

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, June 19, 1990 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Denise Civiletti, Councilwoman  
Victor Prusinowski, Councilman  
James Stark, Councilman

**Also Present:** Patricia Moore, Town Attorney  
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited .

**Supervisor Janoski:** "May I have a motion to approve the Board Meeting Minutes of Regular Board Meetings of May 1st and 15th and Special Board Meetings of June 7th and June 14th, 1990.

**Councilman Stark:** "I abstain from the last one."

So moved, Councilwoman Civiletti and seconded by Councilman Prusinowski.

**Supervisor Janoski:** "Moved and seconded."

The vote: Prusinowski, yes; Stark, yes, except for the 14th; Lombardi, yes, except for the 14th; Civiletti, yes; Janoski, yes.

5 yes Except for the 14th there are  
3 yes and two abstentions

**Supervisor Janoski:** " Reports."

#### **REPORTS**

Supervisor's Office - Annual Financial report for 1989.	Filed
Dvirka & Bartilucci - Solid Waste Management Plan Draft GEIS	Filed
H2M - Work completed to date on Ext. 35-B is entitled to payment.	Filed
Tax Receiver - Final Report of Collections	Filed

#### **APPLICATIONS;**

Shirley-Moriches Boxing Club -Application for wrestling at Riverhead Raceway on 7/13/90	Filed
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Mill Road Commons - Change of Zone

Filed

CORRESPONDENCE:

Southold Town:  
6/6/90

Notice of Adoption of Local Law  
#11-1990, and Notice of Public  
Hearing Re: Local Law on zoning  
definitions will be held on 6/19/90  
Filed

S. C. Dept. of  
Planning

If no objections received by 6/28/90  
Re: Southold Local Law #11-1990, it  
will be assumed there are none.  
Filed

David Boucher:

Opposed to 24 hour 7-11 Store in  
Wading River  
Filed

Riverhead Revital-  
ization Committee:

Requesting support Re: cross walks on  
Main Street  
Filed

Hannah Woodson:  
6/8/90

Requests that property at Osborn &  
Horton Ave. be named after her family  
Filed

Supervisor Janoski: "The first scheduled public hearing is  
at 7:45 p.m. That time has not yet arrived."

Town Clerk, Irene J. Pendzick: "That one has been  
rescheduled, Mr. Supervisor."

Supervisor Janoski: "Yes, indeed. I just saw that little  
note."

Town Clerk, Irene J. Pendzick: "And the 8 o'clock has been  
rescheduled also."

Supervisor Janoski: "I will open the meeting to comment on  
any matter."

Dick Benedict, Riverhead: "I believe that there is a Town  
Ordinance about picking up garbage in the Town of Riverhead  
before 6 a.m."

Supervisor Janoski: "Yes."

Dick Benedict: "I think they ought to start enforcing that  
ordinance. Saturday morning I stopped a guy on his route, making  
an awful lot of racket. It was twenty five minutes to six. He  
says his boss sends him out."

Supervisor Janoski: "What time was it Dick?"

Dick Benedict: "Twenty five minutes to six on a Saturday morning. I told him that there are people on that street working for a living. Saturday's their day off. He said, "They work for a living too and I should notify his boss." He spelled it for me Leggon. And Mattituck Sanitation is back to six o'clock too. I know they have been told. I know Car 601 waited for them back there. But they are back to 6 o'clock. How can you get your rounds and be in back of Metropolitan Life by 6 o'clock. These trucks are noisy. I understand from the paper that there are some more making applications. Can we remind them that there is a 6 o'clock pickup and that's early enough. At least I think it's early enough. Do they have other job or whatever?"

Supervisor Janoski: "Did you mention the company?"

Dick Benedict: "Leggon was the twenty five minutes to six. He's new, so he says any how. On that street anyway."

Councilman Stark: "He's been there a long time."

Dick Benedict: "But on Saturday morning, twenty five minutes to six, those big garbage trucks."

Supervisor Janoski: "We will contact them."

Dick Benedict: "And Mattituck has been told several times. There back again about three or four minutes after six. There making it to Metropolitan Life and when they back up that big horn goes bup, bup, bup, bup. Malvese's dogs go crazy. This has been going on for months. They've even been ticketed. So when the new people come in, would you at least explain the law to them?"

Supervisor Janoski: "I will ask the Town Attorney to write letters to all the carters in Town that have permits."

Dick Benedict: "Thank you."

