

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, September 19, 1989 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman
Denise Civiletti, Councilwoman

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 .

Councilman Boschetti offered the following resolution which was seconded by Councilwoman Civiletti.

RESOLVED, that the Minutes of Regular Board Meeting held on September 5, 1989 are hereby dispensed and approved without objection.

The vote, Boschetti, yes, Pike, abstain, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Reports."

REPORTS

OPEN BID REPORT - Water Extension 35A Filed
(See Water District Minutes)

OPEN BID REPORT - Water Extension 35, Parts A, B, C Filed
(See Water District Minutes)

Conservation Advisory Council-Minutes of September 18, 1989 Meeting. Filed

Manorville Fire District-1990 Budget and results of Special Election on proposition re: Service Award Program (60 yes; 22 no). Filed

Dvirka & Bartilucci: FEIS for Solid Waste Management. Filed

OPEN BID REPORT - Janitorial Products. Filed

Bid Date: September 18, 1989
Two Bids Submitted

#1 NAME: Landmark Food Corp.
ADDRESS: Holtsville, NY 11971
TOTAL BID: (see file for items and prices)

#2 NAME: Center Moriches Paper Co.
ADDRESS: Center Moriches, NY 11934
TOTAL BID: (see file for items and prices)

OPEN BID REPORT - Aggregate Stock Pile/Highway Dept. Filed

Bid Date: September 19, 1989
1 Bid Submitted

#1 NAME: BiMasco
ADDRESS: Hauppauge, NY
TOTAL BID: \$.179 per pound

Supervisor Janoski, "Applications."

APPLICATIONS

Parade Permit-Chamber of Commerce - 10/8/89. Filed

Site Plan-Marc and Beverly Levey-Renovate existing building
on Church Lane, Aquebogue. Filed

Site Plan-LPB of Wading River to construct two office
buildings, Route 25A, Wading River. Filed

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

S.C. Dept. of Planning-Advising that applications of Two
Bears Builders, Inc. Bluff II, and Charles Schwing are
matters for local determination. Filed

Creative & Performing Arts, 9/3/89-Requesting a letter of
explanation re: proposed removal of Harold Smith from Vail
Leavitt Music Hall. Filed

Geraldine Strickland, 9/1/89-Submitting resignation as Parking Meter Officer. Filed

Frederick Terry, 8/25/89-Questions wisdom of including all lands with 20% slope in Coastal Zone Management Code. Filed

Jerry Krause: Observes that the less regulation, the better re: Coastal Zone Management and makes 7 suggestions. Filed

John & Winifred Magee, 9/18/89-Objecting to plan of adjacent lot to build a house in front of adjacent houses and requesting that Board require house be built in line with adjacent owners. Filed

Pine Barrens Commission-Resolution #3 adopted 9/12/89 that the application of Olin Warner, Jr. is incomplete. Filed

Supervisor Janoski, "Thank you. There are no public hearings scheduled this evening. I would point out that there is on the back of the agenda, a list of Unfinished Business and it adequately explains where the proposal is in the process. I would recognize anyone now who wishes to be heard on any subject."

Alice Graff, Riverhead, "In this senior citizen notice explaining the senior citizen conference, the flyer takes special note of the availability of our school buses to be used for transportation to this conference in Jamesport. Okay. My concern is, except for the Manorville Fire House, each stop noted for pick up of passengers is for all the trailer parks and Wesley Senior Center in the Town of Riverhead. Why the preferred treatment. I am unable to comprehend as to this status. It marks of outrageous discrimination. The majority of the people that live in these trailer parks and at Wesley Village are not native to Riverhead. And although the majority of these residents do drive, the local senior citizens within the town are being completely ignored as to their transportation means of attendance to this conference. Why is their concern but for one segment of the senior citizens of our town? If there is not a mechanism to provide transportation for all residents, then all must provide their own organ of transportation. I repeat, this segment of concern in Riverhead is outrageous discrimination. Thank you."

Supervisor Janoski, "Thank you Alice. Yes."

Elaine Spero, Wading River, "I was wondering if there can be anything done about Creek Road. I'm half way between the public beach and the Creek. And since Saturday, every time it's hide tide, you can't move your car out of the driveway for three hours. You have to wait until it goes down. And today, some school children walked from the public beach from the school bus, they were up to their ankles in water to get home. Do you have an answer for me now?"

