

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, February 5, 1991 at 7:30 p.m.

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

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

Absent John Lombardi, Councilman

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 Minutes of a Regular Board Meeting of January 15, 1991."

Councilwoman Civiletti: "So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and Seconded."

The Vote: Prusinowski, yes; Stark, yes; Civiletti, yes; Janoski, yes. 4 Yes. 1 Absent.

Supervisor Janoski: "I'm happy to announce that the Employee of the Year was designated. It is Detective Sergeant Reg Underwood. There was a dinner last week honoring him. A surprise. He was not picked by management or department heads, but by his fellow coworkers. I think they did an outstanding job in designating him Riverhead Town Employee of the Year in 1990. He was awarded the plaque and of course the bonds, the dinner and everyone had a marvelous time. It was good to be together with our employees and laugh and have a great time. Reports."

REPORTS:

OPEN BID REPORT - SUNWOOD WATER LATERAL
Bid Date - January 24, 1991

NAME: ELMORE ASSOCIATES CONSTRUCTION CO.

ADDRESS: MEDFORD, NY

BID: \$47,673.00 **ALTERNATE BID:** \$45,577.00

NAME: FRANCIS BROTHERS SEWER & DRAINAGE, INC.

ADDRESS: EAST PATCHOGUE, NY

BID: \$46,543.40 ALTERNATE BID: \$47,193.40

NAME: GRIMES CONTRACTING

ADDRESS: MONTAUK, NY

BID: \$54,895.60 ALTERNATE BID: \$53,889.20

NAME: MERRICK UTILITY ASSOCIATES

ADDRESS: FARMINGDALE, NY

BID: \$51,123.10 ALTERNATE BID: \$48,540.10

NAME: PAT NOTO, INC.

ADDRESS: BAY SHORE, NY

BID: \$54,025.10 ALTERNATE BID: \$51,870.10

NAME: PRIVATE WATER SERVICES OF L.I., INC.

ADDRESS: SHOREHAM, NY

BID: \$63,454.01 ALTERNATE BID: \$59,903.84

NAME: ROY WANSER, INC.

ADDRESS: BOHEMIA, NY

BID: \$56,393.80 ALTERNATE BID: \$54,058.20

OPEN BID REPORT - EXT. 21A OSBORNE MEADOWS/WATER DISTRICT
Bid Date- January 28, 1991

NAME: MERRICK UTILITY ASSOC.

ADDRESS: Farmingdale, NY

BID: \$16,261.40

ALTERNATE BID: \$13,841.30

NAME: PAT NOTO, INC.

ADDRESS: Bay Shore, NY

BID: \$16,192.20

ALTERNATE BID: \$13,612.20

NAME: PRIVATE WATER SERVICES

ADDRESS: SHOREHAM, NY

BID: \$18,297.25

ALTERNATE BID: \$15,417.65

NAME: ROY WANSER, INC.

ADDRESS: BOHEMIA, NY

BID: \$21,317.20

ALTERNATE BID: \$18,377.20

NAME: BANKCKER CONSTRUCTION CORP.

ADDRESS: CENTRAL ISLIP, NY

BID: \$20,340.70

ALTERNATE BID: \$18,760.70

NAME: ELMORE ASSOCIATES CONSTRUCTION CORP.

ADDRESS: MEDFORD, NY

BID: \$15,230.20

ALTERNATE BID: \$12,746.20

NAME: FRANCIS BROTHERS SEWER & DRAINAGE, INC.

ADDRESS: EAST PATCHOGUE, NY

BID: \$19,249.10

ALTERNATE BID: \$15,002.30

NAME: GRIMES CONTRACTING

ADDRESS: MONTAUK, NY

BID: \$19,610.10

ALTERNATE BID: \$17,860.20

OPEN BID REPORT - EXTENSION 19D - BEAR ESTATES

Bid Date - January 28, 1991

NAME: MERRICK UTILITY ASSOCIATES, INC.

ADDRESS: FARMINGDALE, NY

BID: \$161,471.40

ALTERNATE BID: \$152,198.40

NAME: PAT NOTO, INC.

ADDRESS: BAY SHORE, NY

BID: \$155,636.50

ALTERNATE BID: \$143,151.50

NAME: PRIVATE WATER SERVICES OF L.I., INC.

