning and coming in at dusk.

And he also admitted to us that he's never seen the creek in the summertime with the boats moored. He has never seen how many there are there and at dusk is when the parade of boats start coming in, and I have no idea how he would even get in it. Everyone told him their fears, and he said not one thing. I didn't even hear the fence part that would help us out. We did ask him if he had any bigger plans other than for one plane. He said yes, he might. Someone asked two or three of four and he said maybe. He also mentioned he owns two helicopters. I know probably he couldn't land a helicopter with a size building 40 by 60 on a 70 by 211 lot, but if he bought the lot next to it, which is for sale, I could foresee that he had a nice heliport landing there.

The neighbors are really afraid and most of them were not aware that our lands to the east side of the creek all the way down was zoned for business. And there was some mention at the meeting that they'd like the zoning changed. I don't know how you go about this thing, but it is a possibility for our neighbors to be looking into. Nothing was resolved at the meeting except people left angry and he left with a smirk on his face. And that's what I have to say. Thank you."

Supervisor Smith: "Thank you."

Sandy Shydo: "Oh by the way, Mr. Gary Tuttle is going to speak next and there are things that I never thought of might happen, and I'll leave it to him to talk."

Gary Tuttle, Meeting House Creek, Aquebogue; "Well Sandy covered the main things I was concerned with. But one of my major concerns also is the noise pollution involved in the airplanes. It's a completely different noise than the boats in there. Like both Sal and Sandy said, I can see no worthwhile benefits for the Town of Riverhead in the business venture and Mr. O'Neill also claims that the Town of Riverhead cannot stop him because of the zoning. There's no legal way he can be stopped.

I feel that if this is so, there should be limitations

PERSONAL APPEARANCES - continuedGary Tuttle continues:

and restrictions attached to any approval given to his business venture. You should include the restrictions of boats along to the proposed boat slips allowing except for the one of two planes he plans to build a hanger for. No helicopter should be allowed on the property and limit the use of Meeting House Creek by airplanes to week days to avoid a confrontation and interference with heavy recreational boating traffic on weekends. And to limit the running of airplane engines for testing and maintenance purposes to normal week day hours. That's all I have to say. Thank you."

Supervisor Smith: "Thank you Mr. Tuttle. Anyone else on sea plans, airplanes or Meeting House Creek? We have three minutes before our next hearing which is scheduled for 8:15 p.m.. Does anybody wish to bring up another or new topic?"

No one wished to be heard at this time.

RESOLUTIONS

#173

RETAINS JONATHAN SINNREICH, ESQ., RE: JAMESPORT
POWER HOUSES

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

WHEREAS, This and previous Town Boards have been represented by legal counsel in hearings and proceedings regarding the Jamesport Power Plants, and

WHEREAS, The President of the United States has appointed a Commission to study the Three Mile Island accident and has asked for a full report within six (6) months, and

WHEREAS, The planned hearings by the New York Siting Board for April 9, 1979, have been postponed, and

WHEREAS, The costs of fees, disbursements, and expert witnesses to the Town of Riverhead since 1974 in the several proceedings involving the Jamesport Power Houses has been high, and

WHEREAS, Jonathan Sinnreich, Esq., has very capably handled these matters for the firm of Paul, Weiss, Rifkind, Wharton and Garrison, Mr. Sinnreich being one of several attorneys assigned by that firm to these matters, and

WHEREAS, This Town Board wishes to participate in all hearings and proceedings in regard to the Jamesport Power Plants,

NOW, THEREFORE, be it

RESOLVED, that the firm of Paul, Weiss, Rifkind,

RESOLUTIONS - continued

Wharton and Garrison is hereby terminated as Special Counsel to the Town Board of the Town of Riverhead in the LILCO proceedings, and the Supervisor is directed and authorized to take those steps necessary for the transfer of their files to the Town Hall at 200 Howell Avenue, Riverhead, New York 11901, and the payment of any fees and disbursements due and owing that firm, and be it

FURTHER RESOLVED, That Jonathan Sinnreich, Esq., be, and he is hereby, retained as special counsel to the Town Board to represent it in those proceedings relating to the Jamesport Power Houses and that Mr. Sinnreich shall receive a retainer of Ten thousand and 00/100 (\$10,000.00) Dollars against his fees and disbursements, to be held by him, in escrow (trust), until authorized to withdraw the same by this Town Board for fees and disbursements earned at the rates further set forth in this resolution, and be it

FURTHER RESOLVED, That Jonathan Sinnreich, Esq., shall receive a fee of Seventy-five and 00/100 (\$75.00) Dollars, per hour, for preparation for said hearings or proceedings, and One hundred and 00/100 (\$100.00) Dollars, per hour, during the hearings or proceedings, and be it

FURTHER RESOLVED, That Jonathan Sinnreich, Esq., be paid against accountings of his time, disbursements and additional fees upon being incurred or earned on the submission of proper vouchers.

After Councilman Young seconded the resolution he stated: "I would like to make a statement. I've been concerned as we all are, since the Three Mile Island incident and I've been talking to people on the street. People have been calling me on the phone. I've been getting all kinds of advice, emotional and unemotional. I'm trying to take an unemotional factual look at these problems and I think that most of the people I spoke to and most of the people that have spoken to me have been taken a more or less unemotional, mature, careful, almost wordly look at these problems.

They know that we've got to have energy and we've got to keep these lights burning. They know that we're going to need more energy in the future. They know that you've got three sources at the present time. Coal, oil, or nuclear. They realize the Arabs are making it tough on the oil. They know coal is messy to handle, probably is unhealthy as nuclear. They realize there are problems in nuclear energy. Unsolved problems, scarey problems, but most of them have faith enough in our government, faith enough in our system, faith enough in the type of hearings and the type of — the things that are going to happen.