Steve Haizlip, Calverton: "The State of New York, back in November, cited me, saying that I did not have insurance. Well, I've hit on the story briefly before. But the reason I'm up tonight with it, is because I have been in contact with Albany and Warsaw Insurance. Why I bring it up is, every citizen of this State or of the Country, as a matter of fact, guys like John Ayre, and probably Mr. Stark, I don't know if you did or not, all hit the beaches and fought for what they told us in basic training, freedom and due process of law. Well the due process of law wasn't there in my case, they just came down with an ultimatum and said, surrender everything. You get in touch with them and try to explain and it doesn't do any good. They just come right back and say, surrender! Get your plates and registration over here! It boils down that the insurance companies are lily white. They are gospel truth. But yet they can make a mistake and they are capable of it. Deborah Townsend from the Motor Vehicle Bureau in Albany, agrees with me that the

due process of law wasn't there in my case. In anybody's case that where the insurance company turns them in by an error. Miss Townsend suggested that I get in touch with my legislator. I found out that Mr. LaValle is the Chairman of the Insurance Committee of the State of New York. I did write him a letter. I told him I wanted him to look into it and possibly change the law and give me due process of the law instead of just making an accusation. They were my accusers, but yet they didn't give me the due process of the law. A policeman out here could give a person a ticket and that policeman is the accuser to the motorist, but that motorist has a right to the due process of the law to their accuser. But in the case of the State of New York to the insurance department, you don't have it. They are sitting up there like a Hitler and Mussolini. They are God. Just do it. You don't get that chance. So they said, poll your legislators. So I said, "I did." Well, now, they haven't answered, they won't get back to me. I hope in November that maybe Mr. Smith and this Henry girl will get in there and I can poll them and then maybe we can get this thing cleared up.

Number two item. For the Highway Committee again. We've got a problem on Edwards Avenue with Mr. Jermusyk, my brother-in-law. I recommend or suggest that you get with the Commissioner of Jurors. It seems as though the Commissioner of Jurors is giving out information on how to get to the Suffolk County Court House. The people are trying to follow the instructions that are sent to them for jury duty. But they are getting lost. Joe is an early riser and he is always out in his garden. So everyone stops to ask him how to get to the courthouse. He has been pretty good for awhile. But now he is starting to lose his temper a little bit because there is so much of it going on and he said he sent word to the Commissioner of Jurors by one of the jurors to get this information and directions straightened out. He said that he doubts that the person did. But one woman was from Farmingdale and by the time he got through trying to explain to her that the people gave you the wrong information, she was so nervous that she was shaking at the wheel. I would suggest that the Highway Committee maybe contact the Commissioner of Jurors and get some better instructions or perhaps some signs posted. I ran the route, there are not signs posted about Suffolk County Court House, etc. Maybe there is something up on the Expressway. I'm not saying that there isn't. But not on Edwards Avenue.

I talked with some former Highway retired personnel this past week on 495. From what they report to me, when you have a surface crossroad, then the State has right of way. But when you have a federal highway entering onto a road, they cannot barrel down into it.

Mr. Prusinowski, I take it that you have gotten your letter off?"

**Councilman Prusinowski:** "Yes. I went up there to look. They have the symbol for merging."

**Steve Haizlip:** "On Route 58, that's all."

Councilman Prusinowski: "Right. I think what you are looking for is what we suggested a Yield Sign."

Steve Haizlip: "That is exactly what we have to have. Alright, thank you."

Supervisor Janoski: "Thank you, Steve. George."

George Schmelzer, Calverton: "There has been some controversy about the DEC didn't want you to do the dredging because of some nesting terns. Terns are not supposed to be in short supply. Like some other shore birds. The reason for that is that the seagulls are protected for so many years, I think by treaty between the U.S., Canada and Mexico. I know when I raised ducks, the seagulls would go after the ducks and eat the eggs, eat the babies, if they get a chance and do the same to the shore birds because the seagulls are overprotected. That's why we have a shortage of Plovers and those other birds. It's the same throughout the world. You can see that in the National Geographic sometime. Seagulls and similar birds will attack other birds eggs. So tell that to the DEC if they think they are short of Plovers or Terns. I'm just trying to do a good turn for the Terns. That's all I have to say. I'm sorry. Thank you."

Supervisor Janoski: "Thank you."

Cathy Casey, Wading River: "What is the latest about the Swan and Peach? What is the status? Now that we have a landlord involved or a mortgage holder."

Supervisor Janoski: "The Professional, I believe he's an architect, but I will call him a Professional, has been in touch with the Planning Department. I believe that they are making some progress now."

