

Minutes of a Public Hearing held by the Town Board of the Town of Riverhead, at Town Hall, Riverhead, New York, on Tuesday, October 7, 1996, at 4:00 p.m.

**Present:**

James R. Stark,	Supervisor
Victor Prusinowski,	Councilman
Mark A. Kwasna,	Councilman
James B. Lull,	Councilman
Otto Wittmeier,	Councilman

**Also Present:**

Barbara Grattan,	Town Clerk
Robert Kozakiewicz, Esq.,	Town Attorney

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead, New York, at 4:00 p.m. on Tuesday, October 7, 1996, to hear all interested persons who wish to be heard regarding a local law entitled Rental Dwelling Units."

Supervisor Stark: "Thank you, Barbara. Several months ago, this Board instructed and charged the Town Attorney to revisit our rental ordinance which is now on the books and strengthen it and bring it up to date. We held one Public Hearing. We took that input and we tried to incorporate much of that input into the second version and as we will-- of this afternoon's public hearing and again this evening, take whatever input that we hear here that is constructive of importance, as all comments are important, and we will probably revise even this issue."

We are striving to develop a rental law that is fair to all people, landlords and renters, and also provide housing which is safe, healthy and up to code as far as building codes, fire codes, etc.

We feel strongly that all people, all residents have the right to live in a healthy and safe environment. I would ask at this time if our Town Attorney, Bob Kozakiewicz, will give a short presentation on this code and then I will open it up for public comment."

Robert Kozakiewicz: "As pointed out by the Supervisor, okay-- now we're turned on-- as pointed out by the Supervisor in his opening comments, the Town Board in striving to address the issue of housing standards and provide for housing which should be fair and equitable to all citizens of the Town of Riverhead, asked me to look at our current provisions in the code book under Chapter 86, Rental Properties, and to review same and modify same and amend same in order to address current needs of the community.

As also pointed out, there was a hearing in April of this year specifically April 16, where we heard comments from the public with respect to the initial draft which was to repeal the existing Chapter 86 and replace it with the new Chapter 86.

Subsequent to that hearing, I, along with Lori Talmage, worked together to draft the present proposal which is before the Board today and the comment of today's public hearing. As pointed out, it's a local law which is to replace the current chapter, Chapter 86, repeal same, and replace it with the new current Chapter 86.

Many may not be aware, but the current Chapter 86 has been on the books since 1980 and it likewise provided for a rental permit for certain properties. In the case of the 1980 legislation which currently exists, the rental permit would be required in the case of a property which consists of three or more rental dwelling units. The failure of an owner of such rental property to obtain a permit would also be a violation just as it is in the case of the new legislation which is before the Board today.

That's one of the distinctions that should be brought out to public's attention that all rental properties would now be subject to the provisions of Chapter 86 is adopted by this Board. That is any property involving a single rental unit. We would not cut it off at three as in the past.

We did take into consideration some of the comments made at the April 16th meeting. One of those was to exempt from the application of this Chapter rental property that is being rented by an owner or his immediate family. So that if an individual is renting property to a daughter or son, whether it's a room, a couple of rooms, they would not be required to file or obtain a rental permit. We, likewise, exempted agricultural farmhousing inasmuch as that's

already regulated by many other agencies.

The permit would be a two year permit. The fee currently as proposed by the Board would be \$150 for a single dwelling unit."

Councilman Kwasna: "Bob, is it \$150 every two years?"

Robert Kozakiewicz: "Yes. It would be. If the rental unit, however, ceases and there is a new rental occupancy put in place, the party would have to come back in and reapply or it would not be subject to a fee.

These address many of the comments that were made during the last hearing in April of '96. I think the Board is striving to provide for safe housing in the Town of Riverhead and will listen to all the comments and certainly I'll take them into consideration as well."

Supervisor Stark: "Thank you, Bob. Is there anybody in the audience that would like to make comment on this particular rental law? Don't be bashful, just like church. Charlie. Right up front."

Charles Crump: "My name is Charles Crump. I live at 40 Dolphin Way. I'm a small landlord and I'm against this proposed law. It's going to increase police powers in a time when governments, state and federal governments, are talking in terms of less government. And also you are going to have to increase the staff of the Building Department to implement this law, this really complicated law, and a lot of effort would have to be put into it. It's definitely going to be an increase in staff. And also if you are going to increase staff you are going to increase taxes.

I know the Supervisor is in the process now of making his proposed-- his tentative budget. And he's-- "

Supervisor Stark: "Already in."

Charles Crump: "Okay. So, you know, he's wrestling with it, trying to reduce it to a lower percentage, and right now it's pretty substantial, I think somewhere around 7% and that's going to be an increase in taxes along with the staffing and so forth."

Supervisor Stark: "5.98."

Charles Crump: "5.98. Okay. Good, Joe."

Supervisor Stark: "Jim. Joe's gone now, Charlie."

Charles Crump: "Yeah. Okay. You know this law is also discriminatory. It has exempt the farm workers housing and seasonal housing. I would think that you would be concerned about their housing should be safe and so forth. You know, the American dream is practically unreachable, that is owning a own home by the kids in this community. And the \$150 charge is going to be passed on to the renters. Now, I feel very strongly that the landlords serve a very important function in town. Because the fact that Riverhead is a blue collar town, and as I indicated not everybody is able to-- people to purchase a home. People have been here all their lives, and just not able to do it. And so, you know, West Islip-- I mean West Hempstead where you got this code from, is a very affluent town."

Supervisor Stark: "North Hempstead."

Charles Crump: "North Hempstead I should say. North Hempstead is a very affluent town and I was told by someone that the reason that they passed this ordinance is because of the fact that didn't want the people in Hempstead moving in there. They wanted to control it."

I don't know what the problem is here but I understand-- I've been reading the papers about and also heard some of the Town Board members talk about Social Services, that we've got too many Social Service people. The County has changed their policies and their attitude about the Social Service tenants and I believe that because of it, landlords are shying away from renting to Social Services. And along with the federal law just recently passed, I think you are going to see some-- you are going to accomplish the goal that you have in mind if Social Services is a problem, I think you are going to accomplish the goal without passing this complicated law.

Also, the-- I think you are going in the wrong direction, really, because of the fact that you need to aid the landlords in giving them ability to get rid of bad tenants. Right now, it takes

two, three, four months to evict a tenant, along with \$800 plus. So I think you need to make it easier for the landlords to get rid of these bad tenants. And I think that would be extremely helpful.

I really believe that the Town would be better served, you know, if we would put more effort-- this particular law, put more effort into the drug problem, major drug problems we have in town, Main Street is getting to look more and more like a ghost town. We have this problem with Grumman, trying to develop that. The aquarium, and also the taxpayers in the town ought to be concerned about our bonded indebtedness. Now, I was reading the papers there and it looks like we're at least three times as high as any east end out here, the bonding indebtedness. And it reminds me of the 1980's-- "

Supervisor Stark: "I only want to interject on that because I can't let that pass without comment, Charlie."

Charles Crump: "Sure."

Supervisor Stark: "Out of the \$24,000,000 that we have bond indebtedness, probably about \$21,000,000 is, in fact, or \$20,000,000 of that is Water District. That's spread out into several districts. So-- "

Charles Crump: "Okay. All right, thank you. But, you know, certainly, supplying water to the community is a very important matter. There's no question about it. But I was just thinking about the-- still we have to pay the bond off, these bonds off, I should say. And it reminds me of 1980 when we-- the country went into debt-- we went from less than a trillion dollars to over four trillion dollars in eight years, and now we're paying off that debt to the tune of over four hundred billion dollars on interest payments only."