At this hearing that we're hiring this lawyer to represent us, they want to be in there. They want to be represented. They want to know what's going on because they are

RESOLUTIONS - continuedCouncilman Young continues:

concerned. I am concerned. We all should be concerned. We want to be right on top of this thing. We want to know every move that's made. We want to know all we can about nuclear energy or any of the alternatives that may be considered and think that the small thing, that we hire a lawyer to represent us, and to keep us informed. What is going on is a lawyer who has been with this in the past, who knows the ins and outs of this type of hearing, who knows the ins and outs of nuclear energy and it's with enthusiasm that I second this resolution."

Supervisor Smith: "Would anybody else like to talk before they vote?"

Councilman Regula: "Yes. I would like to say a few words. I think George covered most of it. I've had a tough time these last two weeks myself. I've probably read at least 93,000 words. Even last weekend when my wife and I were on vacation, we had the TV on constantly and I read just about every letter to the editor and I would call, is it Carl Grossman, and I know I've had a tough time. However, in talking about this resolution last week, I spoke to the Board and they decided we should wait tonight and I was quite happy about that. I just heard the news tonight at about 6:30 that federal man left Pennsylvania because he feels that there's not that much need for him. So I know I've been for an energy plant here in Jamesport before I came here into office. I think most of you people realize why, because of our tax base and all. However, I also realize we've got to be practical and listen to everyone because we know for those two or three weeks everyone probably in the world, especially anywhere near Pennsylvania were very very screamish. But I have thought, but as I say, George has covered most of the points and I feel that we have been paying a lot of money for the firm that we've had since 1974 and this gentleman, I've met and I've seen him in action and he's a very learned person. He's been right on top of these things for the Town Board, especially — what I've learned I think he was a little off on some of those comments. That's it Allen."

Councilman Lombardi: "All I would like to say is by hiring John Sinnreich we will get more facts on the nuclear plant, and that's what I want to get is more facts. I want to hear about it. I want to get closer to it and that's why I'm for it."

Supervisor Smith: "All right. I guess that ends comments."

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing. (recessed at 8:22 P.M.)

PUBLIC HEARING - 8:15 P.M.

The Town Clerk submitted affidavits of publishing and posting of public notice of a public hearing to be held on Tuesday, April 17, 1979 at 8:15 P.M. regarding the proposed amendments to the Riverhead Town Code, which pertains to the addition to Chapter 101, Article 5, Section 101-10, Parking Prohibited. Parking will be prohibited as follows:

1. Peconic Avenue - west side along curbs immediately adjacent to Burns Park.
2. West Main Street - north side from point adjacent to 126 West Main Street at space previously serviced by Meter #30.

The affidavits were ordered to be placed on file

Supervisor Smith: "Does anyone have a favorite parking meter we're picking on? These are the parking meters by Burns Park and or the one that used to be Allied Carpet, before that it was somebody's electric."

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:24 P.M.

RESOLUTIONS

#178

ASSESSORS TO ATTEND MEETING HELD IN ALBANY

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

RESOLVED, That the Board of Assessors, Charles Crump, Joseph F. X. Loughlin, Thomas L. McKay, be authorized to attend a meeting in Albany, New York on April 23rd and 24th, 1979, and have the use of the Assessors car, and

RESOLUTIONS - continued

FURTHER RESOLVED, That the expenses incurred by them be paid by the Board of Assessors budget.

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

The resolution was thereupon declared duly adopted.

#181 AUTHORIZES ATTENDANCE OF TOWN EMPLOYEES TO GRANTS-MANSHIP SEMINAR

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

WHEREAS, The State University of New York is presenting a seminar on Grantsmanship, and

WHEREAS, It would be beneficial for the Town of Riverhead to have people more informed on the process,

NOW, THEREFORE, BE IT RESOLVED, That Richard Gadzinski, Emergency Medical Service Director, William Schaub, Instructor; and Ruth Packman, Community Development Office Employee, be permitted to attend such seminar on April 23 and 24, 1979 at Syracuse, New York, and that all incidental and related expenses be paid.

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

The resolution was thereupon declared duly adopted.

#182 AWARDS BID FOR LIQUID ASPHALT - HIGHWAY DEPARTMENT

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

WHEREAS, After being duly advertised pursuant to law that sealed bids be accepted for the purchase of Liquid Asphalt for the Riverhead Highway Department and that said bids were opened by the Town Clerk on Monday, April 9, 1979 at 11:30 A.M.,

BE IT RESOLVED, That the Bid for the purchase of Liquid Asphalt for the Riverhead Highway Department be and is hereby awarded to the lowest responsible bidder which has most closely complied with the filed Bid Specifications, R.O. Welch Asphalt Co., 1064 Woodcrest Avenue, Riverhead, New York, 11901, at the following prices for the following items:

ITEM #1: Liquid asphalt cutback supplied in quantities at various locations within the Township as directed by the Superintendent of Highways.

ITEM #2: Liquid asphalt cutback supplied and applied with bidder's distributor at various locations within the Township as directed by the Superintendent of Highways.

MC-30	.72	PER/GAL.	MC-30	.78	PER/GAL.
MC-70	.72	PER/GAL.	MC-70	.78	PER/GAL.

RESOLUTIONS - continued

MC-250	<u>.72</u>	PER/GAL.	MC-250	<u>.78</u>	PER/GAL.
MC-800	<u>.72</u>	PER/GAL.	MC-800	<u>.78</u>	PER/GAL.
RC-70	<u>.72</u>	PER/GAL.	RC-70	<u>.78</u>	PER/GAL.
RC-250	<u>.72</u>	PER/GAL.	RC-250	<u>.78</u>	PER/GAL.
RC-800	<u>.72</u>	PER/GAL.	RC-800	<u>.78</u>	PER/GAL.

ITEM #3: Liquid asphalt cutback picked up at plant of successful bidder as required by the Superintendent of Highways.

MC-30	<u>.6960</u>	PER/GAL.
MC-70	<u>.6960</u>	PER/GAL.
MC-250	<u>.6960</u>	PER/GAL.
MC-800	<u>.6960</u>	PER/GAL.
RC-70	<u>.6960</u>	PER/GAL.
RC-250	<u>.6960</u>	PER/GAL.
RC-800	<u>.6960</u>	PER/GAL.