Cathy Casey: "Who's architect is it? DeMichiels or-----"

Supervisor Janoski: "DeMichiels. Usually I will ask before a Town Board Meeting, but I did not do so today. But earlier in the week-----"

Councilman John Lombardi: "Joe, he called this week."

Supervisor Janoski: "Who."

Councilman Lombardi: "DeMichiel. The engineer was supposed to get back to him. Brenda met with him and met with DeMichiel and the engineer was supposed to get back with DeMichiel. DeMichiel called up Thursday or Friday and he did not speak to the engineer. So I told him that Brenda did meet with his engineer and his engineer was supposed to sit down and talk with him. The was the last I heard. It was Thursday or Friday."

Cathy Casey: "What's the latest on Oak Trailer Park? A dear friend of mine, a Mr. Joseph Sullivan. Unless there was litigation or threatening litigation, has anything taken place?"

Supervisor Janoski: "That is still in the SEQRA process and we are waiting for findings."

Cathy Casey: "The creek. Was that ever dredged?"

Supervisor Janoski: "Yes."

Cathy Casey: "Okay. Was any work done on the boat ramp?"

Supervisor Janoski: "No."

Councilman Stark: "We are waiting for permits from the DEC. They were submitted four and one-half months ago. We expect them to come sometime in the Spring."

Cathy Casey: "If we are lucky. Is that '91 or '95?"

Councilman Stark: "We are not going to designate the year."

Cathy Casey: "Be optimistic. One other thing that I would like to bring to your attention. As you go along Sound Road, heading towards the beach. On one side of it there are some sidewalks and other sections, the sidewalks, which have been blacktopped have been essentially lost when the road was repaved. It is literally raised. There is no room for a person, let alone a couple of people to walk on. I was down there several weeks ago looking at some shrubbery at a friends house and I was turned and I honestly thought that I was going to be hit by the car that was heading south on Sound Road. I would like to suggest, that perhaps the Town look at that to see if anything can be done. Because the sidewalks used to be there. People have no way of getting down to the beach or a pedestrian doesn't, and certainly someone pushing a baby carriage. They do speed along there. I know that we have talked about this many times in the past. You have no place for people to go. Somebody's going to get hurt. I really thought this car was going to hit me because I'm so close to the road. It is raised and it is so narrow that you really can't stand comfortably and securely and feel that a car coming around through there you are running the risk of becoming a statistic. So I would like to just suggest that, perhaps we could look into it to see if something can be done to reinstitute a little sidewalk on the westerly side of Sound Road."

Supervisor Janoski: "In all the years that I have been here this question has come up about sidewalks on Sound Road. And Highway Superintendent after Highway Superintendent have said, we can't put sidewalks there. But, we will look at it once again."

Cathy Casey: "May I ask, why they can't put sidewalks there? There is one sections where there is a sidewalk. And obviously

there has been. Quite frankly, residents who have been here for years and years, and they remember when the sidewalks were there. If only it was a blacktop area where they could safely walk on. Of course, traffic has gotten that much greater and they do speed and now when you have nothing there---- You have young children walking there also. Forgetting about senior citizens, etc."

Supervisor Janoski: "We will have the Highway Committee talk to the Highway Superintendent."

Councilman Vic Prusinowski: "We will have the Town Engineer take a look at it. I do know that there are some sections on that road, Cathy, that border the creek, the marshland. When the superintendents over the years have said that there's not physically enough land there without doing some filling to make the sidewalks up to our specifications. Some portions of that road have washed away, because of the water going into the marshland. We will have the Town Engineer and Charlie take a look at it and we'll see how much it is going to cost. Plus we will have to get permits from the DEC, I know, because most of that whole road borders on the marshland."

Cathy Casey: "We would appreciate your looking into it and we would be glad to assist you with it. Thank you very much."

Supervisor Janoski: "Thank you Cathy. Let the record show that it is 7:55 P.M. The Town Clerk will please read the notice of Public Hearing."

**PUBLIC HEARING -7:55 P.M.**

I have affidavits of publishing and posting for a Public Hearing to be heard at Riverhead Town Hall on Tuesday, June 19, 1990 at 7:55 P.M. to hear all interested persons who wish to be heard regarding PROPOSED AMENDMENTS TO SECTION 103-3 AND SECTION 103-5 OF THE TOWN CODE.

Town Attorney, Patricia Moore: "The Board has proposed that the section on solid waste be amended. The licensing requirements for commercial carters now would require that applicants provide one of the following:

That they have 300 houses within the Town that they service.