Supervisor Janoski, "No I don't and Charlie is not here. I would ask him as to what the situation is there. I would presume that it is the wetland that is overflowing on to the roadway. The adjacent wetlands."

Elaine Spero, "Partly the wetlands and some springs or something must come up with the tides. There was a high tide."

Supervisor Janoski, "That's the wetlands. And of course, I'm sure part of the problem is the tremendous amount of rainfall we've had this year. As to what a solution may be, I'm not capable of giving you that answer. If one is possible because that entire road, to the best of my memory, is lined by this wetland. Of course, on the other side of the road is the Sound."

Elaine Spero, "Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Board on any subject or question regarding the agenda this evening? Cathy."

Cathy Casey, Wading River, "It's nice to see you all. Just two quick questions. The site plan, LPB of Wading River. Where is that located?"

Supervisor Janoski, "That is the professional complex not directly across but somewhat across from the King Kullen Shopping Center on Route 25A. It's the brick professional building."

Cathy Casey, "That's the single level building. It's just past King Kullen, east of King Kullen."

Councilman Pike, "About a quarter mile east on the north side east of the ice cream place. They're looking to expand to the east."

Cathy Casey, "What are they looking to do, expand?"

Councilman Pike, "They have another adjacent parcel of property that they're building out in the same basic architectural style."

Cathy Casey, "Just one other quick question on the ponds. What if anything is planned for the dredging?"

Supervisor Janoski, "I guess I have to give you an honest answer to that one. The last time that I spoke with Highway Superintendent Malkmes from the Town of Brookhaven, he didn't particularly want to discuss it. It's their pond. It's in Brookhaven Town."

Councilwoman Civiletti, "You think they have no intention of dredging it?"

Supervisor Janoski, "No, he didn't seem to."

Cathy Casey, "They seem to do this...."

Supervisor Janoski, "The eastern corner of that pond is in Riverhead. The rest of that pond and the other pond are Brookhaven. But we're happy to cooperate with them should they decide that they are going to undertake it. Basically, that's what I tried to convey to him."

Councilwoman Civiletti, "I think he's up for reelection this year too."

Supervisor Janoski, "Is there anyone else wishing to address the Board? Mr. Kasperovich."

William Kasperovich, Wading River, "Good evening. As you see, I don't have my tape recorder and I'm not holding on to any legal follow up. I thought I would come in tonight and let you people know that I'm still alive and kicking. I seem to be unable to dispel the memory of standing here a year ago and saying this is it; I'm not going to talk on this topic any more. Certainly didn't expect that a year would go by and nothing would be done about it. I think one of the general policies that are lacking in Riverhead are preventive and corrective measures. It seems as the expression goes; that until blood flows on the street, there's nothing to be done about it. Or to say; until we have a list of statistics from the Police Department, there's no point in considering it. It seems that after the fact, is the way to do business. And I don't think so. I think good judgment is the way to do business. Now, the subject apparently everybody has forgotten and that is stop signs as controls to intersections. Stop signs require a line on the pavement. There is no line, a vehicle stops at the sign. There is a line, the vehicle stops at the line. Now, I don't feel that I have to explain that it is for the benefit of the person stopping his vehicle and the oncoming vehicle that crosses the path of the stopped vehicle. Now, we're spending a lot of money double lining the roads in this town. But when it comes to putting some paint down to mark a stop sign location, nobody seems to be concerned. Now, I took a point to specifically ask for a bad intersection which I have to cross when I go to the Post Office. One specific intersection that is not particularly a good intersection and nothing for a year. This means that somebody is not doing their job. And certainly, unfortunately, enough serious things have come up to occupy my time than to pursue this thing. But at the same time, I think it is a good example of the lack of preventive and corrective policy in the township. I don't think we have to list accidents on the road to justify using judgment for preventive measures. I also don't see why our Police Commissioner and our Police Chief aren't at each other tooth and nail because this wasn't done and isn't being done. It's ignoring the specific control by the use of a stop sign. And I'm not looking for the police to go out there and give out

tickets every time somebody doesn't quite stop where at three o'clock in the morning you can see the headlights pass on through and there isn't a car in site. But the point is, we have a lot of traffic coming in and going out periodically of strangers that don't know the intersections, that don't know the hazards or danger points. Local people do and they watch out for their own skins. But that's not the point. The point is that the attitude in Riverhead should be concerned with human life. And I think that if worse comes to worse, I'm going to go out there with a gallon of paint and a brush and have the Chief escort me off the highway the way he escorts me out of the room. And on that subject, I think I elaborated enough to make you gentleman realize the need of paying attention to controlled crossings. Thank you."