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

The resolution was thereupon declared duly adopted.

#183 TRANSFER OF CAPITAL FUNDS TO HIGHWAY FUND I FOR MAINTENANCE OF TIDE WOODS ROADS

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

WHEREAS, By letter, dated January 13, 1973, the Town Planning Board advised the Town Clerk to release the performance bond covering the roads at "Tidewoods", and further advised said roads had been approved by Alex E. Horton, Superintendent of Highways, and said bonds were thereupon released by the Town Clerk, and

WHEREAS, Deeds to the Town of Riverhead were thereafter delivered, and

RESOLUTIONS - continued

WHEREAS, Subject to further recourse against the developer, this Board, by resolution, dated April 19, 1977, did accept the dedication of said roads, requesting the Superintendent of Highways to take such steps as necessary to accept and maintain the same, and

WHEREAS, By inadvertence, said roads were not included for maintenance in the Highway Budget for 1979, and the Superintendent has advised that current maintenance can be carried out for Seven thousand five hundred and 00/100 (\$7,500.00) Dollars,

NOW, THEREFORE, be it

RESOLVED, That the sum of Seven thousand five hundred and 00/100 (\$7,500.00) Dollars be transferred from Capital Funds for Roads to Highway Fund I, to be used as per the Superintendent's letter to this Board, dated April 17, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and before Supervisor Smith voted, he stated: "I would vote just a plain no, but I believe the people that are here from Tide Woods are owed an explanation for that vote. I have before me a letter dated December 6, 1972 signed by Mr. Horton. It is addressed to Mrs. Guyer, the Clerk of the Town Planning Board. It reads as follows:

Dear Mrs. Guyer:

Re: "Tide Woods"

'In reply to your letter of December 2, 1972 regarding the above subdivision, please be advised that I have inspected these roads and find that they have been completed in accordance with Town specifications.

I might add, however, that all drains and sand in gutters will have to be cleaned.' (End)

(A copy of this letter is filed in the Office of the the Town Clerk)

In 1976, a letter to me with Mr. Horton's signature:
Dear Mr. Supervisor:

'In reference to the above subdivision, the only cost would be the drainage. This matter would be up the Town Board.

The patching and other work I could absorb from my budget.

Also, I believe that the swimming pool should be moved off the right-of-way.' (End)

(A copy of this letter is filed in the Office of the Town Clerk).

RESOLUTIONS - continuedSupervisor Smith continues:

"We have a standing problem that in the preparation of the highway budget which is separated into four distinct highway funds as they are called for accounting purposes. Mr. Horton does not present to the Town Board an itemized list of the roads that he will maintain or the roads he will not maintain during a given year. I've asked for this repeatedly. It appears in my judgment that Mr. Horton maintains the roads he wishes to maintain and those are "in his budget" and those that he does not wish to maintain for whatever reason, are not in "his budget". I think that he has ample money there. He always seems to end up with surpluses. And we're just double billing the taxpayer for roads. We're billing him in the sense of sending him a tax bill for general town money which we are now transferring and we're sending him a bill for highway maintenance which is getting used in a somewhat unaccountable manner. That being said and knowing a no vote won't affect the end result, I vote No."

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:30 P.M.

The Town Clerk submitted affidavits of publishing and posting of public notice of a public hearing on Tuesday, April 17, 1979 at 8:30 P.M. to hear all interested persons regarding the application of the Polish Town Civic Association, as contract vendee, for a special use permit to re-establish a pre-existing use of a residence in a Business C District.

The affidavits were ordered to be placed on file.

Supervisor Smith: "All right ladies and gentlemen. The particular location that we're talking about here that I can talk about off the top of my head without looking specifically at the application is Hallet Street, the corner of Hallet and Lincoln. It was the former area occupied by the Long Island Volunteers, Mary Chase Stone for those of you who knew it that way. The Polish Town Civic Association has undertaken to do its own version of rehabilitation of this particular area that is nearby and adjacent to Polish Town and what they wish to do is use one of these dwellings which had been used as a two-family, which is equipped as a two-family house for that particular purpose.

Is there anyone here who would choose to address the

PUBLIC HEARING - continuedSupervisor Smith continues:

Town Board with reference to this proposed use, either for or against? In that there are no questions, I would like the record to reflect that there are representatives of the Polish Town Civic Association present. We have discussed this matter with them and we will rely upon our own knowledge in the application of us in making a decision."

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:34 P.M.

RESOLUTIONS

#184

APPLICATION REFEREED TO COMMISSIONER OF TRANSPORTATION
OF STATE OF NEW YORK

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

WHEREAS, John O'Neill has applied to this Town Board for certain permits to build certain structures for the purposes of airplane storage and to use certain land for purposes attendant to the landing and take off of airplanes and helicopters, and

WHEREAS, The proposed structures and use will affect Meeting House Creek and Flanders Bay, and

WHEREAS, Section 249(3) of the General Business Law mandates that, prior to granting authorization for said use or building, this Town Board must request the Commission of Transportation to determine whether or not such improvements comply with his standards,

NOW, THEREFORE, be it

RESOLVED, That pursuant to Section 249(3) of the General Business Law, the application of John O'Neill is hereby referred to the Commissioner of Transportation of the State of New York, and the Town Attorney is directed to take those steps necessary to obtain the recommendations or opinions of the Commissioner with reference to this application.

The vote, Regula, Yes, Lombardi, Yes, before Councilman Menendez voted he stated: "I'd like to say a few words on this. We've heard the pros and cons of this for quite some length. To require Mr. O'Neill to send this application to the State Department of Transportation is akin to putting the kiss of death on it. If the Department of Transportation performs in its usual sterling manner, with their usual speed, he'd be lucky to get a determination maybe in his lifetime, if he lives long enough.

In my opinion, there is no reason for a Department

RESOLUTIONS - continuedCouncilman Menendez continues:

of Transportation determination on this. It is a sea plane. Once it lands on water, to settle all rules and regulations it becomes a boat. It is regulated by federal rules, of the water and not by the rules of the air. So it becomes subject to navigation laws, which is federally controlled.