That they have 50 commercial stops within the Town.

Or that they have \$6,000.00 per monthly billing period within the Town.

In addition to other questions that may be required on the application form. We have a definition of Commercial Carter and I'll be happy to read that otherwise we will continue. [A Commercial Carter is person, persons, partnership, and corporation who are in the business of collecting fees from property owners and businesses for the disposal of refuse, trash, rubbish, land clearing debris, tires, potatoes and other produce and recyclable materials or other recoverable resources and using the Town of Riverhead Sanitary Landfill to deposit same.]

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Board on this proposal? Mr. Smith."

Allen Smith, Esq., Riverhead: "I appear this evening on the behalf of Mr. John DiVello who operates Mattituck Sanitation and is a licensed carter in the Town of Riverhead. The rationale of what is before you is threefold and there is one corollary item that should be mentioned. It is no secret to this Board or to the taxpayers listening to these comments that whether it is the operation of the Sanitary Landfill or whatever may follow it, that the costs of that operation are underwritten by the Town Taxpayer. The rationale of such an act is that there must be certain minimum contacts with the taxpayers in the Town of Riverhead for the use of the landfill and or whatever comes next, to justify that underwriting. Obviously, if you do not have those minimum contacts you are using the wealth of the taxpayer not necessarily for the taxpayers benefit.

Another item which concerns Mr. DiVello and the other men and women who operate businesses here are predatory pricing. When a competitor only has one or two stops in the Town of Riverhead, he or she is not forced by the economics of operating a full scale business in this community. To observe certain economic rules that are forced upon you when you have certain minimum contacts. As a consequence they can engage in what is known as predatory pricing. They can come into the community and undercut the people who have a large investment and the larger contacts with the community. They can really pick off the best locations, with an idea of breaking the people who have to maintain the trucks and the stops for the larger population of the community with a view towards point and time. That when they have broken the back of the people that are here in maintaining a larger operation that they can jack up the price and take over. It is a concept known in several venues as predatory pricing. The last thing before the corollary is that as you recognize from your study and you are well aware of the capacity of the landfill and or capacity of the transfer station or whatever may come next is a thing of value separate and distinct from fees or anything else. As a consequence, if you allow someone to pick up nine yards someplace else, come into the Town of Riverhead and only pick up one stop and go on to the landfill, although they pay for the total 10 yards they have used up a capacity that has been engendered by either the tax dollars or the permitting process in this community. And as a consequence, they are using the capacity of the sanitary landfill for areas beyond this jurisdiction.

Last point is sort of a corollary point. Your wording of your stature talks in terms of depositing the refuse in the Riverhead Landfill. There is a corollary problem. Those carters that are licensed in the Town of Riverhead and elect to get licensed in the Town of Riverhead have a certain fraction of their cost of doing business is allocable to the licensing fees. To the degree that somebody comes into the community from outside, picks up in the community and delivers the refuse elsewhere. They can't get back out that particular cost. It gives them a competitive advantage over the men and women that are



trying to serve the accounts in the Town of Riverhead. I would suggest to you that is not addressed in this legislation, but is an item of some concern to the local carters. Thank you."

Supervisor Janoski: "Thank you Allen. Is there anyone else wishing to address the Town Board? That being the case and without objection I declare the hearing to be closed. Let the record show that the hour of 8:03 P.M. has arrived and the Town Clerk will please read the notice of Public Hearing."

**PUBLIC HEARING - 8:05 P.M.**

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, June 19, 1990 at 8:05 P.M. to hear all interested persons who wish to be heard regarding the INCLUSION TO THE RIVERHEAD PARKING DISTRICT LAND OWNED BY RIVERHEAD BUILDING SUPPLY, TUTHILL FUNERAL HOME AND PECONIC YACHT.

Allen Smith, Esq.: "The irony of this particular application is that Eric Alexander's grandfather who originally operated the Tuthill Funeral Parlor, when the parking district was last expanded, vehemently opposed being included in the parking district. Now the next generation are the people that are asking to be included. The logic that probably was lost upon his grandfather, is not lost upon this generation of owners of the funeral parlor. In discussing the expansion for the parking district with the Tuthills', I contacted the people at the Building Supply, the Goodales' and the people at Peconic Yacht and there is a certain logic to the commercial operations along that area in being included in the parking district. They are impacted, as all the other stores on Main Street are impacted. By parking in those considerations and as a consequence the three have petitioned at one time to be included. Thank you"

Supervisor Janoski: "Thank you. Is there anyone else present wishing to address the Town Board? That being the case and without objection, I declare the hearing to be closed. That concludes the public hearings for this evening. I will once again reopen the meeting to comments to anything on the agenda or anything at all. Karen."