Supervisor Janoski, "Thank you Bill. Is there anyone else wishing to address the Board on any matter?"

Councilman Pike, "I would briefly. Mr. Supervisor, among the resolutions on the agenda tonight is one that sets a legislative hearing of the contract with the Civil Service employees. We have relatively good news to report that after eight days of which offer of the Town Board was refused by the CSEA negotiating team, that tonight (just a few hours ago) it was accepted in its entirety without modification by the membership, rank and fellow membership of the CSEA in its entirety. And while we are not obligated to accept their acceptance of our offer because they did ask us to set the legislative hearing, I do believe that we should caucus and discuss this evening whether or not we wish to proceed with a legislative hearing or to accept this particular stipulation and request that we recess at some point to do that."

Supervisor Janoski, "Is there anyone else wishing to address the Board? It was going to be my suggestion that we do take a short recess before we take up the agenda of resolutions so that we can make a determination on the Board's wishes with regard to the CSEA negotiations. So we should be able to do that, I'm sure, in five minutes but let us wait and set the return for 8 p.m."

**TOWN BOARD MEETING RECESSED AT 7:52
TOWN BOARD MEETING RECONVENED AT 8:17**

Supervisor Janoski, "The meeting will return to order. Let us take up the resolutions."

**Resolutions #629-#653 found on pages 1037-1086 of the
1989 Resolution Book.**

**#635 ADOPTS AMENDMENTS TO ARTICLE XXVI, CHAPTER 108 OF THE RIVER-
HEAD TOWN CODE**

Councilman Pike, "635 is a number of fine tunings to the site plan/building permit process to make that process a little bit better."

Patricia Moore, "Mr. Supervisor, do you want to table this?"

Supervisor Janoski, "Do you want to sit up here with me? I thought we discussed but I guess I didn't get through to you. If you want to table this, be my guest. I've asked for the past week, is everybody happy with the language but I guess everybody wasn't but nobody wants to tell me that."

Councilman Pike, "Let me continue explaining it. Part of what is going on with the introduction of site plan review which started in the early '80's and architectural review which coordinates with that just to make sure it's coordinated and to also make sure that it's only done when it's a good idea. We are fine tuning the process so it works better. And we, apparently on the advice of counsel, need some more fine tuning. So for the general good intention here, I move to table so that we can fine tune it one more time."

Councilwoman Civiletti, "I'd like to hear what the objection is and I'd like to know whether it's necessary to table all of it."

Patricia Moore, "No, it's not necessary to table the entire part. However, would you want to pass part of it and not...."

Councilwoman Civiletti, "What is the problem? Explain. We didn't hear this at work session."

Patricia Moore, "There is a provision now in the code, the site plan provision says; if you need a building permit, you come in for a site plan. This would require to say yes, if you need a building permit and you are doing exterior work to the building. Then you need a site plan. I have a concern with some projects that are going through that would eliminate the change that is proposed would eliminate some of the site plans that we really wish to have go through the process and correct some of the mistakes of the past."

Councilwoman Civiletti, "It might be to our advantage to retain control based on this interior work being done. This would modify it so that only if it's exterior or visible from the exterior and they need site plan approval."

Patricia Moore, "There are also other provisions which are fine. There's no problem with that. It was that particular portion of the site plan amendments that concerned me."

Supervisor Janoski, "What Pat is saying is absolutely true. There are times when somebody puts up a wall on the inside of the

building and they say let's get this guy and knock the h--- out of him and get him to fix that parking lot. But we can argue about that next week."

Councilwoman Civiletti, "So you're talking about 108-130B."

Patricia Moore, "Yes. I'd like to clarify that so it does read what you want but keeps some control over renovations."

Councilwoman Civiletti, "While we could move on the other two, I don't see that there's any burning need to move on the other two sections."

Supervisor Janoski, "I don't think we have any applications for site plan that this adversely effects."

Councilwoman Civiletti, "As long as it doesn't end up in the Twilight Zone."

Councilman Pike, "Are there any pending that would be let loose and would finish immediately the second this is past? Are you sure you don't want to allow that?"

Supervisor Janoski, "No. As a matter of fact, they want to catch those. There's a motion to table, moved and seconded."