I think it would be much more merciful to Mr. O'Neill to come right out and just say plain No. For this Board to go pussyfooting around and copping a plea and sending these things to D.O.T. for determination, I think it would take more guts to say plain No and be done with it. The D.O.T. in my estimation, has no jurisdiction in this matter. I feel strongly that Mr. O'Neill being a landowner probably should have a say of what he's going to do with his land whose is zoned properly for it.

On the other hand, if you listen to people who live down there, being a old boating man, from way back for about forty years, I know that inlet. In Aquebogue Creek as you come around the bend, as Sal says, it is very narrow. Now personally, I would hate to be the pilot of that plane coming around that bend and meet some kid coming the other way and having the kid panic. So this is how I feel, for Mr. O'Neill. Then I'll have to vote Yes.

The vote continued Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting for five minutes after which a public hearing was held.

PUBLIC HEARING - 8:45 P.M.

The Town Clerk submitted affidavits of publishing and posting of public notice of a public hearing on Tuesday, April 17, 1979 at 8:45 P.M. to hear all interested persons regarding the application of Bay Isle Oil Corp., to re-establish a gasoline service station on the northwest corner of the intersection of State Route 25A and Parker Road, Wading River.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Ladies and gentlemen this is the application to re-open the gas station that is found at the intersection or generally at the intersection of Parker Road southerly and easterly end of Parker Road, Route 25 and Sound Avenue. There is a station there today, the structure that is. It has not been used for a number of years. Is there anyone here either to testify in favor of this particular application or in the opposition to the same. If there is no one who wishes

PUBLIC HEARING - continued

Supervisor Smith continues:

to address the Town Board on this particular matter, the Town Board again will make note of the application and its general knowledge of the area and will make a decision at a future meeting."

There being no one wishing to be heard and no communications having received thereto, Supervisor Smith declared the hearing closed at 8:49 P.M.

PERSONAL APPEARANCES

Supervisor Smith: "Is there anyone that would choose to address the Town Board on any topic at this time."

Lee Moorehead, Riverhead: "Two years ago, the Long Island Traveler Watchman ran a poll in Riverhead regarding the nuclear question. At that time, the results were more than 50% against the nuclear power plants in Jamesport. I dare say if its poll were held again since the Harrisburg incident, we have about 75% against the Jamesport Plant. How can anybody have claimed to have spoken to a majority of people that are for the plant unless you are speaking to LILCO stockholders. I'm speaking to many people every day since, that are so against — I haven't met one single person that's for the plants, I'm sorry maybe somebody on the Town Board.

I spoke to Tony the other day. Tony tells me that he heard the news tonight at 6:30, about the gentleman leaving from the nuclear commission and going back to Washington because his work is done. Well at 6:00 tonight, they spoke about the radioactive iodine leak. They don't know if it's going to take three days or two weeks to clear up, but they've been saying three days to two weeks since the first day of the incident. Radioactive iodine causes thyroid cancer and that added to the other cancers that this plant is probably caused to unborn children in the future. You don't know yet.

I'd like to ask the Town Board if one of our local newspapers were willing to run a poll again, would you be willing to abide by the desires of the people?"

Councilman Menendez: "Lee I've never seen a poll yet that's worth a darn. The only one who came out with the

PERSONAL APPEARANCES - continuedCouncilman Menendez continues:

polls are the people who are against it. Those who are against it will turn out in droves. Those who are for it will set back and say well let the other guy do it."

Lee Moorehead: "I have another . . ."

Councilman Menendez: "Just a minute. Let me have my say. As far as the Harrisburg poll goes, they called up maybe two hundred people on Long Island. And then they came out and say oh 75% of the people are against it. To me that's foolishness. How do you know that the 75% they call up might not be all against it or all for it? The polls way back in history are nonsense. Look at Dewey and Truman back then. Look at what happened there. I've never seen a poll yet that was worth its salt or even dollars to look at. I have never been called on a poll. Have you been called on a poll?"

Lee Moorehead: "Yes I have."

Councilman Menendez: "Well then you are one of the fortunate few."

Lee Moorehead: "Yes. I do have one other thing to say then. If you don't believe in a poll, I'm sure you believe in a power of the vote. How about a referendum this coming November? And why can't this be put on the ballot?"

Councilman Menendez: "Lee isn't it true that the best referendum is the vote itself?"

Lee Moorehead: "That's right."

Councilman Menendez: "The election itself?"

Lee Moorehead: "Well I . . ."

Councilman Menendez: "What's wrong."

Lee Moorehead: "Well I still believe that certain"

PERSONAL APPEARANCES - continuedLee Moorehead continues

people are chosen because of their personalities. You know very well that out here on the East End it's really a personality contest. It still has nothing to do with whether the people believe in this or believe in that. But I think that should be a separate referendum."

Councilman Menendez: "I disagree."

Councilman Young: "I think the people know pretty much how this Town Board feels about the power plants. And I think this next election will be a poll on that. If they don't want it, we're going to be out on our cans."

Lee Moorehead: "Thank you."

Supervisor Smith: "Thank you Miss Moorehead. Anyone else?"

Gregory Blass, Jamesport: "Mr. Supervisor I live in Jamesport not too far where the plants are supposed to be built this coming decade, whenever that will be. The point that I would like to make is that I'm uncertain as to what the Board's position is now. For the past several years, I have been in touch with the Riverhead Community. For the past several years, the Town Board has been on record as an adamant support of nuclear power construction in the Riverhead municipality.