Karen Heppner, Riverhead: "I would just like to address the issue of Main Street. The first thing I would like to know is; Is there a bike ordinance in the Town Code prohibiting bicycle riding on Main Street?"

Supervisor Janoski: "On the sidewalks."

Karen Heppner: "On the sidewalks. Can we please have the officer who is on foot enforce that and possibly write some summonses. If you walk down Main Street, you will get run down. Especially now that school is out, you cannot walk with your children. We came out of the Eastern Suffolk School of Music off

the step, a bicycle came and the two year old practically got knocked down. I mean they really move. There are one or two on a bike and even three on bikes.

The second thing is the crossing of Main Street. I see there is somebody writing a letter here. Can the foot patrol officer slow down traffic and help people cross Main Street in the crosswalks? I mean we see him walking. We don't see him do anything else but walk. If you cross Main Street and you drop something or if you fall, your dead, forget it. You can't make it. Maybe he can slow traffic down a little bit. There should be, I think, a speed limit down the middle of Main Street. I sure it's not 40 or 50 miles per hour the way they go at lunch time."

Supervisor Janoski: "It should be 35 miles per hour. Yes there are crosswalks and I think very few motorists understand that in a crosswalk the pedestrian has the right of way."

Karen Heppner: "Riverhead Town Police Officers in their cars do not stop for people in a crosswalk. I have stood in the middle of Main Street with my kids and watched the Police Officer go by and just keep on going. They don't stop."

Denise Civiletti: "The author of that letter, Karen, wrote another letter to the Chief asking the Officers to set a good example and do just that. I believe I saw in the police report a notice to the patrol officers to do that."

Karen Heppner: "Good. You can get all the stores you want down Main Street but that is not going to draw the people. You have to have an atmosphere down there. I go with my family, over to Westhampton, over to Southampton, the atmosphere is there. It's nice to walk the streets."

The other suggestion is possibly where you have a couple of the planter boxes, maybe we could get a bench, a park bench. If you go to Sweezys in the back door there is a waiting line of people to sit on the bench, inside the store. There is nowhere for senior citizens or anybody who is shopping just to sit for a couple of minutes on Main Street. So they go in the back of Sweezys, right when you go in the back door of Sweezys they have chairs or a bench and all the elderly sit back there. They wait. When one gets up the other one sits down to rest for awhile. Maybe we can have one in front of Woolworths and down at the other end towards Peconic Avenue under a tree."

Supervisor Janoski: "Well, I'm not so sure about that suggestion Karen. We have been removing park benches for the last couple of weeks around Town."

Karen Heppner: "You mean we have them. They are in other Towns. You go to Southampton and you can sit. You can have an ice cream."

Councilman Vic Prusinowski: "We are going to have the First Street Park."

Karen Heppner: "You are going to have what?"

Councilman Vic Prusinowski: "The new First Street Park is going to be done. Then you have benches along the river front."

Karen Heppner: "I'm talking on Main Street. You can go and sit in back there, but if the merchants want you to go and look in their window, you're not going to do it if you are sitting by the river or sitting in the gazebo on Roanoke Avenue. These are just suggestions. I go down there with my kids."

Councilman Stark: "There are some other pitfalls too."

Karen Heppner: "There are pitfalls, but they can be remedied if there is some enforcement. In don't have it in other Towns, you go over there, they don't have the problems. You can go in the evening 6:30 or 7:00 P.M. get an ice cream and walk and look in the windows. You can't do it here."

Councilman Prusinowski: "Karen did you see the new lights that are up on Main Street?"

Karen Heppner: "This is during the early evening, you don't need a light. It's daytime. Anytime. After supper. Just to go down and walk. Thank you."

Rob Goldman, Riverhead: "I came in about five minutes late. Did we drop a public hearing tonight?"

Supervisor Janoski: "Two of the public hearings have been rescheduled. The first one for July 3rd at 7:45 P.M. Chesterfield has be rescheduled for July 7th at 7:45 P.M."

Rob Goldman: "Thanks."

Supervisor Janoski: "Resolutions."

There being no further business on motion or vote, the meeting adjourned at 8:18 P.M."

IJP:ch



Irene J. Pendzick  
Town Clerk