

4/2/74

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, April 2, 1974, at 10:30 A.M.

Present:

John H. Leonard, Supervisor
Robert G. Leonard, Town Justice
Gregory R. Manning, Town Justice
George G. Young, Councilman
Francis E. Menendez, Councilman

Also present: Allen M. Smith, Town Attorney
Absent: Alex E. Horton, Supt. of Highways

Supervisor Leonard called the Meeting to Order at 10:30 A.M.

EXECUTIVE SESSION - Friday, March 29th, 1974

10:00 A.M. - Mr. & Mrs. Tony Pasquale re: Drainage
10:30 A.M. - Ed Bucholz- Environmental Conservation
11:00 A.M. - Charles Smith and Eugene McCaffrey re: Insurance

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Minutes of the Town Board Meeting held on March 19, 1974, be approved as submitted.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Minutes of a Special Town Board Meeting held on March 22nd, 1974, be approved as submitted.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the bills submitted on Abstracts dated April 2, 1974, as follows:

General Town	\$21,516.11
Special Districts	\$ 7,575.36
Highway Item #1	\$ 704.98
Highway Item #3	\$ 2,179.80
Highway Item #4	\$ 3,547.97

RESOLUTION-(Board of Audit)

Town Justice Leonard offered the following resolution which
 was seconded by Councilman Young.

BE IT RESOLVED, That the following bills be and are hereby

approved for payment:

General Town	\$21,516.11
Special Districts	\$ 7,575.36
Highway Item #1	\$ 704.98
Highway Item #3	\$ 2,179.80
Highway Item #4	\$ 3,547.97

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes,
 Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor
 Leonard, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Tax Receiver's, dated: March 18, 1974 and April 1, 1974. Filed.

Fire Inspector's, month of March, 1974. Filed.

Building Inspector's, month of March, 1974. Filed.

Police Dept., month of March, 1974. Filed.

Suffolk County Office Building Study from John V.N. Klein -
 Prepared by Suffolk County Planning Commission

PETITIONS

Petition for Change of Zone on Southeast corner of Roanoke
 Avenue and Southern Parkway submitted by L.C. Neilans and J.C. Staker.
 Referred to Planning Board for recommendation and report. Filed.

CLAIMS

In the Matter of Claim of John S. Ryan and Sarah M. Ryan vs.
 Town of Riverhead in the amount of \$2,500.00. Damages due to municipi-
 pal sewerage backup in claimants' basement. Filed.

Referred to Town Attorney and Insurance Agent.

Summons: James North vs. Town of Riverhead, Town Police Dept.
 and John Doe Officers of Riverhead Town Police Dept. Claim in the amount
 of \$300,000. Filed.

Referred to Town Attorney and Insurance Agent.

COMMUNICATIONS

(2) LILCO, dated 3/18/74, submitting following surveys for
 lighting installations:

Long Pond Road, Wading River (opposite home of Mrs. J. Rosner)

Install One (1) 7600 LMV street light on Pole #21, at an
 annual cost of \$52.20.

Osborne Avenue (opposite Highway Barn), Riverhead

Install One (1) 7600 LMV street light on Pole #68, at an
 annual cost of \$52.20. Filed.

Copies to Lighting Committee.

COMMUNICATIONS - continued:

Joseph V. Burger, dated 3/19/74, expressing appreciation to
Town Board for retaining his services as Counselor on Narcotics Gui-
dance Council. Filed.
Copies to Town Board.

J. Wilson Stout, dated 3/23/74, declining recent appointment
as Appraiser for Water District Property due to possible criticism.
Does not want to be accused of a conflict of interest because he is also
a member of the Town Hall Committee. Filed.
Copies to Town Board.

Jack Harding, dated 3/23/74, inviting Town Board look into
shameful lighting situation in parking lot between Roanoke Avenue and
Griffing Avenue. Hopes to be notified if situation is looked into by
the Board. Filed.
Copies to Town Board.

(2) Riverhead Town Planning Board, dated 3/25/74, stating that
due to fact that the Petition of Donald and Jean Ross, for Zone Change
has been amended, the Planning Board will take no action, but recommends
that the Town Board take all necessary steps to amend zoning ordinance
from Agricultural Use District to Industrial Use District pertaining
to lands described in above mentioned petition. Filed.
Copies to Town Board and Zoning Inspector.