Tonight it appears that the Town Board is open to, at least exploring, the issues before making final decisions without being personal and I know certain things I have said caused personal reactions in some people I would just pose to you the definition of fanaticism, which is defined as redoubling your efforts while losing sight of your aim. Tonight the Board has said that they no longer necessarily support nuclear power construction, but they did nevertheless take the action of hiring the attorney with a view towards assisting that matter or that construction to be raised. Now may, I ask, if the Board, which really didn't answer the question about the referendum, some did, they don't care, or don't want to see a specific question placed on the ballot this November. Is the Board at this time on record, as still in support in nuclear power construction still in Riverhead or are they open to exploring the ramifications of the Harrisburg? And is there still a possibility in the end, the only level of government currently on record in

PERSONAL APPEARANCES - continuedGregory Blass continues:

support of it, may change their minds? Could I have some position on that from each of you, including the Supervisor?"

Supervisor Smith: "I think what we'll do is, as each of you candidates or potential candidates of the Republican party step forward, maybe we can have your potential opponent in the election address you. Well I'll deal with you Greg."

Gregory Blass: "I'll respond to that point right now Sir. That's a distortion of the facts. I'm not running for any office this fall at all. And that's a good way of not responding to the question I put in the paper and letters to the editor. It's also a good way of not responding to the question now. But the issue is, I'm not talking about the bond issue. I'm talking about nuclear power. Is the Board on record . . ."

Supervisor Smith: "You're talking about elections campaigning and raising issues and I don't mind that at all and I agree with George. If you want a referendum run. There is an election in November. Do it. Run against me in the fall election as an opponent of the power houses, and we'll have our referendum on election day."

Gregory Blass: "The reason that wouldn't necessarily work is that a candidacy of any individual, whoever he or she may be, is not a one issue candidacy and can't be. And the person who runs on that kind of a single issue platform is short-changing the constituencies behind its nomination."

Supervisor Smith: "Well I don't see that you would run a single issue campaign. I think you could get some other issues up if you tried."

Gregory Blass: "That's a very arrogant way of putting it, Mr. Smith. I'm just asking for your . . ."

Supervisor Smith: "I like your attitude."

Gregory Blass: "One of the things about this kind of meeting — one of the very good things about this kind

PERSONAL APPEARANCES - continuedGregory Blass continues:

of forum is that a person who is a property owner in Town and who is not, has the opportunity to ask his elected officials — a few places in the world it can be done, much less than this country, how they feel about something, they will state their position on an issue. It's appropriate, I suppose, to throw red herring in and say well this person is running — I heard someone up here before accused of not ever coming up here and saying anything unless they're talking about the farm issue and how it affects farmers. When I came up here, I spoke on a number of them. I'm dismissed as a candidate when I told you I'm not. But the major point I want to make or the major point I'd like to seek from you gentlemen, because you're up there, I'm not. You're the ones who hold the positions, I don't. What is the position on nuclear power now? That's really all I'm asking. I don't know why you're reluctant to answer it."

Supervisor Smith: "I'm going to answer it, but I am not going to have you create red herrings, as you do so very nicely, with your training as an attorney and walk away from it. You throw out things, if you don't do this, you don't do that. It's very cute and it's very nice. You can get away with it and it's wrong. But I invite you into the general election this fall. And we will deal with those kinds of issues at that time. My position is that this particular community because of its tax base problems needs a large rateable. The only one that is on the horizon at the particular moment that is viable is those power houses. I have said before that they can be fueled in any manner, coal or nuclear. It is not a decision that will be made by us. It will be a decision that will be made at the federal level.

Of those choices, oil, the Arabs have us by the throat. Coal reaps the landscape where it is mined and dirties the air where it is burned. And that leaves us with nuclear, if we wish to have lights on. Simple. Well stated."

Gregory Blass: "I wish it were so simple."

Supervisor Smith: "You wanted an answer about where I stood, there it is."

Gregory Blass: "May I get back to the first point I was trying to make about the referendum. It would seem to me that the Town Board has nothing to lose at all by leading the issue or at least exploring the feeling of the people on the issue. By this November, there will be no emotional

PERSONAL APPEARANCES - continuedGregory Blass continues:

trauma that is felt now because of the Three Mile Island incident. What I'm asking is what would be wrong, there'd be no real expense involved either with placing a certain proposition on the ballot at the same time as the general election."

Supervisor Smith: "Would you do for me, Sir, then as an attorney and provide us with some opinion, your opinion, as an attorney, that such a referendum is permitted by law under the State of New York. Could you do that for me?"

Gregory Blass: "I'd be glad to. I would say that generally, I know now, I'll be able to provide the legislative background to this general opinion that any legislative body of a municipality in the Town level is permitted to pose an advisory referendum. It would not be mandatory."

Supervisor Smith: "Would you put it in writing for me? Sign it?"

Gregory Blass: "I'd be glad to find a statutory backing for that but. . ."

Supervisor Smith: "Fine."

Gregory Blass: "If I may return the question to an attorney since attorney's seem to be a theme for this evening, what is your opinion on that?"

Supervisor Smith: "My opinion is, Sir, that it is not permitted in the State of New York."

Gregory Blass: "You feel that such an advisory referendum would be prohibited by law?"

Supervisor Smith: "Yes Sir."

Gregory Blass: "All right. We may have an issue

PERSONAL APPEARANCES - continued

Gregory Blass continues:

on that point, and I'll get back to you on that."

Supervisor Smith: "Thank you."

Gregory Blass: "Now may I ask the rest of the Town Board what their position is on nuclear power, whether it's changed or not? That's all I have to say. Thank you."

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 9:00 P.M.

The Town Clerk submitted affidavits of publishing and posting of public notice for a public hearing on Tuesday April 17, 1979 at 9:00 P.M. to hear all interested persons regarding the proposed code amendments to the Riverhead Town Code which pertain to Chapter 100, Vehicles, Abandoned.

The affidavits were ordered to be placed on file.

Supervisor Smith: "We have an ordinance in the Town of Riverhead that's been around since George Young was a kid, that has a rather complex procedure for dealing with abandoned vehicles. As we have generally tried to attack the problem of — as similar to the Polish Town Civic Association maybe it's appropriate of cleaning up an area of dealing with dilapidated housing, etc., we find that one of the attendant problems is the problems of abandoned vehicles.