ADDRESS: SHOREHAM, NY

BID: \$155,347.06

ALTERNATE BID: \$138,810.01

NAME: ROY WANSER, INC.

ADDRESS: BOHEMIA, NY

BID: \$193,338.00

ALTERNATE BID: \$180,310.50

NAME: BANCKER CONSTRUCTION CORP.

ADDRESS: CENTRAL ISLIP, NY

BID: \$210,481.80

ALTERNATE BID: \$199,726.80

NAME: ELMORE ASSOCIATES CONSTRUCTION CORP.

ADDRESS: MEDFORD, NY

BID: \$153,747.00

ALTERNATE BID: \$141,755.80

NAME: FRANCIS BROTHERS SEWER & DRAINAGE, INC.

ADDRESS: EAST PATCHOGUE, NY

BID: \$222,321.10

ALTERNATE BID: \$218,542.80

NAME: GRIMES CONTRACTING

ADDRESS: MONTAUK, NY

BID: \$195,724.80

ALTERNATE BID: \$184,065.40

OPEN BID REPORT - WORK UNIFORMS

Bid Date - January 28, 1991

NAME: CARL & BOBS

ADDRESS: RIVERHEAD, NY

BID: SEE FILE FOR ALL ITEMS

NAME: CALREE CO., INC.

ADDRESS: RIVERHEAD, NY

BID: SEE FILE FOR ALL ITEMS

NAME: ECONOMY UNIFORMS

ADDRESS: CARLE PLACE, NY

BID: SEE FILE FOR ALL ITEMS

NAME: CENTEREACH WORK

ADDRESS: CENTEREACH, NY

BID: SEE FILE FOR ALL ITEMS

NAME: WEAR GUARD

ADDRESS: NORWELL, MA

BID: SEE FILE FOR ALL ITEMS

NAME: TODD UNIFORM

ADDRESS: ST. LOUIS, MO.

BID: SEE FILE FOR ALL ITEMS

NAME: STAR ENTERPRISES

ADDRESS: NEW HARTFORD, NY

BID: SEE FILE FOR ALL ITEMS

NAME: WEAR GUARD

ADDRESS: NORWELL, MA.

BID: SEE FILE FOR ALL ITEMS

OPEN BID REPORT - PAINT STRIPER/HIGHWAY DEPARTMENT
Bid Date - January 28, 1991

NAME: TRIUS, INC.

ADDRESS: HICKSVILLE, NY

BID: SEE FILE

NAME: M-B COMPANY, INC. OF WIS.

ADDRESS: CHILTON, WIS

BID: SEE FILE

NAME: CAPITOL HIGHWAY MATERIALS, INC.

ADDRESS: BALDWIN PLACE, NY

BID: SEE FILE

OPEN BID REPORT - TRAFFIC SIGNS/HIGHWAY DEPARTMENT

Bid Date: January 28, 1991

NAME: CAPITOL HIGHWAY MATENIANCE, INC.

ADDRESS: NONE GIVEN

BID: SEE FILE

NAME: CHEMUNG SUPPLY CORP.

ADDRESS: NONE GIVEN

BID: SEE FILE

OPEN BID REPORT - JET VAC TRUCK

Bid Date: January 28, 1991

NAME: JET VAC, INC.

ADDRESS: PATERSON, NEW JERSEY

BID: SEE FILE

OPEN BID REPORT - STREET LIGHT & TRAFFIC SIGNAL MAINTENANCE PARTS - HIGHWAY

Bid Date: January 28, 1991

NAME: GRAYBAR ELECTRIC CO.

ADDRESS: LONG ISLAND CITY, NY

BID: SEE FILE FOR VARIOUS ITEMS

NAME: ALERT ELECTRICAL SUPPLY

ADDRESS: CENTRAL ISLIP, NY

BID: SEE FILE FOR VARIOUS ITEMS

NAME: SCHWING ELECTRICAL SUPPLY CORP.

ADDRESS: RIVERHEAD, NY

BID: SEE FILE FOR VARIOUS ITEMS

NAME: REVCO ELECTRICAL SUPPLY, INC.