636 ADOPTS AMENDMENTS TO CHAPTER 48 OF THE TOWN CODE

Councilwoman Civiletti, "I'm thinking about it. Thinking is allowed contrary to popular opinion. Thinking is allowed on the Town Board even during the meetings. You know what threw me off is why adopts was crossed off and consider was there."

Supervisor Janoski, "That has to do with the filing problem in that it's listed under adopting under the title. So even if it is voted down, the listing says adopts amendments to Chapter 48 which Irene has correctly pointed out, causes confusion. So that it says now consider which doesn't indicate in the title the assumed outcome of what will happen."

Councilwoman Civiletti, "We could say rejects amendments but that would be.... This, I just wanted to make sure that what we had is what I thought we had and indeed it is. This is a resolution which would prohibit the operation of motor vehicles at any time on both the Sound beach and the Peconic Bay beach. Now, the change here is that we would be added the Sound Beach. I will move resolution 636."

Councilman Boschetti, "I just want to point out that I think this particular resolution is somewhat premature and it does reflect the input of the involved committees or I should say all of the involved committees that should have input on this matter. Therefore, I'm voting no."

Councilman Pike, "Are you sure you want to do that? Is this phrased in the form of an adoption? I'm definitely going to vote to ban vehicles. Just a quick comment. The resolution, if adopted, would ban the four wheel vehicles. I stick with my earlier position which we should have addressed this particular issue through a hearing about banning vehicles. That there was no support on the Board. What we should have done is had a hearing about how do we manage it, how do we better regulate it so that a common public resource can be best shared. And so I'm very happy for the second time to vote no on the question."

Councilwoman Civiletti, "I'm sorry. We're talking about having police and recreation committees. I'm going to vote no on this resolution and therefore, I vote no on a total ban of vehicles on the beaches. I think we've got some work to do. I think the laws we currently have is better to enforce and maybe amended to be made more realistic down the line would be effected. But I think a total ban of vehicles on the beaches is not called for."

Supervisor Janoski, "I feel that I should say something. Quite honestly, as I had said when we voted on the hearing, that I agreed with Rob's no vote to even have the hearing because I didn't think it was necessary but it puts one in the position of being opposed to the opportunity for people to speak at a public hearing. The question of the four wheel drive vehicles and the ban, I am opposed to and my vote will be cast in the negative. There are questions which arose in the public hearing about enforcement. And quite frankly, ladies and gentlemen, the enforcement can be improved by the addition of personnel and vehicles and equipment. That is something the Town Board will have to grapple with as we go through the budget process which we will be, they will be, I'm involved right now and they will be shortly. Having said that, my vote is no."

#637 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE 1989 CIVIL SERVICE EMPLOYEES ASSOCIATION MUNICIPAL LABOR CONTRACT

Councilman Pike, "Let me just mention, this is the CSEA Labor Contract hearing. The Town Board has discussed the contract and has authorized Jack Hansen and I to sign the stipulation of agreement settling the 13 month negotiations of the CSEA contract. Provisions are available if anybody would like to go through them. They've been fairly widely reported in the last week. And so I will be signed that tonight. There is one caveat that this is a stipulation of the agreement. It is not the full agreement. We will be working out the final details of the final agreement in the next two weeks. And if that is successful, that will end it there. So that is why we're tabling 637."

#643 NOTICE OF PUBLIC HEARING IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE WATER DISTRICT

Supervisor Janoski, "Before I cast my vote, let me just explain it. This is the water district extension in Wading River which is broken down into a number of projects. The bids have come in but they are just a bit higher than had been estimated. The Town Board has made a decision to stay with what is ductile iron pipe which is a superior product rather than the plastic that is available. It represents a better investment of the money. So having made that decision, we are going to have this hearing for that little increase in the cost of that district."

#648 APPROVES APPLICATION OF RIVERHEAD RACEWAY FOR AN AUTO PARTS SWAP MEET

Supervisor Janoski, "Once again, the initial reaction of the Town Board to this application was one that was seeded in, let's call it a difference of opinion, with the raceway. And the Town Board was not prepared at any time to do anything for the raceway operation. However, this really has nothing to do with the raceway and it would interfere with those who are involved in a sport and interest and activity, so I'm going to vote yes on this."

#649 ADDS SUBSECTION "C" TO SECTION 108-95 OF THE TOWN CODE

Supervisor Janoski, "Did we talk about this? We did, but I didn't know it was going to be on."