The procedure that may have worked back when George was a kid is rather cumbersome. It calls for a trial before the Town Board. It makes a violation of the ordinance a misdemeanor which involves a jury trial, etc., is our proposal to change the ordinance or local law, somewhat substantially to bring it into the latter half of the Twentieth Century to make it a violation to have the particular violation prosecuted through the local courts. Is there anybody that would choose to address the Town Board with reference to this matter? Yes Bill?"

Bill Nohejl; Wading River; "What is the classification of an abandoned vehicle?"

PUBLIC HEARING - continued

Supervisor Smith: "Our prior ordinance read:

JUNKED MOTOR VEHICLE - Any motor vehicle in such condition as to cost more to repair and place the same in operating condition than the reasonable market value before such repair.

The new definition proposed:

JUNKED MOTOR VEHICLE - Includes every vehicle or part, or section of a vehicle manufactures, made, altered, or designed to be operated by any power other than muscular power, whether in running condition or not, or without a motor, that is not properly and currently registered as a motor vehicle or does not display a proper and current registration plate."

Bill Nohejl: "How does this pertain to — I have six trucks. During the course of the winter for four months, they are not used. I take the registration and plates off. They are turned back into the vehicle department. In the spring, I retain them. How does this pertain?"

Supervisor Smith: "Good point. It is not addressed either in the prior ordinance or in the one that is proposed there probably should be an exception for . . ."

Bill Nohejl: "Also I believe there should be an exception for vehicles like recreation vehicles that you just use in the summer months. All winter they take the plates off and the insurance off."

Councilman Young: "Seasonal vehicles. There's some other things besides farms, that run trucks only during a certain season."

Bill Nohejl: "I wouldn't like to see someone come up and take five of my trucks away in the middle of the winter."

Councilman Young: "I don't think they would, but it would be . . ."

Bill Nohejl: "I don't think they would either, George."

PUBLIC HEARING - continued

Supervisor Smith: "Anybody else on junked motor vehicles?"

Stanley Kurpski, Route 25, Calverton; "Would this code cover like a spare engine laying in the yard or parts or bumpers and things like that? I read it in the County Review."

Supervisor Smith: "It could be construed that way."

Stanley Krupski: "It could be construed, you said? You mean you can't have it then in your yard?"

Councilman Young: "When they're inside a building you have no trouble at all."

Stanley Krupski: "When you only have a small garage and you know if you have to build a building, you have to get a building permit for that. You can't win."

Supervisor Smith: "The definition that is proposed is much more specific than the one that we've had before. There is a certain amount of discretion that is exercised by the Police Department in enforcing these matters. We'll take what you say under advisement. There is a point at which a couple of spare engines to put in the irrigation motors and stuff like that becomes a junk yard. I don't know exactly where that line is drawn, it may be the difference between Bill Nohejl's farm yard and Pfooney Danowski. If, that's an example. We'll note what you say."

Stanley Krupski: "Thank you."

Supervisor Smith: "Yes Sir."

Emil Radjl, Wading River; "I think the code should include junked parts. I have a situation next door to me where an individual has a number of rear ends, about five or six automobile rear ends and the parts just seem to be piling up."

PUBLIC HEARING - continued

Supervisor Smith: "In a residential area?"

Emil Radjl: "In a residential area, yes. And I think that should be included in the code and also with regard to recreational vehicles being laid up. I have another neighbor who is — a recreational vehicle it could be turned as such. It's been there ten years and it's a pile of rust and I could see, including recreational vehicles, if it's let's say of current design."

Supervisor Smith: "Registered within a year?"

Emil Radjl: "Registered within a year and it was in operating condition. No one wants a gentleman laying up his vehicle in his rear yard if it's a recreational vehicle. But when it comes to the point where it's rusted out, I'm referring to an old World War II Army truck. It's older than ten years. Thank you."

Supervisor Smith: "Thank you Sir. Bill does most of the farm equipment get registered once every year or every two years?"

Bill Nohejl: "Also on the farms sometimes we use vehicles primarily on the farms that don't get registered — little small trucks. Most generally, I'm talking about farmers with the seasonal potatoes, they take the insurance off and the plate off and so like my trucks are on the road eight months of the year and the other four months there's no use to have insurance or registration on them."

Mrs. Pendzick: "You know none of this is going to be on tape."

Supervisor Smith: "We got the idea. Mr. Benedict you wish to say something."

Dick Benedict, Fanning Blvd., "If, and when this ordinance is put into effect, if it is passed and changed, will it be enforced by the Riverhead Town Police or will be like a lot of the other ordinances? The honors will be on the neighbors to call up and complain before anything will be done about it."

PUBLIC HEARING - continued

Supervisor Smith: "These can be enforced among other things by "the enforcing officer", which will include the men of the building department."

Dick Benedict: "But if he sees an abandoned vehicle along the road, he will do something about it, without a complaint from the neighbors."

Supervisor Smith: "You are one of the first, Sir, that has accused Mr. DeLucca of overlooking something. I mean usually the complaints are the other way."

Dick Benedict: "It just seems that most of the ordinances are on paper, but they're not enforced unless a neighbor complains and all that does is cause problems."

Supervisor Smith: "I don't think that's a problem with the current staff in the building department. Anybody else on abandoned vehicles?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 9:11 P.M.

Supervisor Smith: "We come back to Mr. Young dealing with nuclear power."

Councilman Young: "Well it's my duty as an elected official to represent the wishes of the people. It's also my duty to try to figure out the best deal for the people. I'll try to do both of these in this nuclear dilemma that we're in. However, personally, this is the way I feel about nuclear power. Someone said this evening when they put the first steel boat in the water, everybody said it wouldn't float, and they shouldn't build it. When they made the first steam engine, the first locomotive, a great deal of people came out and protested the darn thing is going to go too fast, if it goes faster than twenty miles an hour the people will die, faster than a horse can run. When they built the first automobile, people complained it made too much dust, made too much noise.