ADDRESS: RIVERHEAD, NY

BID: SEE FILE FOR VARIOUS ITEMS

TAX RECEIVER Report of collections as of 1/30/91
 (\$20,653,473.91)

RECREATION DEPT. 1990 Annual Report

TOWN CLERK Monthly Report for December 1990

SEWER DIST. Discharge Monitoring Report for 12/90

C.A.C. 1990 Annual Report

MacALBERT BANK Comprehensive Annual Report for 1989

ALL FILED

APPLICATIONS

SITE PLAN Nassau Suffolk Lumber & Supply

SITE PLAN Reginald Farr for Temporary Greenhouse

PARADE PERMIT LISTEN - January 17, 1991

ALL FILED

CHANGE OF ZONE Eve Webber - a change from Residential A to
 Business CR in wading River

CORRESPONDENCE

ELLEN VanKOOLWIJK Thanking Town Board for allowing car show
 to benefit homeless.

MRS. VINCENT Respectfully requests that her Main Street
 DOROSKA property be removed from the parking dist.

JOHN MASEK Concerned that waste disposal system
 selected by the Town Board is costly and
 time consuming. Why?

DEMETRIOS HALIKIAS Thanks Town Board for prompt handling of Special Permit of Ochoa Graciano

ALEX HANSON Addresses recycling procedure

FLORENCE BUSH Supporting noise ordinance in the Town of Riverhead as suggested by a news article

FRANK ABRAMI Republicans are fortunate to have leaders such as LaValle, Cochran, Vecchio and Gaffney

ALL FILED

Supervisor Janoski: "We have no public hearings this evening so I will go to right to recognizing anyone who wishes to be heard concerning any subject at all including something that might be included on the agenda. Steve."

Steve Haizlip, Calverton: "I'm certainly glad that you are not looking at a ghost or talking to a ghost. And Denise Civiletti, I want to commend you for the nice job that you did on the card that you sent me. You have compassion. I appreciate it and the ad lib caption that you put on there, I will live up to it. Thank you very much."

Councilwoman Civiletti: "It's good to have you back Mr. Haizlip."

Supervisor Janoski: "Anyone else wish to be heard? Yes sir."

Bob Keller, Aquebogue: "I would like to inquire on the status on the Cases Creek, Pufandi case as of this moment."

Town Attorney, Patricia Moore: "As of this moment we have adjourned the matter for I believe it is not going to be on the calendar for another week or two. I have to discuss it with the Town Board. The last meeting that the C.A.C. had regarding this project. I haven't had a chance to discuss it with the Board."

Bob Keller: "I'm not sure what you are saying. The last meeting with the C.A.C. What?"

Town Attorney, Patricia Moore: "If you will recall the C.A.C. met and they felt that the matter should not be a Type 2 action. That it should go through an environmental review process and that they were unwilling to grant a permit for the project which included the spiles. So that's where we are. And the Board has not met in order to discuss this."

Bob Keller: "Is that the letter that stated that it was their opinion the spiles should be removed before any further consideration?"

Town Attorney, Patricia Moore: "It may have been part of that same letter. It was in the minutes of their last meeting."

Councilwoman Civiletti: "Do you have a court action pending on this?"

Town Attorney, Patricia Moore: "Yes, in Justice Court. It was adjourned because we thought that maybe the C.A.C. would come to some kind of agreement over the project, but we haven't reached that."

Bob Keller: "I think that I am thoroughly confused. I understand that there was a violation order served and a summons served on Mr. Pafundi for his action of installing the floating docks and the pilings without a permit."

Town Attorney, Patricia Moore: "Correct."

Bob Keller: "And that was sometime in November."

Town Attorney, Patricia Moore: "Late November. And at that point it was scheduled for court."

Bob Keller: "Then why are we adjourning?"

Town Attorney, Patricia Moore: "Because it was hoped that we would come to a resolution where Mr. Pafundi was going to plead guilty and pay the fine and in turn the C.A.C. would feel comfortable in issuing a permit for what was there. But since the last C.A.C. meeting they don't feel very comfortable with that permit process, so our proposed stipulated settlement, we have no stipulation at this point, we have no settlement, so we are really at square one."

Bob Keller: "What is your proposed stipulated settlement?"