Councilwoman Civiletti, "It wasn't in the package yesterday inadvertently. We talked to Rick about it. We talked about it at work session and he said he'd have it ready. He took out the slope provision."

Supervisor Janoski, "He took out the slopes. What is.... I really didn't expect this here tonight."

Councilwoman Civiletti, "We talked about it yesterday."

Supervisor Janoski, "I know we did. I didn't expect a resolution this soon."

Councilwoman Civiletti, "I would say do it...."

Supervisor Janoski, "Let me explain that we did discuss this provision yesterday, at least I guess two of us weren't expecting a resolution to be included this evening."

#650 DESIGNATES LEAD AGENCY AND DETERMINES ENVIRONMENTAL SIGNIFICANCE OF THE CHANGE OF ZONE PETITION OF TWO BEARS BUILDERS, INC

Councilman Boschetti, "I just want to point out that before I vote, that I'll be voting against this resolution but that does not mean I don't support affordable housing. I do. I just don't believe that the increase in the density will have a negative impact on the environment."

Supervisor Janoski, "I recognize Councilman Pike for the purpose of moving a resolution."

Councilman Pike, "The Supervisor has advised me to keep this resolution very short. It concerns the CSEA contract and I can think of a good hundred "whereas's" but I'll do the resolution: Whereas, the parties have, through their respective negotiating teams, signed a stipulation agreement dated the 19th day of September. All signatures were not present on it. That the Supervisor be and is hereby authorized to sign the final contract with the CSEA subject to approval by the negotiating team as to the exact language flushing out what is done in the outline in the stipulation. So moved."

Supervisor Janoski, "I'm trying to tell him. Yes Bill, I see your hand."

Councilman Pike, "Mr. Supervisor, while Bill is on the way up, I just want to remind people of the scoping hearings which are tomorrow. The solid waste management environmental impact states that basically a townwide generic EIS will be held tomorrow at 2 o'clock and 7 o'clock here."

Bill Nohejl, Aquebogue, "I'm sorry to have to express my feelings. I thought this meeting was terrible. If there were a video tape on this tonight and played it back to you, I think you would be ashamed of it. It's not the right way. Nobody seemed to know what they were doing. Very ill prepared. Thank you."

Supervisor Janoski, "Thank you Bill. It's always nice to get some good words."

Councilwoman Civiletti, "I would just like to say that when we don't discuss anything, people say you just vote and don't discuss. When we discuss and it looks ugly....."

Bill Nohejl, "Don't you work otherwise besides up here?"

Councilwoman Civiletti, "We certainly do plenty of times but sometimes we still need discussion up here Mr. Nohejl. I don't know."

Supervisor Janoski, "That's why there is a provision in the procedure that after something is moved and seconded, provides for a discussion but we will try to do better next time. As a matter of fact, I made the same comment that you did not hear. We must look pretty foolish up here. Mr. Benedict."

Dick Benedict, Fanning Blvd., "I just want to make a comment or two on this 636 resolution, amendment to Chapter 48. I think you're right when you say it's enforcement and it could be costly. The problem could be resolved with enforcement but I'm not a beach bum. I was there about three times this year and it was after hours and two of those three times, I saw illegal vehicles on the beach. One of them was obvious. He pulled up there with a small trailer and unloaded a four wheel. No license on the four wheel which is almost impossible to get anyway. Any cop could have seen that trailer there and waited. Another one was a white van. Two motorcycles came up the beach, loaded them in the van, they sat outside for a while, drank some beer and left. I only went there three times. But I think what else is costly is maybe we should use the media a little more. They have international prohibit sign that maybe a couple of times a year we could run that with a picture of a four wheel and a dirt bike which they use on the beach and tell them that it's against the law instead of just what we see here with 20 or 30 people. That doesn't cost that much. It's worth a try. They have international prohibit sign, pictures. I know somebody could draw those. It's costly yes but it might help also. And maybe start taking beach permits away from people who do it. I don't think the answer is banning vehicles but I think you're right. There's things going on at the beach that you don't have to be blind to see and I'm sure it happens at all beaches. It use to happen at Iron Pier. I don't know if this extends through the winter or not. But I know last year when the cold weather came, the four wheel and three wheel took over the beach and it's going to hurt the fishermen that's all. Thank you."

Supervisor Janoski, "Not seeing any hands, I declare this meeting to be closed."

There being no further business on motion or vote, the meeting adjourned at 8:50 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk