

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, May 6, 1980 at 7:30 P.M.

Present: Joseph F. Janoski, Supervisor  
Francis E. Menendez, Councilman  
John Lombardi, Councilman  
Antone J. Regula, Councilman  
Victor Prusinowski, Councilman

Also present: Kevin Duffy, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 P.M., and the Pledge of Allegiance was recited.

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

RESOLVED, That the Minutes of the Town Board Meetings held on April 1, 1980 and April 15, 1980, are dispensed without objection and be approved as submitted.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#### BILLS

Bills submitted on abstract dated May 6, 1980 as follows:

General Town	\$45,697.83
Special Districts	\$ 8,723.57
Ambulance	\$ 23.86
Highway Item #1	\$ 3,102.07
Highway Item #3	\$ 1,583.69
Highway Item #4	\$ 1,700.99

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

RESOLVED, that subject to complete audit, the following bills be approved for payment:

General Town	\$45,697.83
Special Districts	\$ 8,723.57
Ambulance	\$ 23.86

Highway Item #1	\$3,102.09
Highway Item #3	\$1,583.69
Highway Item #4	\$1,700.99

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#### REPORTS

Building Department for month of April, 1980.	Filed.
Tax Receiver's report dated May 1, 1980.	Filed.
Police Department for the month of April, 1980.	Filed.

OPEN BID REPORT - INSTALLATION OF FIRE & BURGLAR ALARMS  
 After being duly advertised the bids for the Installation of Fire & Burglar Alarms were opened by the Town Clerk on Thursday, May 1, 1980.

#### RADIO SURVEILLANCE SECURITY SYSTEM SOUTHAMPTON, NEW YORK

TOTAL BID (ITEMS 1 THROUGH 29)	\$56,300.00
ALTERNATE TOTAL BID (ALL ITEMS LESS ITEM 28)	\$56,000.00

FILED.

#### THOMPSON CENTRAL STATION ALARM SERVICES, INC. STONY BROOK, NEW YORK

TOTAL BID (ITEMS 1 THROUGH 29)	\$67,523.00
ALTERNATE TOTAL BID (ALL ITEMS LESS ITEM 28)	\$66,683.00

FILED.

Supervisor Janoski: "The bid for the burglar alarms is awarded in resolution #244.

I would like to point out that a number of the Department Heads are present here tonight and especially I want to point out that Charles Crump, the Chairman of the Board of Assessors is

Supervisor Janoski continues:  
present if there are any questions of these people and we have some visitors who are certainly very important and are here for questions that might be directed towards them from the Revaluation Office so they are certainly available."

COMMUNICATIONS

Robert Morgado, Governor's Secretary, 4/23/80 - acknowledging receipt of copy of resolution adopted April 15, 1980. Filed.

Mainline Steam Foundation, Inc., 4/23/80 - expressing appreciation for the cooperation and assistance of Police Department. Filed.

Senator Kenneth LaValle, 4/25/80 - acknowledging receipt of resolution adopted by Town Board in support of S.4771-A. Filed.

Conservation Advisory Council, 4/25/80 copy of letter to David Young regarding fill on perimeter of pond on Main Road, Jamesport. Filed.

Mrs. V.E. Rockhill, 4/27/80 - re: traffic on Sound Shore Road, Northville. Filed.

Henry Saxtein, 4/28/80 - tendering resignation to Peconic County Committee. Filed.

Cooperative Extension - announcing 1 day session for grantsmanship program. Filed.

Public Service Commission, 4/28/80 - acknowledging receipt of March 6th letter supporting Jamesport as site for coal-fired plant. Filed.

Conservation Advisory Council, 5/1/80 in agreement to amended application of F. Fellows. Filed.

Environmental Quality Review Board, 5/1/80 - recommendation that application of Steve Mittacchione is a Type II Action which will not have a significant impact on the environment. Filed.

## COMMUNICATIONS - continued

Robert Tooker, 5/1/80 - copies of amended application of F. Fellows, Aquebogue. Filed.

## UNFINISHED BUSINESS

Special Permit of Hubert Jennings (store equipment & materials, Kroemer Avenue).  
 Special Permit of Warner's Oil Heat (non-conforming use).  
 Special Permit of River Center Associates (family recreation center).  
 Special Permit of George McMillan (transform garage into vacation home).  
 Special Permit of Robert Young (Additional labor camp facilities).  
 Special Permit of Aircraft Warehousing (flea market).  
 Permit application of Fred Fellows (construct pier).

Supervisor Janoski: "Under unfinished business we have a special permit application of Hubert Jennings to store equipment and material at Kroemer Avenue. That is addressed in resolution #235.

The special permit application of Warner's Oil, a non-conforming use is still before the Planning Board.

The special permit application of River Center Associates, family recreation center is under consideration by the Town Board pending further information.

The special permit application of George McMillan, transform a garage into a vacation home is resolution #246.

The special permit application of Robert Young for additional labor camp facilities is resolution #247.

The special permit of Aircraft warehousing, a Flea Market will be the subject of a public hearing this evening.

The permit application of Fred Fellows to construct a pier is the subject of resolution #245.

Is there anyone who wishes to address the Board?"

Mrs. Edward Joseph, 5 Locust Street, Aquebogue; "I am secretary of the Ock-a-Bock Association and I wish to put on record the opposition of the Association to the idea of Mr. Fellows putting a pier extending out into Flanders Bay. We feel that it will be a distinctive detriment to the area, that it will be an eyesore and that it will endanger swimming, boating, shellfishing, wild life and what have you. If this is to remain a private affair, that is one thing. However, if it is to be extended into a commercial endeavor, we are most vehemently opposed to it. There is no reason for a commercial endeavor of this type in this area. There are marinas, there are rec-

PERSONAL APPEARANCES - cotinuedMrs. Edward Joseph continues:

reational facilities. If it is a private endeavor, that's something else. Again as I said, but I do not see why it has to go that far out.

There is presently a pier extending into Flanders Bay from the eastern side of the Ock-a-Pock development. I believe it goes out perhaps maybe 75 feet and certainly 135 feet as Mr. Fellows has suggested does seem rather extensive for a thing like this. We all have boats and we moor them by the very simple process of putting a pole out in the bay and a rope connected to a pole on shore and we reel them in and out like an old fashioned clothes line. It works very well and I don't see why Mr. Fellows cannot use the something and not destroy our view as something like that sticking that far out in the bay would definitely destroy our view. Thank you very much."

Supervisor Janoski: "Thank you Mrs. Joseph."