Town Attorney, Patricia Moore: "What I just explained, which was the C.A.C. would issue a permit for what was built as long as it met the D.E.C. permit and he in turn would plead guilty for construction without the permit. He would plead guilty pay the fine and ultimately get the permit which he had applied for about a year prior to his taking action on his own. It was that application that the C.A.C. had to review."

Councilwoman Civiletti: "Pat, in the interim we got notification from the D.E.C. that the spiles were not included in the permit that was issued by the D.E.C.?"

Town Attorney, Patricia Moore: "No, the D.E.C. Permit included the spiles, but the location of the spiles, I believe, was approved at 10 feet, however his construction ended up at 18 feet. So that difference ended up going back to the D.E.C. and possibly through an enforcement process in the D.E.C."

Bob Keller, Aqueboque: "But didn't the D.E.C. offer Mr. Pafundi a settlement?"

Town Attorney, Patricia Moore: "I'm not aware of what the D.E.C. has offered. I haven't received anything in writing."

Bob Keller: "The latest article article I have on this subject is in the January 17th issue of THE NEWS REVIEW which states that the D.E.C. has asked Mr. Pafundi and Mr. James H. Rambo to pay an undisclosed penalty and move the spiles or pilings back to within 10 feet of the shore as was specified in the original State permit."

Town Attorney, Patricia Moore: "I read that same article, but I can't really come to a conclusion based on an article. I'm waiting to hear from the D.E.C. as to what they have agreed to."

Bob Keller: "I would ask the Board if there is any intention to have him remove the piles as was recommended by the C.A.C."

Town Attorney, Patricia Moore: "I don't think that at this time we should discuss this matter since I haven't been able to discuss it with the Board. I think it would be inappropriate for them unless they want to give their own personal opinions. But as a Board they haven't discussed it, and I think there are several issues that have to be addressed and this isn't the correct forum for that discussion."

Bob Keller: "Any of the Board choose to make a personal opinion at this time."

Councilman Stark: "I'll make a personal opinion. This is a pending litigation within the D.E.C. as Mr. Pafundi has not met the conditions of his permit that he was given originally by the D.E.C. We are now waiting to see what the D.E.C. is going to do. Or at least I am."

Supervisor Janoski: "The one flaw in your approach here is that the Town Board cannot tell him to remove it. That must be done through the legal process by court and that is why we are in the judicial process. And we are going to work our way through that. That is very often slow."

Bob Keller: "You may remember a month or so ago we discussed this in the hallway, you and I, and you told me you had contacted Mr. Pafundi directly by phone and that you assured him that you would take him to the Supreme Court to have him remove the piles. This is the process we are in now or are we making a deal such as the State seems to be doing?"

Supervisor Janoski: "Well, he had his State permits. Those were issued."

Bob Keller: "He violated them."

Supervisor Janoski: "Indeed he did. It is up to the State if he is in violation of their permit process to take the same approach that we've taken. To take the legal process that he is in violation. The State appears to be working that out in another way. We are in litigation on this matter. I don't know what else I can add to it."

Bob Keller: "As I said, the State seems to have asked them to pay an undisclosed penalty and move the spiles or pilings back to within 10 feet of the shore as was specified in the original State Permit. Now there was no permit issued by the Town which the Town Code does require for either the floating docks or the pilings."

Supervisor Janoski: "You are absolutely right and your not informing the Board or the Town Attorney of something that we don't know. Absolutely. We know that."

Bob Keller: "The C.A.C. recommended that the Town Board take action to remove the pilings before they considered any further (inaudible)"

Supervisor Janoski: "I'm not getting my point across to you. The Town Board took the action of directing the Town Attorney to proceed with legal action in the courts to rectify this matter. It is only the courts that can take action and that is what we are in the process of doing. The Town Board cannot tell someone that you have to remove this. The legal system does that."

Bob Keller: "And what you are saying is that you have directed the Town Attorney to proceed through the courts to ensure the removal of the pilings."

Supervisor Janoski: "No, I didn't say that."

Bob Keller: "That's the confusing part."