Supervisor Stark: "Again, the water bond indebtedness is not a general town indebtedness."

Charles Crump: "Yes. It's a-- "

Supervisor Stark: "Individual district, such as on Dolphin Way, you are in individual district."

Charles Crump: "That's correct. I should know that."

Supervisor Stark: "And those residents in that district are paying that off."

Charles Crump: "You're right."

Supervisor Stark: "I living down in town in the original water district-- I have the greatest benefit because we were there from the original."

Charles Crump: "True. Thank you for advising me that. I should have know that."

Supervisor Stark: "You should have stayed downtown. But that is an individual district; that is not a general town, per se, indebtedness."

Charles Crump: "That's true. I agree with that."

Supervisor Stark: "The general town indebtedness is very small as compared-- and we're the only one that has a water district -- Suffolk County Water Authority. So that bond indebtedness you see in other towns is true general town indebtedness and then compare it to us."

Charles Crump: "Okay. Thank you for that verification."

Supervisor Stark: "-- pick up on that accurately maybe we-- "

Charles Crump: "Right. Okay. Yes. I should have known that anyhow."

Supervisor Stark: "Thank you, Charlie. No problem."

Charles Crump: "I believe that the town does not need additional police powers. As the attorney-- town attorney-- indicated earlier, that we do have laws on the books that-- if they're carried out, you could accomplish this particular problem. And so I suggest to you, enforce the present laws and I'm sure that you will be able to clean up any problems that you may have without, you know, passing this particular complicated law where it's going to

require a lot-- an awful lot of effort in manpower to implement it. Instead, start enforcing the present laws. So thank you very much for allowing me to make a few comments."

Supervisor Stark: "Thank you, Charlie, it's good to see you. Enjoying retirement?"

Charles Crump: "It doesn't get any better than this. Play a little golf."

Supervisor Stark: "You bet you. Is there anybody else who would like to make comment at this particular time? Joe?"

Joe Gergela: "Good afternoon, Mr. Supervisor, members of the Board. I'm Joe Gergela, Executive Director of the Farm Bureau. And I-- I'm Joe Gergela, Executive Director of the Farm Bureau, Long Island Farm Bureau. And I represent 4,600 farm families and people in agra business. I testified at the last hearing on this and in the meantime we have been in touch with the Town Attorney and I spent a great deal of time today also talking with Lori to get a little better understanding of where the town wanted to go with this.

We understand the intent fully. I don't disagree that there are some concerns and that any citizen should have the right to reside in a dwelling that meets, you know, state codes, building codes, fire codes, etc., that the domicile that they reside in is, you know, hospitable. That I don't disagree with.

I guess that our concern stems more on the compliance side of how this is to be enforced. Number one, how are you going to get all the people that have rental properties to register with the town and be willing to pay a fee? If you don't have everybody comply with this law, then it's selective enforcement and could be deemed arbitrary and capricious if brought before court.

If you are going to have-- "

Councilman Prusinowski: "How do they do it in Southampton?"

Joe Gergela: "I'm sorry."

Councilman Prusinowski: "They have a rental law in Southampton."

Joe Gergela: "Yeah. And I talked to our counsel about that and he said that there are various towns that have, you know, similar code. And some of those are being challenged. I understand that Brookhaven and North Hempstead are still in court on theirs.

The way that-- "

Supervisor Stark: "That's why we're still in public hearing."

Joe Gergela: "I know. I appreciate that. I guess that from an objective point of view, the way that it reads is that it's extremely intrusive to the average person. People that-- "

Councilman Prusinowski: "Joe, what do we do-- like we just recently got a petition for like 150 people in downtown Riverhead here because they were-- their lives were being affected by landlords and tenants who were out of control. What do we do-- and when we've exhausted every legal means we have, what are we supposed to tell those people?"

Joe Gergela: "Victor, your concern is noted. I fully appreciate that."

Councilman Prusinowski: "Well, I'm asking a question because I'm reading your thing here and I thought the agricultural workers were exempted and I see the Farm Bureau now is not satisfied with that, so I'm a little confused what the position of the Farm Bureau is on this."

Joe Gergela: "Well, we don't believe that it's necessary and I have to echo what Charlie just said, that if the town took a look at its existing code and figured out a way how to get the Building Department to enforce what you already have on code, may not need to pass new law. And when I talked to the Town Attorney today, we -- I talked a little bit about that. That rather than create something like a monster, why not tweak your existing code to do what is necessary to enforce compliance and enforce the codes. When I talked with Lori today, she told me about some personal experiences and I fully appreciate what the Town is trying to do here. I just feel that this is overkill and is extremely intrusive to the

average citizen.

Like I said, also-- "

Councilman Prusinowski: "Can I give you an example? We have two projects-- three projects in this town now. We have across the street, which Charlie knows was a disaster in the 70's. We have Doctors Path, and we have other homes that are regulated. They have Social Service, SSI, Social Security recipients. They have a mix across the street. You know why that project is an excellent project? Why we have very little building code violations over there? They have rules and regulations there. They have the management company that keeps it up. They have strict rules with the tenants and that project has been there now since 1978, since it was rebuilt with federal money. And what I'm trying to tell you is that non every landlord and every tenant in this town follows the rules. I can tell you right now, everywhere I go in this town, this is the last thing that people tell their elected officials which is-- and I'll give you an example. Let's go right across the street. I remember-- we all remember what that was before the management company took over, with Supervisor Smith leading the way and getting the federal money and stuff in here. They've been following the rules now for over 15 years. There is some landlords who wrote us a letter today, like Bagshaw Real Estate-- he's in favor of the law and he's given us some good suggestions on how we could make the law more reasonable towards, you know, industry.

But my point is that we have special attorneys. We have been to court and we're-- as a community, we're trying to find an answer to make the fair playing ground fair to everybody which by the way includes the other 9800 residents who live in the town who have to deal with this because it affects their property values and their lives. So that's what we're trying to accomplish. We're not trying to put anybody out of business. We are just trying to make sure that everybody plays by the same rules.

We have three projects in the town that are doing a very good job of that. They are all subsidized and low income and they have Social Service clients in there and SSI, but if you go into those communities-- not projects, communities, they are doing a wonderful job. On the other hand, we have some other private guys in business who have, like a few apartment complexes in town, that if you go

there now, it's a disgrace."

Joe Gergela: "Victor, I couldn't agree with you more in everything you say and I don't disagree with the Town Board's intent. What I'm trying to say is that there seems to be some weak parts of the proposed ordinance that could be challenged in court. The last thing that you want to do for the taxpayers of the town is to have local law that can't be enforced and is deemed, you know, arbitrary by a court and you wind up in court spending thousands of dollars in lawsuits rather than have something that-- "

Councilman Prusinowski: "Well, actually some of the provisions in our proposed law, which correctly some of it was gotten from Hempstead, is in court right now. And we will wait for those adjudication because it will save us some money.

But you know something? I heard that thing too before. Well, you don't want to spend any money because you got a raise, you've got to put more people on the payroll. I have heard-- I've been here 15 years, I have heard every excuse in the world why we shouldn't do this. And you know something? People want something to be done about it. And I'm giving you the examples. Those four projects that we have in town, they follow the rules, they're low income, they are giving an opportunity for people who can't afford to buy a house or subsidized because they are working people, they are single parents, there is a mix in there. And those projects are well run. And people in there have a decent-- they live in decent conditions and they are not subjected to the abuse of some people that are in this just to make a lot of money and really don't care what the impact is on the town."