Mrs Edward Joseph, property owner in the Ock-a-Bock Association; "At the present time, Mr. Fellows has a boat anchored in front of the property. It is no more than twenty feet out — why he needs 135 foot pier for the same purpose is beyond me. Furthermore, what assurance or what redress or recourse do we have if eventually he turns this into a commercial enterprise for which we suspect. Everyone of us suspects that there is another underlying reason other than a dock for his private use. We are very sorry that we had to deliver some papers to you late, but we told only about ten days ago that the Army Engineers were closing their hearing on Tuesday of last week so we rushed into the preparation of memorandums, and getting letters of protest from all our residents. A week later we found out that there was a hearing here — we were not aware of the hearing last week so we mustered copies of the letter today and gave them to you. We hope we are not too late and that they will be read and digested before a decision is rendered on this. Thank you very much."

Supervisor Janoski: "Thank you Mr. Joseph. I will recognize Mr. Prusinowski."

Councilman Prusinowski: "Just a matter of information. That area is zoned residential. There is some pocket zoning in there. If Mr. Fellows wanted to transform that proposed pier into anything else other than a private residential use, he would have to come in front of the Zoning Board of Appeals for a variance. I believe, I would suspect the chances would be denied. In addition, this is only the first leg for Mr. Fellows, he would

PERSONAL APPEARANCES - continuedCouncilman Prusinowski continues:

have to go, should the Board approve this resolution, he would have to go in front of the Department of Environmental Conservation for further approvals, especially if he wanted to make it a commercial venture. You just cannot do it. If you have been reading the papers about my position on the Estuary, the laws are very specific. You just cannot make piers or environmental changes without State approval. Those are state waters."

Richard Dennelly, 19 Locust Street, Aquebogue; "I am a recent, in the last four years, a new owner of a summer home there. One of the things that amazes me, is that we have an institution there such as, I won't mention the name, it's a commercial establishment, with sewer facilities that are far less than required or needed to take care of the number of people that use that commercial establishment. Add this to the potential of a commercial pier with the oil wastes, the human affluent, and other things that can further pollute the border, line pollution of Flanders Bay and we will have a very bad situation that will reflect on those that approve this petition. I think that very serious research should be made into this situation. Last summer I was swimming in Dreamer's Cove and I came out of the water for the very simple reason that the human affluent coming out of the creek had such a brown appearance outside the creek that it was obvious what it was. On occasion we have had the duck farms where their reservoir which they are required, I believe, to maintain, where the duck affluent has flown, come into Flanders Bay. We also have over WRIV, the radio station, the intermitten closing of Flanders Bay to clamming, to fishing. Last year it was closed because of pollution. If this petition is approved, you're only adding to a bad situation that, I don't want to say it, but I think it is your responsibility to resolve. Thank you."

Supervisor Janoski: "Is there anyone else present who wishes to address the Board? That being the case, perhaps we can do a few resolutions."

RESOLUTIONS

#215 AUTHORIZES ADVERTISE FOR BIDS ON BLUE STONE - HIGHWAY DEPARTMENT

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

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on Blue Stone requirements for use of the Town of Riverhead Highway Department, and be it

RESOLVED, that specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on May 20, 1980, and be it further

## RESOLUTIONS - continued

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby designated to open publicly and read aloud on May 20, 1980 at 11:00 A.M. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York all sealed bids bearing the designation, "Bid on Blue Stone".

The vote, Prusionowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#216 AUTHORIZES THE TOWN CLERK TO ADVERTISE FOR BIDS FOR POLICE UNIFORMS

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

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on Police Uniforms for the use of the Riverhead Town Police Department, and be it

RESOLVED, That the Town Clerk of the Town of Riverhead be and hereby is designated to open publicly and read aloud on Monday, May 19, 1980, at 11:00 A.M., at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "POLICE UNIFORM BID".

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#217 AUTHORIZES TOWN CLERK PUBLISH NOTICE RE: FEDERAL REVENUE SHARING

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

RESOLVED, that the Town Clerk be, and is hereby authorized to publish and post a public notice as below:

FEDERAL REVENUE SHARING NOTICE

NOTICE IS HEREBY GIVEN THAT THE STATE COMPTROLLER HAS CAUSED AN EXAMINATION TO BE MADE OF THE ACCOUNTS AND FISCAL AFFAIRS OF FEDERAL REVENUE SHARING - TOWN OF RIVERHEAD - SUFFOLK COUNTY FOR THE PERIOD BEGINNING ON JANUARY 1, 1978 AND ENDING ON DECEMBER 31, 1989. THE REPORT OF SUCH EXAMINATION HAS BEEN FILED IN MY OFFICE WHERE IT IS A PUBLIC RECORD, AVAILABLE FOR INSPECTION BY ALL INTERESTED PERSONS.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Regula, Yes,

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued  
 #218 AUTHORIZES THE APPOINTMENT OF PARK ATTENDANTS TO  
 RECREATION DEPARTMENT

Councilmar Menendez offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the following be and are hereby appointed to serve as Park Attendants effective May 5, 1980 to and including September 5, 1980, to be paid bi-weekly at the hourly rate of \$3.10 and to serve at the pleasure of the Town Board.

Ollie J. Booker

Lisa J. Guarino

Thomas O. O'Shea

Karen A. Rosenblad

Lynne A. Rosenblad

James H. Woodson

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#220 REQUESTS INCREASED FEES TO MUNICIPALITIES FROM COURT  
 ACTIONS

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

RESOLUTION RELATING TO INCREASING THE FEES PAID TO TOWNS AND VILLAGES FOR VARIOUS SERVICES RENDERED IN RELATION TO CRIMINAL ACTIONS AND PROCEEDINGS

WHEREAS, town and village courts hear and determine cases involving violations of state law, and

WHEREAS, fines and penalties collected by such courts are paid to the state in recognition of the fact that such violations are state offenses, and

WHEREAS, in recognition of the services provided by such local courts, the State of New York has provided in section 99-1 of the General Municipal Law that the towns and villages shall be reimbursed for services rendered in such cases in the amount of \$5.00 per case, and

WHEREAS, the amount of \$5.00 was originally set forth in the Code of Criminal Procedure, section 740-a, by Chapter 737 of the Laws of 1939, and has remained unchanged for the past 41 years, and

WHEREAS, the per case costs of the operation of local courts have increased substantially since 1939 while no increase

RESOLUTIONS - continued

in reimbursement by the state to local governments for court services has been granted, and

WHEREAS, the net result is that the burden of the said additional cost of administering this state operation is borne by taxation of local real property rather than by general taxation,

NOW, THEREFORE, be it

RESOLVED, that this body does hereby strongly urge the Legislature and the Governor to act favorably on pending legislation which would increase the amount returned to towns and villages to \$15.00 instead of the present inadequate \$5.00 limit as set by the present provisions of law (Senate 2397-A; Assembly 10900), and be it further

RESOLVED, that a copy of this resolution be forthwith forwarded to the HON. HUGH L. CAREY, Governor; HON. WARREN M. ANDERSON, President Pro Tem of the Senate; HON. MANFRED OHRENSTEIN, Senate Minority Leader; HON. STANLEY FINK, Speaker of the Assembly; HON. DANIEL B. WALSH, Assembly Majority Leader; HON. JAMES L. EMERY, Assembly Minority Leader; HON. JESS J. PRESENT, Chmn., Senate Committee on Local Government; HON. JAMES W. MC CABE, Chmn., Assembly Committee on Local Governments; and to the local State Senator and Assemblyman serving this area.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski recessed the meeting for a few minutes after which the meeting resumed.