Supervisor Janoski: "To rectify the situation. He proceeded without the benefit of a C.A.C., Conservation Advisory Council Permit. You know the whole story about that. That they didn't issue the permit because there wasn't enough at that particular meeting for a quorum. Mr. Pafundi had people scheduled to do the work and he proceeded without said permit. Well, he is in violation of Town Code because you need the permit. Now our approach to these things is if it is possible to do things correctly and if the individual can recitfy that situation, pay a fine, go through the process, get issued a permit from the C.A.C. in this case and the D.E.C. for whatever he has done there that that satisfies the Town Code. Now that's the end result. If it is an unacceptable end and the C.A.C. cannot find it possible to issue him a permit, then he doesn't have a permit and we proceed

in another manner. But what we are trying to do is and I use the word 'rectify' the situation."

Bob Keller: "Is that the same term as the Town Attorney uses 'a deal'?"

Town Attorney, Patricia Moore: "I didn't use deal."

Bob Keller: "I thought that you said that before."

Supervisor Janoski: "She didn't use the term 'deal'. Suppose that you had built a deck illegally."

Bob Keller: "If this goes to its fruition and Mr. Pafundi remains with his dock and his pilings, your code is ineffectual and your enforcement of it is ineffectual."

Supervisor Janoski: "I wouldn't agree with that. The fact that we have gone to court means that we are trying to enforce the code which says, not that he should not have pilings, but that he should have a permit for those pilings."

Bob Keller: "That's quite correct. Yes."

Supervisor Janoski: "What I'm trying to say to you is that if you, for example, build a deck which does not meet the codes, you don't have proper setback, whatever it happens to be; we don't storm in there and say tear down the deck. We ask you to go through the proceedings whether it be the securing of a variance or building permit or whatever it is that you need to make it legal and conform with the code. And that is what I am trying to say to you. That is our approach to things. Now if the C.A.C. decides that they are not going to issue a permit then we have another set of circumstances."

Bob Keller: "Well, the last correspondence that I know of that the C.A.C. said that they would not issue a permit unless the pilings were removed. They wouldn't even consider it and they would also recommend an Environmental Assessment Form to be completed via to any issuances."

Supervisor Janoski: "That is not their purview. The C.A.C. is a recommending body and that is outside of their jurisdiction. They don't make that determination. The head of the Planning Board, Zoning Board and the head of the Planning Department make the determination as to whether an Environmental Impact Statement is required. So they can think that it is required as much as they want to and they certainly have the ability to transmitt that information to the people who make that decision which is no one sitting here. They are independently appointed people. Obviously at this point no one has made that recommendation. From what I can tell from what you are saying the D.E.C. has said that they've got to put those pilings at a different location. Which means that they are going to have to be moved."

Bob Keller: "Unless the D.E.C. makes a deal."

Supervisor Janoski: "A deal is a deal and a negotiated settlement is also a negotiated settlement."

Bob Keller: "I thank you very much for your time."

Supervisor Janoski: "It's a pleasure. Is there anyone else? Why don't we take up the resolutions?"

RESOLUTIONS:

Resolution #104 - AUTHORIZES THE ISSUANCE OF \$180,500. IN SERIAL BONDS AND \$9,500.00 IN CAPITAL NOTES FOR THE PURCHASE OF BUILDING LOCATED AT 201 HOWELL AVENUE AND USED AS THE NUTRITION CENTER

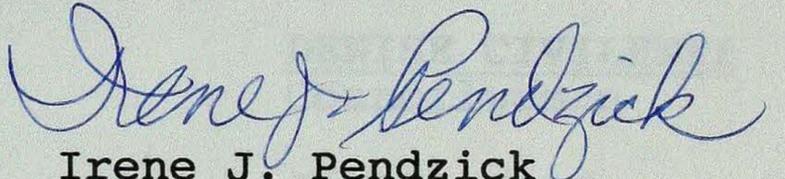
Moved by Councilman Prusinowski and seconded by Councilwoman Civiletti.

Comment by Councilman Stark: "I don't totally agree with the purchase of this building across the street, but in lieu of not a decent facility that could replace it that's available right now I must go along with it and vote yes."

THE VOTE: Prusinowski, yes; Stark, yes; Civiletti, yes; Janoski, yes. 4 yes and 1 absent

Supervisor Janoski: "I thank you for your attendance and without objection this meeting is adjourned at the hour of 8:05 P.M."

IJP:ch


Irene J. Pendzick
Town Clerk