Right now automobiles kill one hundred people every-

PERSONAL APPEARANCES - continuedCouncilman Young continues:

day in this country. We kill fifty thousand a year in automobiles. And nobody says a thing about it. We accept this. We pay this as a price for riding around in the chariot and feel like Roman Gladiators. We're willing to pay for that. The American public is willing to pay a price for everything that they get, depending upon how valuable the rewards are, they'll pay a price in almost anything. Airplanes, if God wanted us to fly, he would have given us wings. People are killed in airplanes. I almost got killed in one once. I still fly. I know it's dangerous. I think it's less dangerous than driving an automobile. I have a lot of faith in this Country and a lot of faith in this Country's ability to accomplish things. To move ahead, to go to the next frontier, to tackle anything. We put a man on the moon.

The willingness to conquer this thing up until now and I don't drive without knocking on wood, there hasn't been — no one has been killed in a nuclear accident and they've been running these plants for twenty years. I've been through the plants. I studied the nuclear process and since this thing at Three Mile Island, I've studied more and more I feel that — I spoke to some people at Grumman's and Grumman officials. They said look we put an airplane out, we do everything we possibly can in the plant to make sure it's safe. Every time we put it out, something happens. We have to bring it back, we have to modify it. And this is their business. They're good at it. They've been doing it for years.

Anything that is new and experimental and different, we're going to have problems with. But this Country will tackle those problems. This Country will solve those problems, by the time we get nuclear energy under control — to do things, to conquer things, and that faith makes me believe that we can conquer this one too. It will be a thing that will keep this Country number one in the Nations. When you think that a little piece of metal the size of the head of a pencil has the same energy within it as a ton of coal or five barrels of oil, you can put that in that little piece of metal, you've really got something that I think should be explored. And I'm all for looking into it, for trying it, and seeing what we can do with it. If we get knocked down, I'm willing to quit. And if the people don't go along with me, I'm willing to change because I want to represent the people's wishes. But this is my personal feeling about this."

Councilman Menendez: "I think George has pretty well stated the case that all of us feel. Those of you who

PERSONAL APPEARANCES - continuedCouncilman Menendez continues:

know me for a good many years, know that I'm a pretty out-spoken sort of a guy, who kind of — I'm kind of an ornery cuss, maybe too much so for my own good, but I can't help it. That's the way I'm made. I have faith in our Country. I have faith in our scientists and the things that they devise. We all are enjoying the things that these people have thought up which when they were first developed, said oh this is terrible, it's dangerous. Even automobiles are considered dangerous, planes, boats, when they first started, steamboats, you name it. When everything first starts, it's dangerous because they don't understand it. Frankly, if somebody wanted to build me a house right along side the nuclear plant, I'd like it there."

Bill Nohejl: "You're welcome to it."

Councilman Menendez: "Thank you. You build me a house and I'll move in."

Bill Nohejl: "Right in the ground."

Councilman Menendez: "Good. I'll take you up on that if you build me a house on it."

Bill Nohejl: "Right in the ground."

Councilman Menendez: "Okay. When I was in business for about forty years, I shot many, many thousands of x-rays."

Bill Nohejl: "Why didn't you do it behind the curtain?"

Councilman Menendez: "It was different for many years. It's only the last few years that there was a possibility of radiation damage. I'm still here. My son is an x-ray technician, that just became a father which made me a grandfather, and I guess that says something. It didn't damage him too much.

Another thing that kind of bothers me a little bit, I don't hear Brookhaven Town Board doing a lot of screaming. I don't hear all these getters up there beating their chops off. Why aren't the people in Shoreham up at the Brookhaven Town Board yelling, hollering and screaming. You

PERSONAL APPEARANCES - continued

Councilman Menendez continues:

don't ever see anything. Brookhaven enjoys that Shoreham Plant. I'm sure the people in the School District there enjoy that plant or they wouldn't have the school. If that plant closes down, you're going to have a hassle of taxes up there. You bet your life.

The other thing is, is how about all the submarines that go by here. We got nuclear ships going by about five miles away and no one says boo! That doesn't bother them. I think a lot of it is not understanding anything. They don't understand, they fear. Frankly, I have enough faith in my country and in my scientists and in what they can do to not fear. If you build me that house, Bill, I'll move in."

Bill Nohejl: "You didn't say what kind it had to be, I'll build it."

Councilman Menendez: "Okay. As long as it's got 1,000 square feet."

Councilman Lombardi: Oh Greg, you want to know how I feel. Well I've been for the nuclear plant for taxes and to put people to work. But I feel that we're all open to listen to both sides. Now we hired John Sinnreich and I feel I want to know more about the plant. But I am for the nuclear plant and that's all I've got to say. I'm not going to make any long speeches, because I don't confess to be a speaker. I'm the Godfather."

Supervisor Smith: "Tony do you want to talk?"

Councilman Regula: "Yes, we'll I've covered quite a bit of it earlier in the evening, but I'd just like to say and there's not much I can add to what George's said and Doc and even Allen and, however, I know as Allen mentioned earlier and even John mentions now, we're going to listen to the people. However, we've got problems and I feel, as George said, we've got to make sure that we're doing the best job in this that we can. The fear of it all is in all of us, I'm sure. I know it's with me and my wife and my family. However, I just feel as George said, the technology and all and we're like at least eight or ten years away from the Jamesport Plants if they even do come, that I'm sure or I feel certain that these problems will be taken care of."

PERSONAL APPEARANCES - continuedCouncilman Regula continues:

Yes, I am for a plant at Jamesport and if our President and all the Commissions that we have working on this Congressional Committees and the President's Commission come back and say let's back off then we should find or realize that they found a lot more than we know right now. So I feel that we should leave a lot of this up to those people to handle the safety part of this. But I am for the plants at North Jamesport."

Supervisor Smith: "All right. Now we've gotten everybody."

Bill Nohejl: "May I make a statement?"

Supervisor Smith: "Yes you can. Come on up."

Bill Nohejl: "Listening to all you Councilmen speak there, I wish you would make a resolution to oppose the Shoreham and Jamesport Nuclear Plants to their licensing and operating — this is the resolution the Farm Bureau made last night regarding the Shoreham Nuclear Power Plant.