William C. Haugaard, dated 3/25/74, copy of letter to Fred
Eimers, Chairman Board of Assessment Review, stating in his opinion
the Town of Riverhead is in violation of the Real Property Tax Law and
liable to prosecution due to the Town's assessments of real property.
Copies to Town Board & Board of Assessors. Filed.

N.Y.S. Dept. of Transportation, dated 3/20/74, response to
Town Board resolution concerning public transportation between New York
City and Eastern Long Island, stating that although their Dept. does
not provide or operate public transit services, directly, they do work
with private companies as well as local government and transportation
authorities throughout the State to promote and support these services.
Suggests Sunrise Coach Lines as a possible transportation
service and the possibility of the Town purchasing their own facilities
and equipment to provide public transportation to and from New York
City. Filed.

Copies to Town Board.

Town of Southampton, dated 3/25/74, relating to two (2)
Public Hearings on proposed amendments to Town of Southampton Building
Zone Ordinance. Filed.

Copies to all Town Agencies.

Suffolk County Dept. of Planning, dated 3/27/74, relating to
Petition of Edward Carrera, stating above mentioned matter is for local
determination and should not be construed as either approval or disap-
proval. This decision is with the understanding that the premises will
be restricted to an office or professional use only and that appropri-
ate buffering will be provided to adequately protect nearby residence
district. Filed.

Copies to all Town Agencies.

COMMUNICATIONS - continued:

L.I. Shellfish Farmers Association, Inc., dated 3/26/74, asking the Town of Riverhead once again to participate in a shellfish spawning program. Suggests best time to plant the hard clams is in July. Association offers any help needed to Towns wanting to participate. Filed. Copies to Town Board.

State of N.Y. Public Service Commission, dated 3/27/74, re Public Notice on proposed rate increases by LILCO, stating:
 "NOTICE is hereby given that a further public hearing will be held before Examiner Thomas J. Brady at the New York office of the Commission, Tower 2, World Trade Center, 24th Floor, beginning at 10 A.M. on Tuesday, April 9, 1974 and continuing, if necessary, on April 10, 1974 and April 11, 1974." Filed.
 Copies to Town Board.

N.Y.S. Dept. of Environmental Conservation, dated 3/28/74, re Petition of Town of Riverhead to replace deteriorating existing bulk-heading in Peconic River, north side of Main Street Parking Area, stating:
 "NOTICE is hereby given that since the specified time in which the file notices of appearance to the proposed project has expired and since no notices of appearance in opposition were filed with the Dept. as above provided, the Department has determined that the Public Hearing, scheduled as aforesaid, be and it hereby is dispensed with pursuant to 6 NYCRR, Part 660.6 (g) (proposed)."

"NOTICE is given that the Department will now proceed to consider and examine the petition, maps, plans, proofs and arguments submitted in support of the proposed project and thereafter to make the decision as required by statute." Filed.
 Copies to Town Board.

Supervisor Leonard asked if anyone wished to be heard and the following responded:

PERSONAL APPEARANCES

Kenneth Ross: "Supervisor and Members of the Town Board, I would like to present you with the keys to Jamesport School. I hope you will officially accept it."

The other thing I would like to ask the Town Board the status of the sidewalks and curbing on Osborne and Harrison Avenues."

Supervisor Leonard: "I think Mr. Young will answer that."

Councilman Young: "I spoke to Alden Young last night and he says he has completed the survey and he hasn't as yet gotten it to the Highway Department who is going to do the work, but he said in the next few days he will get it to Mr. Horton."

Kenneth Ross: "Do you think we might expect it to be done in the Spring as was stated during the Winter months?"

Councilman Young: "I hope so."

PERSONAL APPEARANCES - continued:

Mr. Hooper Inquired of the Board regarding position of Driver-Messenger in the Highway Department and Van for same.

Supervisor Leonard replied that there was talk of creating the position, but the job was never created.

Mr. Hooper continued about the status of the Town Dump and monies being spent in the Town.

Allen M. Smith, Town Attorney: "Mr. Supervisor, if I may, one of the items on the agenda as being under review by the Board probably warrants a little explanation to the public during this meeting.

The Supervisor received in the month of February the tentative equalization rate for the Town of Riverhead and this is a rate established by a Board in Albany called the Board of Equalization and Review. In that our rate fell by 3 points from last year to the proposed new year, the Board has undertaken an examination of the cause of the drop in rate. What this means to the taxpayer is essentially that by the fall in our rate, our proportional share as one of the 10 towns in Suffolk Co., of the County Budget or the County Tax raise will increase.

We have obtained from the Board of Equalization and Review a statement of the sample parcels that were used to determine our rate of equalization. What has happened is that the speculation that has come to Riverhead as it has come to the towns to the West of us on farm land has exaggerated the value of our farm acreage. Our residential housing and other classifications of assessments such as business remain at a fairly high rate up around sixteen or seventeen. The farm rates are much lower down to 10 and less and therefore the large acreage involved draws down the equalization rate.

We are preparing for a hearing with the Board of Equalization and Review in Albany. Expert testimony in a hope that we can convince the State Agencies that the highest and best use for these lands are not at their speculation values, but as farm land which we would like to see them remain. It is a very difficult and involved procedure to prove that because that case has not been established in the State of New York to date.

We have been working with Mr. Dan Fricke of the Agricultural Extension Service and my assistant for this purpose is Mr. George Schmelzer who is here today. He has been doing the leg work on the comparables that we have been working with and one of the suggestions that we are airing to the public today is that some of our farmers examine a particular section of law commonly known as the Scenic Easement Provision of the General Municipal Law whereby they might set their farms aside under contract with the Town of Riverhead exclusively for farm purposes. This would have to be a period of time from 5 Yrs. and up and it would be an agreement between them and the Town that they would not develop their land for other than farm purposes for that period of time. If they would do this it would have a double-barrel effect - it would obviate the necessity of a general re-assessment of farms which may become a distinct possibility if we do not correct the situation because of certain inequalities that have created and it would also have the other benefit of reducing everyone else's share-every other householder in the Town of Riverhead share of the County Budget if we can change this equalization rate."

PERSONAL APPEARANCES - continued:

Allen Smith continues: "If this message gets out through those of you who are present to the farmers they can contact the Supervisor or Mr. Fricke or myself and we would like to discuss with them this Green Belt Conservation either in the form that is provided under the General Municipal Law which by the way has been used in Southold Township, or Mr. Klein's proposal which several of our local farmers are pursuing at the moment. It is the Board's hope that we can either convince the Board of Equalization and Review of the merits of our case which is a rather difficult chore, we believe, or that we can make some arrangement with our local men to keep their farms in an Agricultural use for let's say the next 10 years at least.

If we can not do this and the matter goes from bad to worse, I think that the protests we are now hearing, we have two on the agenda today, will result in the Board giving serious consideration to a general re-assessment of the farm lands in the Town of Riverhead."

George Schmelzer spoke further on the equalization rate and gave examples of certain areas in the Town.

A further discussion of questions and answers followed which is on file in the Town Clerk's Office.

John Riesdorff inquired about regulations for bicycles and what the laws be enforced for same as there are more bicycles being sold and more on the highways causing accidents.

Mr. Riesdorff was informed by Deputy Town Clerk and Police Chief that the Ordinance was never passed due to opposition from the public.

RESOLUTIONS

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Long Island Lighting Company be and is hereby authorized to make a survey for the installation of street lights on Broad Avenue, Aquebogue, New York, on Pole #'s 8, 9, 10 and 6.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

BE IT RESOLVED, That Robert Kart is hereby retained to prepare the necessary drawings and specifications for the installation of two recharge basins on East Avenue Extension in front of premises owned by Anthony Pasquale, and be paid a reasonable fee thereof.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.
RESOLVED, That the Long Island Lighting Company install the following lights:

1 - One (1) 7600 LMV street light on Pole #21, Long Pond Road, Wading River, opposite residence of Mrs. J. Rosner, at an annual cost of \$52.20.

2 - One (1) 7600 LMV street light on Pole #68, Osborne Avenue, Riverhead, opposite the entrance to Highway Dept., at an annual cost of \$52.20.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

BUDGET NOTE RESOLUTION OF THE TOWN OF RIVERHEAD, NEW YORK, ADOPTED APRIL 2, 1974, AUTHORIZING THE ISSUANCE OF A NOTE IN THE AMOUNT OF \$12,640.00, FOR THE PURPOSE OF DEFRAYING COSTS OF MODIFICATION OF EXISTING FORCED HOT WATER SYSTEM, RIVERHEAD TOWN HIGHWAY BARN.

WHEREAS, The amount of \$12,640.00, is needed to finance costs of Modification of Existing Forced Hot Water System, in the Riverhead Town Highway Barn, and it is requested that the Board authorize borrowings of said amount of \$12,640.00, to defray the costs,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Riverhead for the specific purpose of providing for payment of costs for Modification of Existing Forced Hot Water System, in the Riverhead Town Highway Barn, pursuant to Section 29.00 of the Local Finance Law, does hereby authorize the issuance of its Budget Note in the amount of \$12,640.00, to finance such cost.

2. Such Note shall be dated April 3, 1974, and its power to fix and determine the exact date of such Note is hereby delegated to the Supervisor. Such Note shall be numbered (1) and shall mature in the year 1975. The power to fix and determine the date upon which such Note shall become due and payable is also delegated to the Supervisor.

The vote, Councilman Menendez, Yes, Town Justice Manning, No, Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids for Traffic Paint 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 Monday, April 15, 1974, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, April 15, 1974, at 11:00 AM at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Traffic Paint".

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That Highway bills on abstracts dated April 2, 1974, as follows:

Machinery Item #3 - J.C. Equipment Co., Inc., bill dated March 18, 1974 in the amount of \$1,136.60;

Miscellaneous Item #4 - Capitol Highway Materials, Inc., bills dated March 8, 14 and 20, 1974 totalling \$2,241.00, and Thurber Lumber Company, bill dated March 12, 1974 in the amount of \$855.95; be and the same are hereby approved for payment.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, Yes, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That the temporary employment of Tessie Munson be terminated, effective March 29th, 1974.

Justice Leonard: "Before we vote, may I have a reason for this firing. The Lady was hired by the Town Board - she should be fired by the Town Board. Maybe I'm wrong when I say that, but why - was she not doing her job?"

Councilman Menendez: "The Head of the Department of the Assessors' Office, Mr. McKay, requested that I ask the Town Board and the Supervisor on the situation, which I did. It was brought to the attention of the Supervisor and also the Town Board. Justice Manning was absent, he was in Syracuse. Our Town Attorney was asked if we needed a resolution and he said yes, both ways - one for firing and one for hiring. We asked him to draw up a resolution which he did. I think that something like this the Department Head should be here to state his reasons why, if they want to know, because it is up to him to run his Department as he sees fit."

RESOLUTION - continued:

Judge Leonard: "Councilman, the only reason I questioned it is because there is another resolution saying you are hiring somebody to replace the Lady."

Councilman Menendez: "That also is the Department Head's prerogative to staff his own Department."

Judge Leonard: "I would like to know why? Is she not doing the work or what, or is this just politics?"

Councilman Menendez: "No, it is not politics. She was out two weeks and there is a dead line to meet which isn't being met."

Judge Leonard: "I understand the Lady was sick."

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, No, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

BE IT RESOLVED, That Elizabeth Sittner be and is hereby appointed Temporary Clerk in the Assessors' Office, and to be compensated at the rate of \$3.25 per hour, payable bi-weekly, effective April 1, 1974, and to serve at the pleasure of the Town Board.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Town Justice Leonard, No, Councilman Young, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

PERSONAL APPEARANCES - continued:

Edward Munson asked to be recognized: "May I have a word as a citizen. I would like it to be known that my wife was not fired for incompetence."

Supervisor Leonard: "That's right - that's understood."

Judge Manning: "I don't recall anybody saying that was the reason."

Edward Munson: I would like it to be known because I know what she was "canned" for and it shouldn't have been "canned" it should have been terminated."

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PERSONAL APPEARANCES - continued:

Supervisor Leonard announced that the Planning Board is holding a Hearing Wednesday, April 3rd, 1974 at 8:00 P.M. at the Junior High School and invited everyone to attend.

There being no further business on motion and vote, the meeting adjourned at 11:50 A.M., to meet on Tuesday, April 16th, 1974, at 7:30 P.M.

Elizabeth Edwards
Elizabeth Edwards, Dep. Town Clerk

EE:mhj