Joe Gergela: "I understand. I thought that this was a hearing. I thought that you were supposed to be doing the-- "

Councilman Prusinowski: "No. This is the second hearing and I am doing the listening and it's also a dialogue. We live in a community and I'm entitled to my opinion like you are entitled to your opinion. Okay."

Joe Gergela: "Yup."

Supervisor Stark: "Thank you, Joe. Go ahead, Joe."

Joe Gergela: "Okay. My correspondence to you is-- "

Councilman Prusinowski: "I know. We're-- "

Joe Gergela: "And dialogue is good. I spent time today talking to the Town Attorney and the Supervisor's Assistant to get a little more insight as to where the town wants to go. We don't disagree with these concerns. From a practical standpoint and from a taxpayer point of view, just let's just be sure that it's enforceable, that the people that you are going to have enforcing this code use some common sense. We-- and there probably should be another time for another discussion, but there are concerns with who is going to enforce compliance and how it's going to be done. The last thing that anybody that's going to be filing for permits and approvals, we don't need people nitpicking, making life difficult for people that are paying taxes in the town. So I would also ask that you consider that aspect of this as well. Okay. Our comments are meant to be constructive."

Supervisor Stark: "Yes, and I think that's why we are holding the-- having a public hearing, Joe. Many of your comments not only right here in the public hearing, the Farm Bureau has been working closely with us through not only personal appearances down here, talking to you myself, Lori or Bobby, all Board members, or through the Ag Advisory Board.

Certainly, I spent 35 years in the industry. Certainly, I know the problems of the industry, well understand the problems of the industry. We are heading in a direction. Let me assure you that this Town Board probably will not adopt a rental law until we are pretty sure it will sustain court battles.

When we finish with this we will (inaudible) it; it will go up to the State Attorney General's Office, it will go to the Association of Towns, where we will get additional comment on it and, certainly, we will move forward cautiously, but aggressively. We will protect the citizens of this town whether they're actual taxpayers living in their own home or the citizens who rent in our town who are actually paying taxes through their rent, that everybody has a safe and healthy condition in order to live their daily lives and bring their children."

Joe Gergela: "I think we all-- "

Supervisor Stark: "And that's the direction we're heading."

Joe Gergela: "People are asking why is the Farm Bureau concerned about this? Well, we're concerned for a number of reasons, one is that many of our members own properties in the town, some have rental houses, some depend on rental houses for their labor. And, as mentioned earlier, that anything more than five unrelated people-- "

Supervisor Stark: "I'm glad you mentioned that because I didn't want to."

Joe Gergela: "Okay. Becomes, you know, covered by-- "

Supervisor Stark: "But also, as you well know, too, Joe, that there are certain limitations on a single family house as to the number of people who can live in that house. And that is, there is a code on our books right now that, in fact, more than five unrelated people in a house is not allowed in a single family house. Am I not correct?"

Robert Kozakiewicz: "Yes."

Supervisor Stark: "Yes, so there are some things going on that, in fact, we just want to strengthen up. We are going to do it aggressively, we're going to do it properly and we are going to do it with good judgment that not only benefits the town but benefits the residents of the town."

Joe Gergela: "We have great confidence in this Board that you are going to do that and we just wanted to be constructive with our comments."

Supervisor Stark: "And we take it as constructive and we look forward to continuing the close relationship between the Ag Committee, the Farm Bureau, and the Town Board as you still are as far as I'm concerned, our number one industry."

Joe Gergela: "Thank you. And, Vic, I was only pulling your chain there a little bit."

Councilman Prusinowski: "No, I-- look, I understand what your concerns are. I'm not going to say it publicly, but I read number four here and you know that we've had that discussion about property values and stuff and I understand that. And you have to understand that this has been the silent thing that's been going around this town. Everybody knows that's in this business and I have to tell you something that I think that it got completely out of control in this town. There's a lot of people making a lot of money off this thing and at the same time always getting lectured about turnout. Let's talk about the money that I personally voted for here that makes me sick to my stomach to buy 414, Raspberry Hilton, all these places that the taxpayers in the end had to bail out these types of things to improve the town. And we're paying off a 20-- we can't even sell the parking lot to Tuttle's Funeral Home because it's bonded for 20 years. He'd like to buy it but he could never pay-- afford to pay it back what the taxpayers have to pay to get rid of that mess we had known as 414.

And a lot of the landlords in the town do a great job and they follow the rules and there's no problems. And we have a lot of good projects in the town but we have a few guys that are out there just taking advantage."

Joe Gergela: "I think that most people that I've spoke to agree with the Town Board on the need to do what you are trying to do but at the same time I've also heard from a number of people that-- "

Supervisor Stark: "Be cautious."

Joe Gergela: "Yes, be cautious."

Councilman Prusinowski: "I completely understand your concern about the Building Inspectors by the way, because I know that's a big concern that a lot of people have."

Supervisor Stark: "Thank you, Joe. Is there anybody else that would like to make comment at this particular time? We are going to have another session tonight at 7:00. And I will mention later on before we close this afternoon's portion and tonight's that I am going to leave this Public Hearing open until the close of business on Friday, October 18th, for written comments. So if the press would pass that word on in your articles this week, I

certainly would appreciate it."

Joe Gergela: "Again-- "

Supervisor Stark: "Charlie, Charlie, let me get this gentleman back here. We will go around once and then we will come back for recall. The Democratic way."

John Huck: "Hi. John Huck, from Wading River. I'm one of those good landlords you've been talking about. I've got seven units under one roof, five are studios and two are one bedrooms. Will I be paying \$150 every two years for each unit?"

Supervisor Stark: "Then you have a-- what do we call that, multiple residence or a motel?"

John Huck: "It's a small apartment complex."

Supervisor Stark: "Small apartment complex."

John Huck: "Sharon inspects it every year. Everything's up to par."

Supervisor Stark: "\$1,000 every two years."

John Huck: "Like the other gentleman said. A lot of my people are on fixed incomes and with the taxes going up, well, this isn't too much, but insurance is going to be a bit of a problem. How about entry? If I have to line up-- I've got those seven units in three houses, it's 10 inspections. What happens if my tenants say, oh, not today? Make it Tuesday. I can't be there. Do I have the legal right to bring an inspector and just walk in? As it is now, my tenants and I are on a one to one basis and it's relatively simple. But say if it does get out of hand."

Councilman Prusinowski: "You've got to have permission."

John Huck: "You've got to have permission. And if that sort of goes off into oblivion-- "

Supervisor Stark: "We'll make permission available, is what it really comes down to."

John Huck: "Now, most of the time the landlord is at fault, he'll get a summons, perhaps something. But on occasion it's the tenant that has the problem. And I have a tenant now, a lady has the (inaudible) complex, she's a saver. And she's gotten a summons directly from the Town of Riverhead and without me being involved. Now if that ends up in problems, will I be involved because of a tenant's misuse of an apartment?"

Robert Kozakiewicz: "I'm familiar with the example that you are citing. We've solely dealt with this as a tenant issue and I don't think we're-- under the circumstances that you are describing, have any intention to bring the landlord into it. And any of the changes by the local law here would not change that particular circumstance or those facts."

John Huck: "So that would be between you and Mrs. X."

Supervisor Stark: "Mrs. Agent 99. I thought I would bring that one back."

John Huck: "So seven units and the three houses, it would be great if we could all be lined up for one day, and the Inspector would come down, but it seems like knowing tenants that it's going to be perhaps 10-- "

Supervisor Stark: "Absolutely and again we are still in the Public Hearing portion of this, still in the formulation of this, we are going to start moving forward aggressively and with speed. There are a lot of things that are going to be ironed out. Probably when we finally do adopt this, there probably will be amendments to it, changes to it where you find loopholes or what have you. And, again, our basic philosophy and commitment is to present to the residents of the Town of Riverhead or our renters, a safe, healthy atmosphere in which to live in because there are landlords who will just rent and forget you. There are landlords, as you say, you're one of the good ones, who consciously watch their equity and take care of it, but I just had as recently as last week Commissioner Wingate in Town, who is Commissioner of the Department of Social Services, and took him on a tour of the town. And he was quite visibly upset and quite shaken at some of the establishments which are being rented to Social Service recipients where the landlord really doesn't care. They just get their check."

Now there are other ones that I showed him because I wanted to show him the good and the bad. And I showed him some that were absolutely well taken care of. But that was the difference. And what we have to get out there, and there are people who are renting to-- they don't necessarily have to be Social Services-- who are renting and because of one reason or another, that's all they can afford, the landlord doesn't really care, etc. But I certainly don't want a condition-- we want to make sure that there are fire alarms in the house, smoke detectors, I guess the same thing. That there is plumbing, there is heating. There is adequate, you know, so on and so forth."

John Huck: "So it would be up to me to make 10 appointments for the 10 inspections. You won't go directly to the tenant?"

Supervisor Stark: "No. We would come to the landlord."

John Huck: "What happens with absentee landlords who are out of town? How will they-- "

Supervisor Stark: "Well, they will have to make arrangements to come to town. That is one of our biggest problems. Absentee landlords. And somebody asked before how would you determine who's renting and who isn't. It's very easy to go to the tax rolls and find out where the tax bills are being sent and then if Mr. Jones has seven tax bills in town, I don't believe he's living in seven houses. And that tax bill is being sent to let's say Huntington. I mean there's many ways to determine how and who is renting. So, again, we're heading in a direction to establish safe and healthy conditions to the residents of the town of Riverhead, those who have to rent.

Those who have not acquired the American dream as Charlie and I often refer to and I think the American dream is to own, own your own dwelling. But a lot of people have to rent until they get to that point where they can afford it. We-- I just did how many houses for Habitat for Humanity? Six houses, we are getting involved in. The American dream come true. We will probably be doing some more affordable housing in town. The American dream come true. So but in the meantime, sometimes that dream has to wait and we have to rent. I know when I first got started, I had to rent. So now I own my own home."

John Huck: "I thank you."

Supervisor Stark: "Thank you, sir. Is there anybody else that would like to make comment at this particular time? Again, let me remind you that this evening we will, again, start up around 7:00. We thought we would have two sessions because-- simply because there are some people who are available in the day and from what the weatherman tells me it's not going to be too nice tonight and there are people who work during the day and we are trying to accommodate both sides of the fence. Those who are retired and those who are still working. Charlie, you want to make another comment?"

Charles Crump: "Getting old. "

Supervisor Stark: "That's all right. I still remember Amityville."

Charles Crump: "Yes. I, you know, I'm must concerned about reinventing the wheel. I suggest that you revisit the existing code and make adjustments there. You know, I believe that everyone should have safe housing and so forth. But why make it so cumbersome."

Supervisor Stark: "We did, Charlie, revisit and we felt, you know my father told me as probably your father, if it isn't broken, don't fix it. Well, this is broken and we are going to try and fix it in an intelligent, safe way to protect the residents of the Town of Riverhead."

Charles Crump: "Okay. Along with that, as I indicated before, is it possible to make it easier for a landlord to get rid of bad tenants. I mean, right now, it's just almost an impossible task, and costs an awful lot of money to do that. Can you work in that particular area, also? Work in both areas?"

Supervisor Stark: "I don't know that we can change as a Town Board the statutory laws of the state of New York or federal government or what have you. I think those are-- it's a process and I do understand because I can remember Herbie Smith, it took him a couple of years to get rid of some tenants up at the farmhouses up there. And by the time that eviction did take place, there was nothing left."

Charles Crump: "That's right."

Supervisor Stark: "We were very fortunate over here on Ostrander Avenue to facilitate a very quick eviction with the cooperation of the family and the real estate broker and everybody else. But, you know, I don't know that we have those powers. We're analyzing it; it's something that Bobby can think about-- "

Charles Crump: "I appreciate it if you would look into that."

Supervisor Stark: "But I doubt very much if you can change state statutes."

Charles Crump: "I also think that the \$150 is quite a bit because as I indicated before, you are going to pass this charge to the tenant. Also, in the-- "

Supervisor Stark: "But the tenant is going to get something for this charge. He's going to get a safe, healthy, because the landlord is going to know that periodically he is going to be inspected or the land-- or the tenant could come to the town and for argument's sake, hey, I've got no heat. I've had no heat for three days and-- or I've got leaky pipes. They won't fix them. Or I don't have-- my smoke detectors don't work anymore. Or etc. So there's a double edged sword there. It works both ways."

Charles Crump: "Okay. Also, according to the proposed code, you have 10 days to fix a problem. I think that's a little short due to the fact that, you know, you might have to hire someone. This individual will have to, you know, have the time to come in."

Supervisor Stark: "Absolutely. I think-- "

Charles Crump: "You know, Section 8 has a 30 day requirement."

Supervisor Stark: "That's an area-- that's absolutely something that can be considered. I tend to agree with you and I think I mentioned it to the Town Attorney once before-- 14 business days, so that's-- "

Charles Crump: "You know Section 8 has 30 days, the federal government, and I think that's reasonable."

Supervisor Stark: "Well, I tell you."

Charles Crump: "It depends on the problem. I mean if it's safety-- "

Supervisor Stark: "I don't want to operate like the federal government. I want to operate like we communicate in a town. I think that it certainly will be taken under consideration and I understand hiring plumbers and this or electricians, you know, they are on jobs and what have you."

Charles Crump: "Exactly. If it is an emergency case, it should be done right away. There is no question about it."

Supervisor Stark: "Absolutely."

Charles Crump: "But there are certain things that don't require, is not a health hazard or anything like that."

Councilman Kwasna: "And, Charlie, it might also not be to remedy the problem but to address the problem. Where if you came in and said, I hired a plumber but he can't be there for two weeks-- "

Charles Crump: "Yes."

Councilman Kwasna: "It's understandable."

Charles Crump: "Okay."

Supervisor Stark: "Thank you, Charlie. Is there anybody else who would like to make comment? George? I knew I couldn't-- you're not coming back tonight, too, are you?"

George Schmelzer: "I didn't know about this when you have to get a permit to rent a house to your own son or daughter?"

Supervisor Stark: "No."

George Schmelzer: "No. I didn't read this thing yet."

Supervisor Stark: "Why don't you read it and come back tonight?"

George Schmelzer: "After I get through reading it, I probably

will know less than when I started."

Supervisor Stark: "That's true."

George Schmelzer: "Yeah, that's why you wrote it that way. How about if tenants damage property, which they often do? Who's responsibility is that?"

Supervisor Stark: "Well, usually a good landlord has security."

George Schmelzer: "You didn't answer me. You gave me a-- "

Supervisor Stark: "I said usually a good landlord would have security which would be applied against damage by the tenant."

George Schmelzer: "Yeah, but sometimes it's bad and-- "

Supervisor Stark: "Sometimes it's bad and maybe a law in some fashion that this is going to ultimately end up the end product would certainly-- "

George Schmelzer: "What is it going-- "

Supervisor Stark: "If I was a landlord, I would certainly look a little harder and a little longer for a good healthy tenant that's going to be as respectful to my property as I am to them."

George Schmelzer: "All right. I had that experience with that. I never would dare put a sign out for rent, only found somebody was all right. But I think you are going to make it very popular for welfare clients. They will say Riverhead is a nice spot. The town takes care of the housing, make sure they are good for us, we've got nothing to worry about. Let's try to get a house in Riverhead."

Supervisor Stark: "Well-- "

George Schmelzer: "Yeah. That's what you're doing, really."

Supervisor Stark: "I have no objections to any person, color, creed-- "

George Schmelzer: "I didn't mention that. You did."

Supervisor Stark: "But I mentioned everything. I do have objection to landlord who, in fact, pay no attention to the safety of their tenants and have no interest in improving the property to put it in a safe and healthy condition so that those people have-- I think they're entitled through rent to live in that condition."

George Schmelzer: "What's the matter with the county? They're supposed to watch out for their tenants, don't they? They furnish them money."

Supervisor Stark: "Absolutely."

George Schmelzer: "Well, let them do it."

Supervisor Stark: "Well, they're working on some stuff right now."

George Schmelzer: "Yeah? Well, then we don't need this nonsense really. We just got a new bureaucracy. How many people is it going to take to run it? You'll get enough money just to pay the wages, I suppose. Is that the idea?"

Supervisor Stark: "Okay. Thank you."

George Schmelzer: "Thank you. You really mean that?"

Supervisor Stark: "Yes. I do."

George Schmelzer: "You are very welcome. I don't think you should do it. I think you should throw it in the ashcan."

Supervisor Stark: "Thank you, George."

George Schmelzer: "Thank you."

Supervisor Stark: "Is there anybody else who would like to address the Board at this time? If not, I will adjourn this Hearing this afternoon to 7:00 p.m. tonight. And, again, reminding the press that if you could get that in for me about open comment-- written comments until the close of business day on October 18th, Friday."

Hearing adjourned until 7:05 p.m.

Minutes of a Public Hearing held by the Town Board of the Town of Riverhead, at Town Hall, Riverhead, New York, on Tuesday, October 7, 1996, at 7:00 p.m.

**Present:**

James R. Stark,	Supervisor
Victor Prusinowski,	Councilman
Mark A. Kwasna,	Councilman
James B. Lull,	Councilman
Otto Wittmeier,	Councilman

Supervisor Stark: "The time is 7:05. This afternoon's Public Hearing extension is now back in session. I would like to welcome everybody here tonight on this nasty remnants of a hurricane or some kind of storm as we calmy refer to out here on eastern Long Island as a nor'easter.

Before I go much further, I have determined that with not objection from the Board, we will keep this Hearing open until the close of business on Friday, October 18th, of the normal day business, that's 4:30, for written comment. And as the media is here, if you could somehow work that into your article, Mitch, I would appreciate it.

I would ask our Town Attorney, Bob Kozakiewicz, to give a brief opening remark and we will move on."

Robert Kozakiewicz: "I'll try not to repeat the same things I stated word for word at the 4:00 hearing on the subject matter that's before the Board.

The proposed local law that is before the Board this evening is a culmination of quite a few months of study. Initially, Councilman Prusinowski sat down with Sharon Kloss from the Building Department and put together some notes. Then it was turned over to myself in further (inaudible) and in April of this year, April 16, 1996, we had a Public Hearing, received numerous comments from the public concerning a few points that they had or problems that they had with the proposed legislation.

Thereafter, Lori Talmage, the Supervisor's office, did some

further study, took a page from North Hempstead book, and adopted it or modified it to fit into our situation here in the Town of Riverhead.

A summary of the major points of the local law are that now unlike the law that's on the books now, all rental property-- all rental units shall be subject to a rental permit. Exemptions are provided for in the case of immediate family. That's done so that an individual who is renting a room to his or her son, his or her daughter, a person who fits within the definition of immediate family, would not be subject to the requirement of a rental permit. Another exemption was also granted for agricultural housing inasmuch as that type of housing is regulated by numerous other agencies already.

The fee structure is a bi-annual or a two year fee of \$150 or \$75 per year, per unit.

I think that's really the major impacts of the proposed local law if adopted by the Town Board."

Supervisor Stark: "One of the things we're trying to do through these series of Public Hearings is to develop a law that is fair and equitable to all the residents of the Town of Riverhead. We are trying to create a process which will allow tenants who rent to live in a safe and healthy environment. This may not be the final Public Hearing. We are going to try and come to a final draft of this rental law that will sustain any court challenge. And, again, keep in mind that we are not trying to hurt anybody but we also feel an obligation to make sure that, in fact, if you are going to become a landlord, and you are going to rent, you must present housing which is fair, healthy, free of code violations as far as electrical, plumbing, heating, etc. and that those persons who are going to rent must be assured that that will be maintained.

With that, I will open up the Hearing to anybody who wants to make public comment at this particular time. Don't be afraid, just step right up. If this is a-- the purpose of a Public Hearing is to get input discussion. We don't have all the answers up here. We are searching for a lot of answers. So if you have something on your mind that you feel could be beneficial not only to yourself or to the community, please feel free to come up. Who is going to be

first? I knew somebody would move here."

Rosemary Danielowicz: "I've never done this before. Okay. My name is Rosemary Danielowicz."

Supervisor Stark: "Yes, Rosemary, just bend that right down to you. That's it. Thanks, Rosemary."

Rosemary Danielowicz: "Okay. My name is Rosemary Danielowicz. I work for Ed Tuccio Real Estate. My main concern about this bill, I'm not against this at all. But my main concern is where does the tenant get any responsibility? You know, what responsibility-- it's supposed to be a landlord/tenant law. What responsibility, what is the Town going to do to make the tenant responsible? Even HUD now, the Housing and Urban Development in Washington, have made tenants responsible. They can get, you know, taken off their Section 8 certificates if they don't keep the houses up."

Supervisor Stark: "Absolutely. If we find a tenant is receiving rent by some subsidy, let's for arguments sake, taking part of Social Services, certainly as we go out to inspect the rental unit and we find out it's a Social-- we just notify Social Services -- will then take that person off rental income."

Rosemary Danielowicz: "Because that's a big concern of-- "

Supervisor Stark: "But it also puts a little bit more responsibility-- if you're talking about government subsidy right now one only has to collect a check by mail. And one doesn't really have to visit the premises. There has been notation by Commissioner Wingate who visited us here within the last week or 10 days, that the checks probably will no longer go to landlords, they will go to the tenant. And that now puts responsibility on the landlord to become a true landlord and vice versa. And it's a double edged sword, too. So I think everybody who is in the business of rental has to become more conscious of who they are renting to. And be more conscious in setting down rules and regulations. Councilman Prusinowski referred to a couple of projects that are in the Town of Riverhead, one right across the street. Until a firm management firm took over, as you well can remember Rosemary, it was a mess over there. They have rules and regulations. If you don't follow them, you're out of there."

Therefore, I think the landlord has to do the same thing."

Rosemary Danielowicz: "But-- "

Supervisor Stark: "Let me just finish one other point. And in our tour with Commissioner Wingate, we visited what we believe is many Department of Social Services house recipients who are owned by some local businesspeople and out of town people. And it's absolutely appalling the condition of those houses. So, therefore, we are going to try and improve that because I think everybody deserves a right to live in a safe, healthy and safe place. And if somebody is not on Department of Social Services or some subsidy and is just a young person out there whose American dream of owning a house some day hasn't quite gotten there because they haven't saved up the money, certainly they are deserving of the same right. And it's-- what we are trying to do is make that a better situation in the Town of Riverhead.

This by now way is a final draft. It probably will change two or three times but certainly we are going to proceed with this vigorously and aggressively. And in my travels throughout town, it's got wide range of support, tremendous range of support. And no matter what class of life or status of life a person is, we are going to demand that it be a healthy and safe environment for that family and children to grow up in. And the responsibility is on both sides, not only on the tenant, but on the landlord. And, therefore, you've got a bad tenant, then you are going to do what you have to do to get that tenant out."

Rosemary Danielowicz: "But will the Town, you know, will the Town do anything to the tenant? Will there be any penalty to the tenant?"

Supervisor Stark: "Well, in most instances people who are-- I mean charges can be brought against the tenants, and that's the landlord's privilege, for destruction of property and what have you. But, also, most good landlords require a security. And it's usually what, one month's security. So, therefore, if you visit your premises on a more regular basis, you can find out whether your property is being destroyed.

Right now I know some people who say, I don't have to go. It

just comes in the mail. So, therefore, you get a (inaudible) and those who are living in those conditions, they don't have any way to pull themselves up. We are going to help them pull themselves up."

Robert Kozakiewicz: "I would also like-- if I could intervene for a second. There is currently within the Town code, Chapter 68. It's an extensive chapter, probably consisting of somewhere around 40 to 45 subsections. There is a general provision, there is a section that deals with the responsibility of homeowners and a section that deals with the responsibility of tenants. And, in fact, I know in at least a case that I can think of that's pending in the courts right now, we have, in fact, proceeded to bring a tenant into court who was a problem. So, to address your question, there is something currently on the books under that chapter. And I suppose what you are looking to is a case where a tenant complains they have a smoke detector out and what they're doing is they are taking the batteries out of it and the tenants are the cause of the problem. But, I just wanted to bring that to your-- to the floor that there is currently provisions on our book, in Chapter 68, specifically that deal with tenants."

Rosemary Danielowicz: "Now, I'm in the process now of doing five evictions. Five of them. Costly. It's not-- I mean these people have been with us, they are not new people, trying to go through now a new screening process, trying to get a good tenant but you can't always get a good tenant. And I know for myself, I had two calls recently from two girls who their refrigerator has been running all night. We sent a man over there. The refrigerator, both doors were open this much, on each thing. And I mean it's a two way thing. I mean the landlord, yes, has to be responsible, but I believe the tenant has to be made responsible in some way, too. I mean I go out-- I got out now and I check these houses. And I visit with these tenants. And I have-- I am proud of my record now. I have gone to some of these houses. I have gotten letters in the mail from girls thanking me. Rosemary, thank you for just taking the time to spend with me, to give me a house. And I make sure that those houses are safe and decent. Any house that I am touching now, will make sure I go in there."

And I just feel though that the tenant has to be-- I don't know what it is. This is against all the landlords. But it's

nothing against the tenant. The tenant can do whatever they want. How do we teach them responsibility. It's okay to tell them, o'kay, I'm going to make sure you have safe, decent housing, but how do-- I don't understand, I'm at a loss. I don't know how to-- "

Councilman Prusinowski: "It's the risk of being-- "

Rosemary Danielowicz: "I know that, but I mean-- "

Supervisor Stark: "Rosemary, Rosemary, I used to go snowmobiling years ago and we used to stop at your house and I would look on the refrigerator there and I would see that list of duties."

Rosemary Danielowicz: "Right."

Supervisor Stark: "And I always asked you why you picked on that one door. Remember. That's just a little nostalgia, but I think what you are saying, if that's the business you want to be in, when I think you have to develop your own rules and regulations. You say it's hard to find a good tenant. Well, I guess you've just got to keep looking until you find one. And if you have to leave the house empty until you find that good tenant, I guess you leave your house empty."

Rosemary Danielowicz: "I have done that. I have done that."

Supervisor Stark: "Yes. And the responsibility-- we are responsible to make sure that there is a safe, healthy environment building code wise, electrical wise, fire, smoke detectors, etc., etc. No different than when if you went out to build a house, the Building Department is there supposedly for your protection to make sure that your contractor builds that house accordingly to code. Sometimes we don't feel that the Building Department is protecting our rights, but that's what they are basically there for. And I think anybody in business has to set down their own rules and regulations. And it's a responsibility if that's the business you want to be in."

Rosemary Danielowicz: "So that's what it's going to be. It will be our responsibility to do everything."

Supervisor Stark: "Absolutely."

Rosemary Danielowicz: "I mean you say, Mr. Prusinowski, it's a business."

Councilman Prusinowski: "Right. You want to know something? That's exactly the way it is. Because when I ran a business and I had a liquor license, State of New York, that's exactly the way it is. It's your responsibility. You chose to be in the rental business, it's a fine business, but it's your responsibility. I will tell you the truth. I'm aghast at these landlords that have been coming up to me and says, What are you going to do to help me with my tenants? If the tenants are violating the law, they are engaging in illegal activities, like drugs, they violate the Town codes that Bob has alluded to, our Town Attorney, of course, the Town of Riverhead will be there to do what we will do across the board for any people in society that violate the laws.

But the reason why Millbrook Gables-- the complex across the street and Doctors Path and a lot of the other low income housing projects in this town are well managed, because they have rules and regulations and they write things into the lease. And you are not allowed to have pets and if you do, you are thrown out. And I have to tell you something. The free ride is over in the Town of Riverhead. I know it's a very harsh thing to say but it's-- we have allowed too much to go on here for years and everybody has made a lot of money on it and it's wonderful, it's over. Okay. We are trying to turn this Town around and I'll tell you the truth. It came to a head, we had a tragedy down by the school and I see Newsday is here, and they were right. How come the fire alarms didn't work in that house with all those kids? And it wasn't the guy's fault that that place started on fire. But the first thing that Newsday asked us, rightfully so, was when was the last time the place was inspected?

Social Services lied, said oh, we come here all the time. Well, we had a landlord wrote us today, said, yes, they do the first inspection and it's very lax and they never come back again. One of the people that was in favor of this law, by the way, with some minor adjustments. And the fact of this, if you're in the newspaper business there is certain things you've got to-- you know, everybody-- the farmers. They have responsibilities, too, and the thing is that anybody that's in business has those responsibilities. We're not-- we're in the housing business, too, in the Town of

Riverhead. We rent. We have programs and as you know there's rules with Section 8 and we follow those rules. And it's tough sometimes. It's a tough thing.

We have a situation-- we get into a lot of situations where we have to do things we don't like to do but it's our responsibility. I'm not trying to be harsh about it, but I just had an incredible discussion with somebody just recently on this thing. It's like all of a sudden it's the taxpayers responsibility. I mean, come on, you chose to be in the business, and if you want to be in the business, there's some very good benefits to be in the business, but there is also some things that are not so great.

I got out of the bar business because it was a terrible business. I mean you've got to-- you are dealing with people that consume alcohol and stuff and I chose to get out of it because there were a lot of responsibilities that were in it. And that's all we are saying here. And I know that, I understand some tenants are rotten. We've got a lot of them in this town, unfortunately."

Rosemary Danielowicz: "Well, I just feel, too, that I'm trying to make an honest effort, you know-- "

Councilman Prusinowski: "And we appreciate that."

Rosemary Danielowicz: "-- to help. If I have people in houses now, if I put them there, they're in safe housing. Can't say that every house-- I haven't touched every house yet. But, I just feel that, you know, I need the support of people like you, too, if I'm going to do something like the tenants. I mean, I could go-- I could sit here with stories and you don't want to hear them-- because I'm in the business. I mean, I can understand that.

But you really have to understand-- I think you have to take the landlord's position and the tenant. The tenant has to be made responsible."

Councilman Kwasna: "Well, through your lease, that's where their responsibilities lie and through any as Vic said, any illegal activity where under the law we can help you. Otherwise, you cannot run a no risk business. I don't know anybody in this town that has no risk business except for the landlords."

Rosemary Danielowicz: "But you don't-- leases-- they don't follow leases. I worked for Section 8 for six and a half years."

Councilman Kwasna: "Well, how is 821 across the street doing? Somebody does something wrong, two weeks later they are out on the street. How are they doing?"

Rosemary Danielowicz: "They are all confined in one thing. They have one person watching them. That's it. They are there."

Councilman Kwasna: "All right. Another question. You said right now you are working on four or five evictions. Now, when certain landlords evict people in this Town, they put-- the Sheriffs come and they put all the furniture out on the front yard. Who do you think pays for that? The taxpayers of the Town of Riverhead to get rid of all that garbage after the landlord may hold the rental money all those years."

Rosemary Danielowicz: "I know. I pay the taxes, too. I know."

Councilman Kwasna: "And that's wrong also."

Rosemary Danielowicz: "I know."

Councilman Kwasna: "So you are in a no risk business."

Rosemary Danielowicz: "I just feel that, you know, more support from the Town Board would be appreciate. Because I'm trying to do my best. I really am."

Supervisor Stark: "How many rental units-- "

Rosemary Danielowicz: "The people that I'm dealing with are not like the ordinary person like you sitting there and me sitting there saying, let's sign a lease. Because they don't sign a lease. Some of them can't even write. And I don't care if they can read and write. Because I'm helping them and I feel that I'm doing a service to the Town and to the people. And it's just not the same. It's not you are going to write a lease and they are going to sign and they are going to follow through it. They're not."

Councilman Kwasna: "And the Commissioner told us last week

that 40% of these people come from outside of Suffolk County, outside of New York State."

Rosemary Danielowicz: "Well, that's not true. I mean I don't know if that's not true there, but in my it's not true. It's not true with mine. I don't know what the figures and the facts are, but in the Town of Riverhead, even when I was working at Section 8 for six and a half years, the people are local people. That's who I dealt with and the people I'm dealing with now, there might be a few that are not local, but I would say 95% of my people are local people that have been in this town for many years. They're here. And they are not going to disappear. They are not going to disappear."

Councilman Prusinowski: "Well, Section 8, we have regulations right, Rosie. There's inspections and stuff. And Section 8, usually our Section 8 units are in pretty good shape and we have a pretty good record there. And, you know, then when we go down to Second Street and we see the guy with 20 rooms in there with illegal aliens or whatever-- I forget whether they are illegal aliens living in a closet with a hotplate. I mean, it's outrageous."

Rosemary Danielowicz: "I'm for this whole thing. I really am. I'm not against it. I mean, there's some minor things, too, that I think are too harsh or whatever. I'm for it. But I just-- I still feel somehow, even if, you know, you are not going to be able to enforce it, but the tenant has to be made to know that he has to follow the rules. You're not-- the people that you are trying to deal with, I know are not the ordinary people like I have a house that I'm renting to this person. These are not the people we are talking about. The people that I deal with are not those kind of people. They are not going to just sign a lease and they are not going to, you know, I fix up a house, I go out there, you tell me that's my business but these people are in our town, you are trying to help them."

Councilman Kwasna: "But they have-- "

Rosemary Danielowicz: "I want support, too."

Councilman Kwasna: "But you don't feel these tenants have to take the responsibility to sign the lease?"

Rosemary Danielowicz: "Of course they do, but they don't."

Councilman Kwasna: "But you don't want them to sign a lease?"

Rosemary Danielowicz: "They don't. I didn't say I didn't want them to sign a lease. They will not follow a lease. I guess I'm not going to get anywhere. But at least-- "

Councilman Kwasna: "No. Anything you can do-- anything we can do for you to help you with your tenants under the law, we can do. Anything beyond that, we cannot."

Rosemary Danielowicz: "I just feel the whole thing, you know, is written-- is written against the landlord, whatever. You know, it's not written anywhere where the tenant has any responsibility and if we are supposed to bring these people up and make them responsible, then they have to be responsible, too. You're penalized if you don't do something right, too. That's how I feel."

Supervisor Stark: "About every two years. Thank you Rosemary. Is there anybody else who would like to make comment? Yes, sir?"

Jim Brietenbach: "How are you doing? My name is Jim Brietenbach. I'm from Riverhead. I would just like to know, on the inspection, how are you going to go about it? Do you have inspectors to keep up on this? And can-- if something is imposed, can you like fine them per week? Per month? So at least the town can make some money on it."

Supervisor Stark: "Right now, Jimmy, we are in the drafting of this, we are in the public hearings. When we get down with these two public hearings we have today and written comment the end of next week and, again, I please ask the press to print it in their articles this week. We will probably make some more changes. We might have another public hearing. We are also going to seek advice and counsel from the county attorney's office, the State Attorney General's office, the Association of Towns. We want a law, one is in the air, we also want a law that will sustain court."

Right now we know that we are going to have to make arrangements for some kind of investigators out there or code enforcers or what have you. That's sometime in the future. But-- I mean, presently

right now, if we were to enact this tonight, I'd be hard strapped. But this Board realizes they will have to make, you know, room for that. And that probably is another aspect of studying this, too."

Jim Brietenbach: "Also, like on time on it. I mean are they going to have-- if you enforcement officer or something cites problems, is there going to be a time limit on when they have to resolve it?"

Councilman Kwasna: "Jim, we have a copy of the law for you, we can-- "

Jim Brietenbach: "Yeah, I have gotten-- "

Councilman Kwasna: "And all that is in there."

Jim Brietenbach: "Oh, it's in there, okay."

Councilman Kwasna: "And also to add onto what Jimmy had said about enforcement. Under the current rates charges per unit in here right now, if we enacted this law right now, \$150 every two years, the town would probably collect \$100,000 in fees from the landlords which would surely pay for two or three inspectors. That's only the fees, not counting fines. I mean we probably could collect another \$50,000 in fines in the first year."

Jim Brietenbach: "What about-- "

Supervisor Stark: "Little short on two or three."

Jim Brietenbach: "Well, let's say that the town, you know, cites violations, can they by (inaudible) fines, can they, you know force a little quicker action?"

Supervisor Stark: "There is some comment that I think Bobby has written in 14 business days, is it? Fourteen business days, so you really are talking about five and five and four plus four is 18 days, which is just shy of three weeks. Now, if, in fact, there is an inspection and normally the inspection would be as you go to rent and if you have violations right then, you are not going to be able to rent it until it's been fixed up and brought up to the health and safety and welfare of the community and of the family or person

or persons coming in. So that was brought up this afternoon, you know, maybe 14 days is not enough time by the time you go get a contract, to get him off some other job. If it's an emergency, anybody in this kind of business certainly has the contacts of plumbers, heating, you know, oil burner people or what have you, or the roof leaks. I mean those things are emergencies and if they want to hang around for 18 days then that tells you what kind of landlord they are. So, there are a lot of good landlords out there these days, Jimmy. A lot of good ones, and there are a lot of people out there who just want to sit back and say, you've got a roof over your head, you are renting, and don't bother me no more."

Jim Brietenbach: "I also would like to thank this Board for following up on this stuff and really pushing for it. Thank you."

Supervisor Stark: "Thank you, Jimmy. Is there anybody else who would like to make comment at this particular time? Jimmy Flood."

Jim Flood: "My name's Jim Flood from Aquebogue. I was at the meeting earlier this afternoon and I was listening to some of the landlords talk about on one hand, increasing the police domination of the, you know, it's too much of a police state. On the second hand, I just couldn't believe what I was hearing. They were asking about and can you help me collect the rent? You know. It just kind of drove me crazy today. And I can always count on you, Vic, to voice my opinion. When I feel like going crazy, I just look at you and you just snap right into it. But-- "

Councilman Prusinowski: "You've got Irish blood, I've got Polish blood."

Jim Flood: "It's quite a mixture, Vic. I wish-- I've only been in the town for nine years, but I wish that I was here maybe 10 or 25 years ago when probably all the houses along Second Avenue and East and all those places were probably fairly decent places to live. And then they started, I guess, when people were moving out of town, you know, leaving town, maybe going to Florida, or lose their house maybe to taxes, people started buying them up. And they bought them up in droves and those houses still at that time were fairly decent. But I can see what's happening. It's just a never ending downward spiral of the condition of the housing. And when you get to 25 years later where I'm now living in the town, and I

look at these houses and I look at them on a daily basis because my business is on Second Street and Roanoke Avenue and I tell you, if I wanted to go to St. John's Church, I would have to go up the block, go up to East Street and I would never take that way. Because, you know-- I look at the housing there and I wouldn't want my kids being on that street because of the-- "

Councilman Prusinowski: "And, Jim, what we did besides this, we put another ordinance on the books for bed and breakfasts, and I know that it's a tough ordinance and it's a shame it has to be a tough ordinance but we wanted to give the opportunity for some of those nice houses on Second Street to be owner occupied, to have the opportunity to have an alternative source of income to help pay the mortgage and keep these houses up. That's why we have a bed and breakfast law on the books and I got to tell you. Everywhere I go, I've been on the Board 15 years, I have been here, I hear the same thing. What are you going to do about this problem? And the people that are in this business, they're living in a dream world, a fantasy land. They don't think that there's people out there that are concerned about this thing. I've got to tell you, it's all over town. And it's the last thing left that the people in the town, like Mr. Brietenbach and people up-- and I will tell you what got me going.

Now we are getting petitions in. All those people on Ostrander Avenue took the time to sign that petition because they are worried about that house we had up there and it's a concern. And the fact of the matter is you are going to be in the rental business, then you are going to have to take responsibility. The fact of the matter is (a) the town of Riverhead has done more to provide affordable housing than any other town in Suffolk County for its population. Jimmy had a press conference here the other day, the County Executive was amazed at that statistic. So you know what? We've done our fair share. I don't need somebody telling me about you've got to provide affordable low income housing. We have more low income housing projects in this town than anywhere I know of and they're fine projects.

Because I remember when I was voting for Doctors Path, a lot of people were outraged for the fact that the Town Board members personally had to walk around the neighborhood because they were so concerned that that project was going to end up like the old 821.

t's ended up to be a good project. So when you put rules and regulations and standards in place, it works. And you know what? It's time. Because after seeing that house on Second Street, You now, when Mr. what's his name had over 28 people in there. It's an outrage and it's time that it stops and I know the Town Board I'm proud of them for stepping up to the plate. I will probably lose a few friends over this. But you know what? My job here comes before anything else. And I'll tell you one thing. We've spent millions of dollars to turn this town around and I'll be damned if we are not going to turn this problem around, too. Because this is the last piece of the puzzle."

Jim Flood: "You know, I think that housing has gotten in some parts of the town to the bottom and you can't expect-- these-- it may come to the point where these landlords have to give these places up. You can't have two or three families with children in a one family dwelling. You have to-- I'm sure that Riverhead can afford as a community to have as many people as-- to have one person, one family in each house that has kids that can go to the school district and get a good education. I have four kids in the school district. But I hate to think about the impact of two or three families in one house, just for the greed of a landlord. Just to pack them in and then impact on my children. Instead of having 25 in a class, now they have 28 in a class. And some of these kids from the poor families, they have problems. They have problems that cost the school district more.

I'm more than willing to support as a taxpayer one family for one family house. And a decent house where these kids can be proud of being in a neighborhood that they can grow up in and not feel afraid. But to look at some of these kids that live in these poor houses, these run down pieces of garbage that are on East venue.

I went into a house a couple of days ago in the course of my own business and I went in to the front door and there's a locked door to the right and there's a locked door to the left. There's a locked door upstairs. There's four or five different family units, couples, couples with children, all in the same house. And that's not the way it's supposed to be. And then they want us to help collect the rent. And it just boggles my mind. It's time maybe that they should get out of the business or fix the house up, bring

the standard of the house up and somebody decent can rent to a person with one family and a couple of kids, three kids, I don't care how many kids they have. In one family, in one house.

You have three bedrooms, you have five kids. I don't care. But just one family per house. There's no two family houses that I know, you know, that's supposed to be supporting two or three family house. And we don't have two or three family housing in this town. Am I correct?"

Supervisor Stark: "We have some."

Jim Flood: "Yeah, but not very often. They are few and far between."

Supervisor Stark: "There's about 100-- I believe if my memory serves me correctly, 150 legal two family houses. There's a lot more that's illegal."

Councilman Kwasna: "About 500 illegal."

Jim Flood: "I mean, it's just unacceptable to listen to landlords after they have let the houses run down and unpainted, unclean, not looking houses and then expect us to help them collect the rent and it drives me nuts."

Councilman Prusinowski: "And then gloat when they beat us in court."

Jim Flood: "It's just not right and that's the way I feel. You know, I've been out here nine years. I used to say I come from Quebec. I still do because that's my address. I'm very proud to be a business person in Riverhead. And I've seen what's going on in Riverhead and I'm-- I look at how it almost reminds me of the west side where people, you know, started in the '60's, they took back the '60's up in the west side, now it's '70's, '80's, '90's up in the 100's now because landlords have finally figured out that they could actually make more money by fixing up a building and greening their tenants and making sure they have the ability to pay."

And so what if they have to evict people. That's just too bad.

I don't believe that Mother Theresa was just speaking before I was here, you know. There's a buck to be made. But if you run your houses down to the point where it just-- it's beyond-- there's no more point of return, then it's either time to leave or fix the housing up so that you can get a half way decent tenant in there that has the ability to pay. And that's what a business is all about.

The person this afternoon talked about a person who-- he said, you know, the average Joe, he's just a businessman. Well, this is a business. I'm an average Joe. I can't afford to have two or three rental houses. However, I want to protect my school district, I want to protect my property values. And the school district is a big part of it. If you can't sell the school district when you are trying to sell your house, then you are in bad shape. You know. And that's why housing hasn't really-- the property values of houses in Riverhead have come to a point where they've stagnated over the last few years. And I think that if we can get some of these landlords to fix up their houses and go for better tenants or get out of the business, and sell to a young couple who is willing to buy that house and fix it up. You know, they've written these houses down to the point where there's-- they've written them down to nothing now. So maybe it's time to bail, you know, and that's all I have to say."

Supervisor Stark: "Thank you, Jim. Is there anybody else who would like to make some comment? If not, I will remind you that the hearing will remain open to close of business Friday, October 8th, normal close of business which would be 4:30 for written comment. I thank you for coming tonight. Nice to see you out here on a stormy night, Mitch, Ruthie, Ruthie's got a cold, so have a great evening and drive home safely."

Time noted: 7:41 p.m.

Barbara Deaton  
Town Clerk