Last night the Farm Bureau voted to oppose the Shoreham Nuclear Power Plant especially of its membership. The licensing and operating of the Shoreham Nuclear Power Plant shall not occur until waste disposal facilities are operable and health environmental and safety problems are resolved. I would like this Town Board to get on record with a resolution to that effect, if you're concerned."

Supervisor Smith: "When you did that, Bill, did you analyze what happens to your own taxes on your own house if that power house were never to open in Shoreham?"

Bill Nohejl: "If I'm not here to pay the taxes, it wouldn't make a bit of difference. If something happens and I can't pay the taxes, why worry about it. If something happened like in Three Mile River where the value of my property is diminished, I'm not going to worry about paying the taxes. You could take the property because nobody wants it. Nobody's going to want our produce, if there's just the fear of contamination. Hershey, in Pennsylvania, is not buying milk from the surrounding farms because of the fear that people will have in their mind that the hershey bars

PERSONAL APPEARANCES - continuedBill Nohejl continues:

are made from milk from contaminated materials from the nuclear power plant. And what would happen to our economy here? So that's why I say if something happened here, I'm not going to worry about paying taxes."

Supervisor Smith: "My analysis of the impact of the removal and I'm saying this rather cautiously, the removal of the Shoreham power house from the 1978-1979 tax roll without adjustments to the equalization rate that would occur, etc., and I will tell you that it is my opinion that it would mitigate the figure that I am about to give you. Whether it would mitigate it substantially, is yet to be determined. I think that the taxes on your house would go from \$2,000 plus to \$5,500 plus."

Bill Nohejl: "I wouldn't worry about that either because it isn't going to be worth it to live here."

Supervisor Smith: "Okay. As long as we realize that, I'm saying that you're going from a tax rate in the Shoreham-Wading River School District of \$17.7 to . . ."

Bill Nohejl: "Thirty-three?"

Supervisor Smith: "My analysis says, Bill, \$75 per hundred."

Bill Nohejl: "Seventy-five per hundred?"

Supervisor Smith: "Yes Sir, seventeen to seventy-five."

Bill Nohejl: "If this is to effect every other area that doesn't have a nuclear power plant that there won't be any people on Long Island."

Supervisor Smith: "I think it's well stated. I don't know that you understand what I just said to you."

Bill Nohejl: "We have to have a nuclear power plant to exist. That's what you're telling me."

PERSONAL APPEARANCES - continued

Supervisor Smith: "I'm saying that there are certain realities with what you propose for your very own home and that its that kind of consideration that need to be studied by people like Jonathan Sinnreich and have to be discussed and debated before people pass resolutions. And I think you voted for a resolution that will effectively quadruple your real property taxes and I don't know how many people can afford that."

Bill Nohejl: "Getting back to George. George all the things that you mentioned airplanes, cars, it is my preference to ride in a car. And I'll take that risk to have an accident. I'll fly to have that accident. But don't impose it on my George. Don't come in my back yard and say I've got to have a hazard put there by LILCO or someone else. This is going to affect my life, my children, and the surrounding area. That is what . . ."

Councilman Young: "Bill, if I thought there was a danger, I wouldn't do it, believe me. If I wasn't convinced in my own mind that these things can be handled, I certainly would not vote against this thing. I am convinced at the present time, from what I have seen, and what I have studied, that they're relatively safe. There's risk in everything. There's the risk that a gas station can blow up and kill us all."

Bill Nohejl: "The oil tanks up on the banks can kill us all. Now you know what you've said there. You're satisfied in your own mind that things are right. Now you take the nuclear regulatory commission . . ."

Councilman Young: "At the present time I am satisfied. I will continue to study and I will continue to re-evaluate and if at some time I may change my mind. But at the present time from everything I have seen, in fact this Three Mile Harbor thing be re-enforced. It's my own feelings that these things can be handled. You people have been yelling that we're going to have a catastrophe for the last five years. Well we had a catastrophe and nobody got hurt."

Bill Nohejl: "George you say no one got hurt. No one got killed at the nuclear power plant. You're talking about people on the outside who haven't gotten killed. But there have been people killed with nuclear power in the nuclear power plant. That is known to be true. And I must say that you have a lot of confidence in the NRC when they have

PERSONAL APPEARANCES - continuedBill Nohejl continues:

subpoenaed their records in Washington and they say they did not know and they do not know how to control this and you are satisfied with the results that are coming in. You have a very very broad mind, George."

Supervisor Smith: "All right. We've debated the item at length . . ."

Emma Karch: "Ask him of the Farm Bureau, if they object to any other fuel power plant, say coal waste. They're studying — I mean you, yourself, have left yourself open to power houses. I would just like to know if they would object to any kind of plant? Let's forget nuclear."

Supervisor Smith: "The question from the audience and I'm violating one of my own rules is with reference to whether or not the bureau might consider endorsement of — it's posed by Mrs. Karch. Alternate means of fuel and why don't we be fair to Mr. Nohejl in that he is a representative and ask, if his Board would consider that, and if they could make a decision on it, that they bring it back to us at another time?"

Bill Nohejl: "I can tell you right now, we believe it's solar."

Supervisor Smith: "All right."

Bill Nohejl: "Take money that's going into nuclear and put it solar and put a meter on it and you'll have it tomorrow."

Supervisor Smith: "All right. The answer for the record by Mr. Nohejl is he sees the answer as being solar."

Fran Vitollo, Wading River; "Could I just say something, please one minute. I've been coming here for the last three or four years and I've heard all these remarks about how bad you guys are doing and everything and I never hear anybody coming up and say the good things you are doing. And I think you're doing a darn good job regardless

PERSONAL APPEARANCES - continued

Fran Vitollo continues:

of your cute personality, your good looks and I hope you run and I hope you win again."

There being no further business on motion and vote, the meeting adjourned at 9:32 P.M.



Irene J. Pendzick, Town Clerk

IJP/vlv