#221 REQUESTS 60 DAY MORATORIUM RE: SURVEY REQUIREMENTS FOR SHEDS

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

WHEREAS, this Town Board recognizes the expense in requiring a survey by a licensed land surveyor or registered professional engineer, and

WHEREAS, this Town Board is cognizant that requests for a zoning variance or special permit that must be referred to the Suffolk County Planning Commission requires a survey, and

WHEREAS, this Town Board is aware that in the past the public has not been educated about survey requirements for a shed, and

WHEREAS, a shed is not a luxury item but in today's world may be considered a necessity, and

WHEREAS, this Town Board believes that government should be both aware and responsible to the needs of the times.

NOW, THEREFORE, be it

RESOLVED, that the Town Board will request a 60-day moratorium in which time shed owners of sheds of 100 square

RESOLUTIONS - continued

feet who may be or less, in violation may apply to the Board of Appeals for a shed permit without a survey. The shed owner will be required to submit a notarized statement from the abutting property owners that they do not object to the shed.

BE IT FURTHER RESOLVED, that this permit will be valid only for the life of the existing shed.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#222 APPOINTS TOWN CODE REVIEW COMMITTEE

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

WHEREAS, this Town Board feels that the Town Code should change to meet the needs of society, and

WHEREAS, the purpose of the Town Code is to serve, protect, and help the people of the Town, and

WHEREAS, it is believed that the Town Code should be made to serve as a catalyst in bringing prosperity to the Town,

NOW, THEREFORE, be it

RESOLVED, a review committee, consisting of the Town Attorney, Supervisor, Councilman Lombardi, a representative of the Building Department, a representative of the Board of Appeals/Planning Board, and an individual outside of Town Government, should be formed to review the Town Code and to make recommendations to the Town Board for updating the Code,

BE IT FURTHER RESOLVED, that this review committee shall be non-compensated but that its members shall be entitled to receive reasonable expenses subject to Town Board approval.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#223 AUTHORIZES RENTAL OF SNOW REMOVAL EQUIPMENT - HIGHWAY DEPARTMENT

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

RESOLVED, that the Superintendent of Highways be and is hereby authorized to pay rental for snow removal equipment in the total amount of ONE HUNDRED SEVENTY SIX and 55/100 DOLLARS (\$176.55), in accordance with voucher submitted and filed in the Office of the Town Clerk, at rate established by the County Commissioner of Public Works.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#224 AUTHORIZES ADVERTISEMENT FOR BIDS, PROJECT #12,  
SWEETZ AVENUE & OSBORN AVENUE DRAINAGE

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

RESOLVED, that the Town Clerk be, and is hereby authorized to publish and post an advertisement for Bids for the installation of storm sewer system, designated Drainage Project #12, at Sweetz Avenue & Osborn Avenue, Riverhead, New York. Sealed bids to be opened at the town Clerk's Office at 11:00 A.M. on Tuesday, May 13, 1980.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:00 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public hearing to be held on Tuesday, May 6, 1980 at 8:00 to hear all interested persons regarding the use of town facilities.

The affidavits were ordered to be placed on file.

Supervisor Janoski: "I would call on the Town Attorney for a few remarks regarding this proposal."

Kevin Duffy, Town Attorney: "Basically what we are trying to do in this proposal that's under Section 64 of the Town Law a public hearing is required before the Town may grant use of its streets, highways or any other public place. The purpose of the hearing tonight is to state that this Town Board will grant the use of streets, highways, or other public facilities when it deems the group should be requesting the use — a group that is worthy of having such use."

Supervisor Janoski: "Is there anyone else present who wishes to address themselves to this issue?"

William Nohejl, Wading River: "I didn't hear Mr. Duffy say any equipment."

PUBLIC HEARING - continued  
Supervisor Janoski: "No."

William Nohejl: "No equipment."

Supervisor Janoski: "In his statement? I didn't hear the word equipment either Bill."

William Nohejl: "I mean, is there going to be any equipment, to be used in the Town equipment? Like you say — Mr. Duffy has stated the sidewalks, and things of that type. Will any of the town equipment be allowed to be used to these certain groups that meet the criteria."

Supervisor Janoski: "That's not the purpose of . . ."

William Nohejl: "It is — that's what I'm checking, if it was."

Supervisor Janoski: "It deals with the question that we have just completed, for example, with the Polish Town Civic Association — Polish Town Fair — The Country Fair — Firemen's events, etc., but we are not dealing with the use of equipment, just the use of public streets."

William Nohejl: "Okay. That's why I'm raising the question if it was equipment being used too?"

Supervisor Janoski: "Is there anyone else present wishing to address the Board on this matter?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:03 P.M.

Councilman Regula: "Mr. Supervisor, if I may, Frank and Tom if you will stay, the Supervisor will open up again later on."

## RESOLUTIONS - continued

#226 REQUESTS PRO-RATA SHARING OF SALES COUNTY/TAX

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

WHEREAS, recent actions by the Federal Government threaten severe cutbacks in financial aid to municipalities, and

WHEREAS, the recent veto of revenue-sharing legislation by the Governor of the State of New York will mean a further loss of revenue to the Town of Riverhead and all other Towns in Suffolk County, and

WHEREAS, the cost of Riverhead Town Governmental Services would be increasingly borne directly by and become more burdensome to the residents, homeowners and commercial enterprises of the Town of Riverhead, and

WHEREAS, this Board is desirous of taking whatever steps are required to be taken to alleviate further burden to the taxpayers of the Town of Riverhead,

NOW, THEREFORE, be it

RESOLVED, that the Town of Riverhead memorializes the Suffolk County Legislature to enact a resolution providing for the sharing by the County of Suffolk of part of sales tax revenue on a pro-rata basis with the Town of Riverhead and the respective townships and villages that contribute, thereto, calculated in accordance with fair and equitable reference to Applicable State Laws and Regulations concerning tax revenue sharing, and

BE IT FURTHER RESOLVED, that copies of this resolution suitably engrossed and certified be forwarded to the Honorable Peter F. Cochlan, Executive of the County of Suffolk, the Honorable Anthony Noto, Presiding Officer of the Suffolk County Legislature, the Honorable Gregory Blass, Suffolk County Legislature and William H. Rodgers, Clerk of the Suffolk County Legislature.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#227 ACCEPTS RESIGNATIONS OF TWO MEMBERS OF CONSERVATION ADVISORY COUNCIL AND APPOINTS NEW MEMBERS

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

WHEREAS, G.W. Selleck did on February 14, 1980 submit a letter of resignation from the Conservation Advisory Council, and Dennis Mueller has also submitted a letter of resignation from the Conservation Advisory Council,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the resignations of G.W. Selleck and Dennis Mueller, and

BE IT FURTHER RESOLVED, that Louis Imundo and Michael McKillop are hereby appointed as members of the Conservation Advisory Council, serving terms expiring on March 1, 1982.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#228 AUTHORIZES TWO POLICE OFFICERS TO ATTEND N.Y.S.P.  
INTELLIGENCE NETWORK MEETING

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

BE IT RESOLVED, that Officers P.O. Robert Quinn and P.O. John Kurpetski of the Riverhead Police Department be authorized to attend N.Y.S.P. Intelligence Network Meeting to be held in Albany June 4th and 5th, 1980, and

Also, said Officers to be reimbursed for expenses incurred.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#229 REQUESTS STATE LEGISLATURE ENACT MORE EFFECTIVE  
LAWS RE: ALCOHOL

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

WHEREAS, the operation of a motor vehicle is a privilege in the State of New York, requiring compliance with the rules and regulation of safe driving and,

WHEREAS, driving while intoxicated by alcohol or while impaired by controlled substances has become one of the leading contributing factors in motor vehicle accidents, and pedestrian accidents resulting in a multitude of unnecessary deaths, and

WHEREAS, this problem is on the increase amongst young drivers,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Riverhead does hereby memorialize the New York State Legislature to enact and for the Governor to sign more effective laws regarding intoxicated and impaired drivers, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Riverhead does hereby memorialize the New York State Legislature to enact and for the Governor to sign more effective laws regarding intoxicated and impaired drivers, and

FURTHER RESOVLED, that copies of this resolution suitably engrossed and certified be forwarded to the Honorable Hugh Carey, Governor of the State of New York, the Honorable Kenneth P. LaValle, New York State Senator and John Behan, New York State Assemblyman.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#230 DESIGNATED BUILDING INSPECTOR AND BUILDING &  
ZONING ADMINISTRATOR AS CONSTABLES

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

WHEREAS, Historically every two years, the Town Board of the Town of Riverhead has appointed and designated Building Inspectors of the Town of Riverhead as constables; and

WHEREAS, Said designation is necessary for the proper enforcement of violations issued by the Building Department, and

WHEREAS, the said Building Inspectors receive no additional compensation for such designation; and

WHEREAS, The Town's insurance representative has indicated that, if such appointment and designation is made, the Building Inspectors as constables are sufficiently bonded under the current blanket coverage,

NOW, THEREFORE, BE IT

RESOLVED, that Raymond Wiwczar and James V. DeLucca be appointed constables for the Town of Riverhead, and

BE IT FURTHER RESOLVED, that said persons be properly bonded in accordance with our current blanket insurance coverage.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#231 APPOINTS ACCOUNT CLERK-TYPISTS IN THE ACCOUNTING  
DEPARTMENT

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

WHEREAS, this Town Board has submitted to the Suffolk County Department of Civil Service a Duty Statement that has been classified as "Account Clerk-Typist" and at this time there is no eligibility list established,

NOW, THEREFORE, be it

RESOVLED, that this Town Board does hereby create the position of Account Clerk-Typist and does appoint Deborah Palmer and Evon McPherson to the said position on a provisional basis, and does waive the six (6) month reduction of pay by reason of Ms. Palmer's and Ms. McPherson's tenure with the Accounting Department under the CETA Program, effective May 2, 1980, at an annual salary of \$9,221.97 NINE THOUSAND TWO-HUNDRED TWENTY-ONE DOLLARS AND NINETY-SEVEN CENTS, Group 7, Step 1, of the Salary Schedule, and

BE IT FURTHER RESOLVED, that Janice Carney is hereby appointed to the said position on a provisional basis, effective May 27, 1980, with an annual salary of \$8,721.97 (eight thousand seven hundred twenty-one dollars and ninety-seven cents), Group 7, Step 1, of the Salary Schedule.

The vote, Prusinowski, Abstain, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#232 GRANTS PERMISSION FOR USE OF SIDEWALKS

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

WHEREAS, Sears Roebuck & Co. has requested to use a four foot by six foot portion of the sidewalk in front of their store at 203 East Main Street, Riverhead, and

WHEREAS, said use will consist of the demonstration of a single gas grill and will be limited to Saturdays during the months of June, July and August,

NOW, THEREFORE, be it

RESOLVED, that the Town Board grants use of a four foot by six foot portion of the sidewalk at 203 East Main Street in accordance with its exception category for use of public streets.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#233 TRANSFER OF FUNDS - HIGHWAY DEPARTMENT

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

RESOLVED, that the Supervisor be, and hereby is, authorized to transfer the following funds:

	<u>FROM</u>	<u>TO</u>
DM 599 Appropriated Fund Balance	\$26,540.00	
DM 5130.900 Personal Services		\$23,500.00
DM 9030.800 Social Security		1,440.00
DM 9060.300 Hospitalization		1,600.00
DS 2810 Service Other Departments	\$ 5,000.00	
DS 5140.490 Street Lighting Expenses		\$ 5,000.00
DM 2810 Service Other Departments	\$ 4,000.00	
DM 5130.400 Repairs of Equip.		\$ 4,000.00

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#234 AUTHORIZES PUBLICATION OF NOTICE OF PUBLIC HEARING FOR PROPOSED "FEEDER BUS SYSTEM"

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a public notice for a public

RESOLUTIONS - continued

hearing to be held on Tuesday, June 3, 1980 at 8:00 P.M. at Town Hall to hear all interested persons regarding the establishment of a "Feeder Bus System" in the Town of Riverhead.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#235 GRANTS SPECIAL PERMIT APPLICATION TO HUBERT O. JENNINGS  
Councilman Menendez offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Hubert O. Jennings has applied to the Town Board of the Town of Riverhead for a special permit to store equipment, material and supplies in an Industrial "A" Zone parcel located on Kroemer Avenue, and

WHEREAS, a public hearing was held on April 1, 1980, before the Riverhead Town Board where all persons wishing to be heard were heard, and

WHEREAS, said application was referred to the Town Planning Board, which by resolution adopted February 26, 1980 recommended that the special permit be granted, and

WHEREAS, this application was referred to the Town of Riverhead Environmental Quality Review Board, which determined that this application was a type 2 action, and

WHEREAS, this application was referred to the Suffolk County Department of Planning which considered this application to be a matter for local determination, and

NOW, THEREFORE, be it

RESOLVED, that the special permit application of Hubert O. Jennings to store equipment, materials and supplies in an Industrial "A" Zone Parcel located on Kroemer Avenue, Riverhead, New York be granted subject to any restrictions, requirements and/or limitations as detailed in the Code of the Town of Riverhead, Chapter 108 and the following condition:

1. That there be no wholesale or retail distribution of gasoline, diesel fuel or kerosene.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:15 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public hearing to be held on Tuesday, May 6, 1980 at 8:15 p.m. to hear all interested persons regarding the special permit application of Aircraft Warehousing to conduct a flea market at premises located at Route 25, Calverton.

The affidavits were ordered to be placed on file.

COMMUNICATION

Department of Navy, asking that permit not be granted. Filed

Supervisor Janoski: "Is there anyone present wishing to address this issue?"

William Nohejl: (inaudible from the audience).

Supervisor Janoski: "Yes, certainly. It is a request to allow the operation of a flea market at the Industrial site on 25 where the U.P.S. is?"

William Nohejl: "No one here representing the applicant?"

Supervisor Janoski: "Is anyone present representing the applicant? I guess not."

William Nohejl: "I'm aware of this. I attended the Zoning Board of Appeals that night. At that time, I questioned as to whether there would be bathroom facilities. I think the gentlemen stated that one of the buildings would be open, one of the commercial building would be open for facilities. I also stated that I don't believe its for the best interest of the Town for the simple reason that the merchants that would be coming here they would be taking out of the Town, not bringing into the Town and the material that they would be selling can be brought in Town at another department store and a better quality. I have attended the one at Parr Meadows and I got halfway through and I had to turn around in disgust and get out of there to see the type of merchandise that was being offered. We have a lot of poor people in the Town of Riverhead and I don't believe that the poor people should be putting their good money into something that when they take home will be just practically no good. That's my statement. That's what I stated that night at the Zoning Board of Appeals."

Supervisor Janoski: "Is there anyone else present wishing to address the Board?"

PUBLIC HEARING - continued

Mrs. Robert Tormey, Chairman of the Zoning Board of Appeals; "I would like to know first, under what section you are holding this hearing because I believe you are without authority to do so? The matter is before the Board of Appeals and there is nothing in the ordinance that enables the Town Board to hear this particular matter, for one thing.

The other thing, the law of the State of New York is clear that any action before the Board of Appeals stops any other action and it should not then further go forward. As Mr. Nohejl says, in addition to all that the gentlemen who appeared before us was somewhat vague as to where the cars would park, as he was not vague as to his proposed controls over his exhibitors or proposed exhibitors. He was, however, among about many of the other things that we inquired about. He chose not to appear at the last Board of Appeals hearing and gave us no reason why not, he just didn't show up."

Councilman Menendez: "Pat, may I ask you a question? When this fellow showed up at your meeting, did he indicate when this place would be operated, how many days a week, what hours?"

Pat Tormey: "Yes he did. He said it would be over the weekends and probably from nine to five or nine to six or eight to seven. He wasn't that certain, but it would be weekends only because that's used, that area for on-going businesses all during the week. He wants to put it near the highway and obviously if he's there during the week, people won't be able to get back to U.P.S. to mail their packages or whatever else. He sort of assumed, I really shouldn't speak for him, he should be here, but the feeling that we were left with was that he hopes the people would drive to the back. I had visions of people parking on the courses next door, but that was something we didn't get to resolve because he didn't come back."

Councilman Menendez: "All the details are pretty sketchy."

Pat Tormey: "Well he had a very good agreement stating that no controlled substances would be sold, no liquor would be sold, or consumed, all that sort of thing — that agreement obviously had not been enforced because he hadn't gotten the permission to do this. But back to my original statement, I think it is a matter that belongs before the Board of Appeals and not before the Town Board. There is nothing in the ordinance that puts it here."

Supervisor Janoski: "Thank you. Anyone else? I will close the hearing."

No one else wishing to be heard and no further communications having been received thereto, Supervisor Janoski declared the hearing closed at 8:20 P.M.

Supervisor Janoski recessed the meeting for fifteen minutes after which the meeting resumed.

Supervisor Janoski: "I would, at this time, open the meeting once again to anyone present who may wish to address the Town Board on any matter?"

Richard Dennelly, 19 Locust Street, Aquebogue; (Inaudible spoke from the audience regarding ownership of property of Fred Fellows).

Supervisor Janoski: "Kevin, do you see any problem — Fred Fellows is the gentlemen making the application for permit. The land is, indeed, in the title of a Corporation, would you foresee any problem with that?"

Kevin Duffy, Town Attorney: "I think there might be — I would suggest that we hold it off (the rest was inaudible)"

Bill Nohejl: (Inaudible, spoke from the audience. He wanted to have information regarding the difference between farm land and wood land).

Supervisor Janoski: "Certainly. They are here to answer any questions that you might have. Which of you would like to answer that question? Are they both in the same township, Bill? It's important if they are in the same school district or same township?"

William Nohejl: (Inaudible from the audience).

Frank Lipp, Representative of Robert J. Finnegan Associates; "Farm land was broken out or vacant land was broken out by type, whether it be swamp land, or tillable land, or woodland, or real land, or muck land, or whatever. We use the New York State real property information system. The basic value is established for land in the vacant land category and then it was the value of that property was depreciated for the fact that it was not tillable soil, the percentages exactly of how woodland as

PERSONAL APPEARANCES - continuedFrank Lipp continues:

opposed to muck land, opposed to wasteland, opposed to tillable soil, I don't have with me tonight, that's why we have the hearings and why people can come in and talk with the appraiser who actually put the value on the farm land. Basically, I can tell you that we looked at land sales, we looked at the appraisals that were done for those parcels of land that came under the Suffolk County Preservation act. We took that into consideration along with sales of parcels that were an acre and under and based upon that figure was established for an acre price. Looking at the appraisals of the farms and the sales of farmer to farmer sales etc., base value is set and depreciated for how many acres you have in each different category."

William Nohejl: "That doesn't answer my question. I have twenty-five acres of prime farm land here and I have twenty-five acres of prime wood land next to each other. How would the taxes be accordingly, that more or this more? The farm land more, because it is being used tillable or the woodland because it's wood stock?"

Frank Lipp: "I think I can say that the farm land is assessed at probably twice what the wood land is okay."

William Nohejl: "This is my point. Farm land is not worth no where near as much as the wood land because the wood land could be developed into a choice residential plats. No person in their right mind will go out and buy the middle of a farm land and build up fifty, eighty, one hundred thousand dollar homes. I feel this is a very, very unfair act to consider farm land more expensive than a prime choice wood land."

Supervisor Janoski: "Tom?"

Tom Polzella, Representative from Robert J. Finnegan Associates; "To answer your question, if that wood land is in a residential area and zoned residential, it will have a higher value than your varm land but once that wood land is put into a farm, agricultural district it's price per acre drops drastically."

William Nohejl: "I didn't say that. I said prime wood land, prime farm land. I didn't say about agricultural."

PERSONAL APPEARANCES - continued

Tom Polzella: "Okay. We have to go by whether that land is in residential zoning or agricultural zoning. If you own a farm and you have ten acres of wood land on a farm the price per acre is drastically reduced. I can tell you right now farm land — wood land under a farm is running about four or five hundred dollars an acre on a farm. Once that wood land is taken out of the agricultural district and put into residential zoning — your value is going to increase in that property."

William Nohejl: "I have a farm twenty-five acres, it is zoned residential. It is not in an "ag" district. Twenty-five acres of wood land it is in a residential zone."

Tom Polzella: "Okay, the highest and best use of that property determines its value. Okay, we are basing the sales of that wood land based on the use of that property. If you own a farm and its got twenty acres of tillable property, we are going to base the property on twenty acres of tillable land. If you have twenty acres of wood land, we are going to base the value based on twenty acres of highest and best use. Is that land usable for building houses or is it best used for farming? If the woodland happens to be on your farm property, the value is drastically reduced. Once it is taken out of the farm category and put into a residential zoning, the value will increase on that property."

William Nohejl: "Suppose my neighbor owns the twenty-five acres of woods?"

Tom Polzella: "Okay, again what the highest and best use of that property, it is on a farm or is it a residential property?"

William Nohejl: "It's residential."

Tom Polzella: "Also if that land was cleared instead of having trees on it, it's price per acre would increase being cleared as to it would having trees on it."

William Nohejl: "That is (the rest is inaudible. He spoke from the audience)."

PERSONAL APPEARANCES - continued

Tom Polzella: "If you've got twenty acres of cleared land versus twenty acres of wooded land, the value is going to be higher on the cleared land than it would be for the wooded peice of property."

William Nohejl: "I have seventy acres in Wading River and I wish it was seventy acres of wood land."

Frank Lipp: "Tom, just by way of clarification possibility for the other property owners in the town I think what we are alluding to is whether or not one owns ten acres of land that is not farmed in any way but rather in a residential district that could be sub-divided possibly sold off for lots as opposed to the fact that I own a one hundred acre that is a farm. I own a farm of one hundred acres. Of that one hundred acres, I might till seventy acres and may have twenty acres that is wood land, five acres that is muck, etc., So that is the kind of distinction we are trying to draw here. If your wood land is part of your farm and its not tillable, the value is dropped dramatically, but if I own ten acres that can be sold to a developer for X thousands of dollars and developed then the value if this is much higher — just by way of explanation."

Supervisor Janoski: "Thank you. Bill, there is a two week period in which you can certainly come in."

William Nohejl: "That's another thing. I don't think that's enough time. This is pushed so close to the time that is the dead line that I don't think it's sufficient time to hear all the people that will be coming in to hear things."

Supervisor Janoski: "I don't know because we haven't gone through the two week period and I hope you will avail yourself for the availability of those people."

William Nohejl: "They'll hear from me. Thank you."

Robert Pike, Pine Avenue, Aquebogue; "As to the application of Fred Fellows, I am completely unfamiliar with this when I walked in today, but in view of the uncertainty about the legal status of the applicant, I also want to ask you a couple other questions and see whether, first of all, a full hearing had been held, is that the case. All right. Did he, during that hearing, explain how he needed a two hundred foot pier for twelve."

PERSONAL APPEARANCES - continued

Supervisor Janoski: "It is a one hundred thirty-five feet, Bob."

Robert Pike: "All right. Did he explain how he needed a one hundred thirty five feet of dock for a couple of twelve to twenty feet boats as he states in his application to the State DEC?"

Supervisor Janoski: "You mean his purpose for making it that long."

Robert Pike: "Sure."

Supervisor Janoski: "I believe, and the Board members will correct me if I'm wrong, it is because of the shallowness of the water, was that a consideration. That's why he wants it, but I believe that was one of the factors that he mentioned."

Robert Pike: "All right, also in his application to the State DEC he states, that there is a couple of questions in the application that you have to fill out to indicate whether it is going to be an impact on the area. One of the questions asked, will it have any effect on an existing body of water. His answer to that was no. Did he explain that to your satisfaction? Did he explain that."

Councilman Prusinowski: "Well that's why we have the DEC for. The DEC's goal again, let me explain the procedure for those who are not familiar. The state of New York does now allow anybody to put anything in to any water that is state waters without their specific approval. It is a very long approval process. I think it is a good process. A lot of times there is a lot of red tape and a lot of people complain. The purpose of the resolution in front of the Riverhead Town Board is that before they will act on that resolution they require the home rule message. That's a very pertinent question. I agree with you. His purpose is, he is in no position to say yes or no where it will have an impact. They probably might even require an environmental impact statements, that's up to the DEC. We have a CAC Board who went down there along with other Town Board members to survey the site. Now, the purpose of having a Conservation Advisory Board is to advise the Town Board whether or not they feel it's compatible with the environment of the Town of Riverhead."

PERSONAL APPEARANCES - continued

Robert Pike: "And their determination was what?"

Supervisor Janoski: "They approved it."

Councilman Prusinowski: "With some modifications. It is not the original approval that was submitted which means he's got to resubmit everything to the DEC."

Robert Pike: "All right. Do you know for a fact whether in the State DEC process his application will be reviewed in any manner for factual content."

Councilman Prusinowski: "Yes."

Robert Pike: "You know that for a fact?"

Councilman Prusinowski: "Yes I do. They won't. You cannot get a permit. So it would be a violation. You can't put things in the water. There are a lot of fines involved."

Robert Pike: "So his statement that it will not have a major effect on the visual character."

Councilman Prusinowski: "It is his opinion."

Robert Pike: "As to a hundred and . . ."

Councilman Prusinowski: "That's his opinion. The state . . ."

Robert Pike: "Does it look like a wave?"

Councilman Prusinowski: "That's his opinion in his application. The state DEC will rule on that."

Robert Pike: "All right, so the determination you will be making tonight is based on your belief that the statements made in his application to the State DEC will be checked for factual accuracy."

## PERSONAL APPEARANCES - continued

Councilman Prusinowski: "We are not making a decision tonight."

Supervisor Janoski: "We are not making a decision tonight. Bob, the Town Board did visit the site with the exception of myself did visit the site. They stood on adjoining property. They stood next to adjoining homes to try to determine what visual effect there would be and what kind of an impact would take place. Also, as Vic has mentioned there is the approval with modification of the CAC of Riverhead and certainly they are by no means derelict in their opinions, they are not push-overs so to speak. We are not going to act on it tonight so there will be a further opportunity for review."

Robert Pike: "Will there be another hearing?"

Councilman Lombardi: "No."

Robert Pike: "On behalf of some of the people I've spoken to tonight and in view of the questionable legal nature of the applicant, I would ask for such a hearing."

Supervisor Janoski: "Is there anyone else present wishing to be heard?"

No one else wished to be heard at this time.

## RESOLUTIONS

#236 REQUESTS ACTION OF LEGISLATURE RE: CONTROL OF BOTTLES & CANS

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

WHEREAS, the Riverhead Town Board is concerned with the quality of our environment, and

WHEREAS, our great outdoors have been detrimentally affected by the accumulation of solid wastes, and

WHEREAS, in large part this adversity is the result of discarded beverage containers, and

WHEREAS, the New York State Legislature presently has before it, and is considering enactment of, S2153A and A2822 to enact provisions for regulation, and control of litter and solid waste created by discarded soft drink, beer, and ale bottles and cans,

NOW, THEREFORE, be it

## RESOLUTIONS - continued

RESOLVED, that the Riverhead Town Board memorializes the New York State Legislature to enact and the Governor to sign, S2153A and A2822, and

BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed and certified be forwarded to the Honorable Hugh Carey, Governor of the State of New York, the Honorable Warren Anderson, Temporary President of the Senate, the Honorable Stanley Fink, Speaker of the Assembly, the Honorable Kenneth P. LaValle, State Senator, and the Honorable John Behan, State Assemblyman.

Before the vote, Councilman Prusinowski stated: "This is a bill that requires a five cent (the tape ended).

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#237 REQUESTS HOME RULE RE: EXTENDING TAX DUE DATE

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

WHEREAS, tax Warrant Day falls due on Saturday, May 31, 1980, and

WHEREAS, the Tax Receiver has been instructed by Suffolk County to request a Home Rule Request to extend payment date until Monday, June 2, 1980,

THEREFORE, be it

RESOLVED, that the Supervisor is authorized to take the necessary steps to secure a Home Rule Request extending Tax Warrant Day until Monday, June 2, 1980.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted

#238 PROMOTION IN THE PLANNING AND ZONING BOARDS

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

WHEREAS, the contract between this Board and the Civil Service Employees Association incorporates therein the Salary Administration Program,

WHEREAS, the said program permits re-evaluation of employees classification upon certain criteria, including changes in responsibilities, supervision, etc.,

WHEREAS, both chairpersons of the Planning and Zoning Boards have recommended that Jane Stromski be given an additional step in her pay scale,

NOW, THEREFORE, be it

RESOLVED, that Jane Stromski moves to step #5 of Group #2, at an annual salary of \$8,584.97 (EIGHT THOUSAND FIVE HUNDRED EIGHTY-FOUR DOLLARS AND NINETY-SEVEN CENTS), effective, May 5, 1980.

## RESOLUTIONS - continued

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#239 APPOINTS CLERK-TYPIST IN THE JUVENILE AID BUREAU  
Councilman Prusinowski offered the following resolution which was seconded by Councilman Regula.

WHEREAS, this Town Board wishes to create the position of Clerk-Typist in the Juvenile Aid Bureau of the Police Department, and

WHEREAS, this Town Board has posted to the Riverhead Civil Service Employees Association of it's intention to fill this new position, and this Town Board has called for a list and interviewed all eligible candidates,

NOW, THEREFORE, be it

RESOLVED, that Mrs. Agnes Terry be appointed to this said position of Clerk-Typist, at Group #2, Step #1 of the salary scheduled at an annual salary of (\$7,184.97), SEVEN THOUSAND ONE HUNDRED EIGHTY-FOUR DOLLARS and NINETY-SEVEN CENTS, for a probationary period of eight (8) weeks automatically renewed hereby for a full probationary period of six (6) months effective May 19, 1980.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#240 APPOINTS CLERK-TYPIST IN THE TOWN CLERK'S OFFICE  
Councilman Regula offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, there now exists a vacancy in the Town Clerk's Office of Clerk-Typist,

WHEREAS, this Town Board has posted to the Riverhead Civil Service Employee's Association of it's intention to fill this new position, and this Town Board has called for a list and interviewed all applicants appearing on this Civil Service list, and

NOW, THEREFORE, be it

RESOLVED, that Mrs. Barbara Grattan be and is hereby appointed to the position of Clerk-Typist, at Group 2, Step 1, at an annual salary of (\$7,184.97) SEVEN THOUSAND ONE-HUNDRED EIGHTY-FOUR DOLLARS AND NINETY-SEVEN CENTS, for a probationary period of eight weeks (8) automatically renewed hereby for a full probationary period of six (6) months effective May 5, 1980.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued

#241

ADOPTS LOCAL LAW NO. 1 - 1980

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

WHEREAS, the Town Board has held a public hearing on Local Law #1 requiring a permit for rentals in multiple housing, and

WHEREAS, a public hearing was held on March 18, and WHEREAS, the Town Board feels there is a need for this

law,

THEREFORE, BE IT RESOLVED, that the Town Board adopts Local Law #1.

Section 1. Preservation of existing remedies. Nothing in this Law shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, County or State or existing requirements of any other provision of local laws or ordinances of the Town or County of State laws and regulations.

Section 2. Permit required.

a) It shall be unlawful to use, establish, maintain, operate, or let any multiple rental property (i.e. rental property of three or more rental units), in the Town of Riverhead without first having obtained a permit therefor. Failure or refusal to procure a permit hereunder shall be deemed a violation.

b) Application for such permit shall be made in writing to the Building Inspector on a form provided therefor and shall contain the name of the applicant, the location of the premises and the number of dwellings and units and persons to be accommodated.

c) Each application shall be accompanied by a sketch showing the size and location of the premises, all buildings and structures, and showing the floor plan of each dwelling unit.

d) Each application shall be executed by and sworn to by the owner of the premises of such person who operates such premises if other than the owner.

e) The permit shall be valid for a period of one (1) year.

Section 3. Compliance. No permit shall be issued under any application unless all the provisions of the local laws and Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and laws of the State of New York, have been complied with.

RESOLUTIONS - continued

Section 4. Penalties. Any violation of this law shall be deemed to be an offense, punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) or by imprisonment not to exceed fifteen (15) days or both.

Section 5. Partial Invalidity. If a term, part, provision, section, subdivision or paragraph of this ordinance shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall to be deemed to invalidate the remaining terms parts, provisions, sections, subdivisions and paragraphs.

Section 6. Inspection. The building inspector of the Town of Riverhead is authorized to make or cause to be made, inspections to determine the condition of dwellings to safeguard the health, safety, morals, and welfare of the public. The building inspector, or his designated representatives, are authorized to enter, upon the consent of the owner, agent, and/or tenant, any premises at any reasonable time during daylight hours, or at such other time as may be necessary in an emergency without consent of the owner, agent, and/or tenant, for the purpose of performing his duties under this law.

Section 7. Application for Search Warrant. The Building Inspector of the Town of Riverhead, or his designated representatives, is authorized to make application to any court of competent jurisdiction for the issuance of a search warrant in order to conduct an inspection of any premises covered by this law where the owner refuses or fails to allow an inspection of its rental premises and where there is reasonable cause to believe that a violation of this law has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.

Section 8. Warrantless Searches. Nothing in this law except for provisions concerning emergency inspection shall be deemed to authorize the Building Inspector of the Town of Riverhead or authorized representatives to conduct an inspection of any premises subject to this law without the consent of the owner, agent, and/or tenant of the premises or without a warrant duly issued by an appropriate court.

Section 9. Presumption of Rent or Gain. Any dwelling unit, rooming house, rooming unit or any other premises subject to this law shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.

RESOLUTIONS - continued

Section 10. There shall be no fee for this permit.

Section 11. Effective Date. This law shall take effect immediately.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#242 OBJECTS TO INCREASE OF GAS TAX TO SUBSIDIZE NEW YORK CITY'S TRANSIT

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

WHEREAS, Hugh Carey, Governor of the State of New York has proposed an increase of the tax on gasoline and further additional fees on licensing to subsidize the New York City Mass Transit System, and

WHEREAS, mass transportation in the eastern end of Long Island is virtually non-existent, and automobile transit is a necessary, rather than a luxury, brought about by the unavailability of other means of transportation,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Riverhead does abhor this punitive tax as harsh and unfair, and be it

FURTHER RESOLVED, that the Town Board of the Town of Riverhead urges the Senate and Assembly of the State of New York to defeat this proposal, and be it

FURTHER RESOLVED, that copies of this resolution, properly certified, be forwarded to Governor Hugh Carey, Warren Anderson, Temporary resident of the Senate, Stanley Fink, Speaker of the Assembly, Kenneth LaValle, State Senator, and John Behan, State Assemblyman.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#244 AWARDS BID - FIRE & BURGLAR ALARMS

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

WHEREAS, the Town Board did authorize the publication of an advertisement for bids for a Fire and Burglar Alarm System in town buildings, and

## RESOLUTIONS - continued

WHEREAS, the Town Board had the proposed system and bids reviewed by Holzmacher, McLendon and Murrell, PC,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby accept the lowest bid, and grants said bid to Radio Surveillance Security Systems, Inc. in the amount of \$56,300 (fifty six thousand three hundred dollars) as the lowest responsible bidder.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes,

The resolution was thereupon declared duly adopted.

#243 AUTHORIZES PUBLICATION OF RE-BID OF GAS STORAGE TANKS GARAGE

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

WHEREAS, the Town Board authorized the town Clerk to publish and post for bids the installation of gasoline storage tanks at the Municipal Garage, and

WHEREAS, the Town Board, after considering the project, has reviewed the specification of the job, and

WHEREAS, the Town Board has not accepted any of the bids within the 45 day time limitation for acceptance and therefore deems said bids to be null and void,

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk is hereby authorized to publish and post a Notice to Bidders in accordance with the new specifications.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#245 APPROVES PERMIT FOR FRED FELLOWS - HELD

Supervisor Janoski: "Without objection, we will table resolution #245."

#246 GRANTS SPECIAL PERMIT APPLICATION OF GEORGE McMILLAN

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

WHEREAS, George McMillan has applied to the Town Board of the Town of Riverhead for a special permit to transform a garage into a one-family vacation retreat at the corner of Third and West Streets, Jamesport, and

WHEREAS, a public hearing was held on April 29, 1980 before the Riverhead Town Board where all persons wishing to be heard were heard, and

WHEREAS, said application was referred to the Town Planning Board, which by resolution recommended that the special permit be granted, and

WHEREAS, this application was referred to the Town of Riverhead Environmental Quality Review Board, which determined that this application was a type 2 action, and

## RESOLUTIONS - continued

WHEREAS, this application was referred to the Suffolk County Department of Planning which considered this application to be a matter for local determination, and

NOW, THEREFORE, be it

RESOLVED, that the special permit application for George McMillan to transform a garage into a one-family vacation retreat at the corner of Third and West Streets, Jamesport, New York be granted subject to any restrictions, requirements and/or limitations as detailed in the Code of the Town of Riverhead.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#247

## GRANTS SPECIAL PERMIT APPLICATION OF ROBERT C. YOUNG

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

WHEREAS, Robert C. Young has applied to the Town Board of the Town of Riverhead for a special permit for increased labor camp facilities, located at 57 Sound Avenue, Riverhead, New York, and

WHEREAS, a public hearing was held on April 29, 1980 before the Riverhead Town Board where all persons wishing to be heard were heard, and

WHEREAS, said application was referred to the Town Planning Board, which by resolution recommended that the special permit be granted, and

WHEREAS, this application was referred to the Town of Riverhead Environmental Quality Review Board, which determined that this application was a type 2 action, and

WHEREAS, this application was referred to the Suffolk County Department of Planning which considered this application to be a matter for local determination, and

NOW, THEREFORE, be it

RESOLVED, that the special permit application of Robert C. Young for increased labor camp facilities, located at 57 Sound Avenue, Riverhead, New York be granted subject to any restrictions, requirements, and/or limitations as detailed in the Code of the Town of Riverhead, Chapter 108 and the following conditions:

1. Occupancy be limited to no more than six (6) persons.
2. The permit granted be for a limited time duration not to exceed three (3) years.
3. Any extension of the permit be conditioned by satisfactory maintenance and operation of the camp.
4. Any permit shall expire if Robert C. Young transfers ownership of the land.

## RESOLUTIONS - continued

The vote, Prusinowski, Yes, Regula, Yes, Lombard-, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#248 APPOINTS SEVEN MEMBERS TO COUNCIL ON COMMERCE & INDUSTRY  
Councilman Regula offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, this Town Board did, on March 18, 1980, adopt resolution #136, creating an Advisory Council on Commerce and Industry, and

WHEREAS, the following civic and community minded citizens have indicated their willingness to serve on the above mentioned Council,

THEREFORE, BE IT RESOLVED, that

Albert Barbanel  
Leonard Braun  
Robert Dick  
Timothy Drawbridge  
Jean Hudson  
Jack Rettaliata  
Donald Wald

are hereby appointed to serve, each to one year terms, which will terminate on May 15, 1981.

The vote, Prusinowski, Yes, Regula, Yes, Lombardi, Yes, Menendez, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "Before we close the meeting, is there anyone else wishing to address the Board?"

No one wished to be heard at this time.

There being no further business on motion and vote, the meeting adjourned at 9:12 P.M.

*Irene J. Pendzick*

Irene J. Pendzick, Town Clerk